

About CODE

The Coalition for Online Data Empowerment (CODE) is the trade association for organisations that are helping people take control of their personal data online. We speak for more than 15 businesses across three continents, including Personal Information Management Services, Data Unions, SaaS providers and more.

CODE's members enable better consumer outcomes with respect to personal data, including by assisting with access, understanding and insights, control and consent management, and sharing in its value. Although our members are unique and diverse, they are united by a shared set of firmly-held values regarding user consent, data ownership, security, transparency, and control.¹

Coalition for Online Data Empowerment's response to the Data Portability proposed conduct requirement for Google's general search services

We support the Data Portability conduct requirement to make the currently voluntary Google Data Portability API legally protected. This is great news, as it would give businesses such as those which comprise the CODE membership base more legal certainty to invest in using the API. At a bare minimum, this legal protection would give UK businesses a level of certainty that would make them at least as competitive as EU businesses using this same API.

As documented in the CMA's [consultation report on data portability](#), CODE raised a number of other concerns, such as the cost of CASA verification, the consent screen experience, the current data scopes under the API (as some scopes offered via Google Takeout are missing in the API), and we raised some issues over API data transfer speeds. We are pleased that on some of these issues, the CMA plans to monitor Google's performance through reporting mechanisms, and we generally agree that, at this time, it is most useful to have the API operating on the same grounds as in the EU. However, we hope in future that the European Commission and the CMA will work together to push for improvements. Indeed, [CODE has also raised the same concerns over the API with the Commission](#), specifically, we raised concerns "regarding consent flow, which is cluttered and contains "scare screens" and missing data scopes. CODE would like to see all data scopes which are available under its manual data download tool, Google Takeout, to be available through its Data Portability API". On this, we hope that both authorities will consider pushing Google for improvements.

That said, we overall agree with the aim of the Data Portability conduct requirement, and we, as stakeholders actively using the API, believe that legally protecting it would result in positive uptake in the UK and legal certainty for businesses.

We agree with the proposal to use Interpretative Notes to clarify the conduct expected of Google to comply with the Data Portability CR, and we are generally satisfied with the content. We are encouraged to see that issues we have raised are included in the notes, such as ensuring that "appropriate and understandable error messages" are delivered to authorised third parties if they are denied access to the underlying data, "provided at the time access is denied and include the reason for the denial of access." We would add to points *d* and *e* on

¹ <https://www.codepolicy.org/>

issue trackers a suggestion to include that authorised third parties raising issues should be given issue resolution timelines.

We agree with the proposals for compliance reporting and for monitoring the effectiveness of the proposed intervention. We support the CMA's proposal to have Google report on:

(a) The percentage of successfully served requests via the API;

(b) The percentage of data exports made via the API that completed within 24 hours;

(c) The percentage of files successfully exported in completed requests via the data portability API;

(d) The percentage of uptime of the API in each 24-hour window; and

(e) The number of users who initiated an export via the API.

As well as any changes that have been made to the API in the reporting period.

We

Thank you for considering our response.

Kind regards,

The logo for CODE, featuring the word "CODE" in a bold, dark red, sans-serif font. To the left of the word "CODE" is a faint, light grey circular graphic element.