

(a) Do you agree with the aim of the Data Portability CR and how we propose to implement the Data Portability CR to meet that aim?

We fully agree with the aim of the CR and the proposed implementation to meet that aim. Linking the implementation of the CR in the UK to the already established ruleset in the EU, which is still undergoing further development, enables users of the respective Data Portability frameworks to invest across regions and to build comprehensive products and services.

(b) Do you consider the proposed Data Portability CR would result in the potential benefits we have identified (for example, value and innovation)?

We consider the analysis on potential benefits of the proposed Data Portability CR to be accurate.

There is a thriving ecosystem that is paying users to work with their ported datasets inside and outside of the UK. The CR will make it more likely that established players as well as new entrants will invest in a UK userbase.

It is correct that the Google Takeout process is more burdensome and involved for users. As such the CR lays the groundwork for a user-centric data ecosystem that improves the user experience overall, including time savings. PIMS and similar data manager services will also enable users to make more informed decisions about their personal data in general and on Google's search services in particular.

We have already seen a wide variety of proposed and established business models and services on top of Data Portability services provided under the DMA. We do expect a number of new or better services to be provided under the proposed CR. As Google provides most of their services for free already, we believe that lower cost alternatives have a harder time gaining widespread adoption through the CR. Nonetheless it is an essential feature to enable multi-homing and sharing of data with other services, especially with the fast rise of personalized AI products that rely on contextual data.

We already see new innovative business models and services in the EU and the UK taking advantage of Data Portability provisions. Most of the respective companies are still in their early stages. Those models that prove to be successful will invariably enter markets outside their primary jurisdiction, which makes the UK a very attractive market to invest in if the Data Portability requirements are the same as in the EU.

(c) Do you agree with our proposal to use Interpretative Notes to clarify the conduct we expect from Google to comply with the Data Portability CR?

We believe that Interpretative Notes are a sensible instrument to implement the obligations of the CR. They also do provide the necessary flexibility to amend the obligations if misconduct is reported or if the larger Data Portability landscape changes. From our perspective an instrument that can be amended by the CMA itself is preferable to a solution that adds another step by requiring the implementation by Google.

(d) Do you agree with the content of the Interpretative Notes? Are they sufficiently clear and comprehensive? Do they cover the right issues? Are there any gaps?

Overall, we think the Interpretative Notes are sufficiently clear and cover the most important issues. One important factor in measuring its effectiveness compared to SLRs will likely be how easily and fast they can be amended by the CMA in cases where that becomes necessary.

As part of our feedback for the Joint Guidelines for the Interplay of the DMA and the GDPR, we have argued that the definition of data that falls under the Data Portability obligations is too narrow as it should also include derived data. We firmly believe that the inclusion of derived data is necessary for the goal of fostering competition and innovation and we would happily provide our extensive feedback on this topic for the European Commission to the CMA as well, if it is of interest.

We have encountered an issue with one of Google's APIs other than the Data Portability API where we were refused access because of our use of the data received via the Data Portability API. To be clear, these were not malicious actions by Google. We have used data received via the Data Portability API and build visualizations based on this data for our app users. In the specific case of the YouTube Data API such visualizations are against the YouTube Data API Terms of Service, even though they are not against the Terms of Service of the Data Portability API. We suspect that there will be other instances where third parties offering services based on Data Portability API data might run into issues with the Terms of Service of Google's other APIs. From our perspective, while the decision against implementation of SLRs makes sense, it might be sensible to include provisions in the Interpretative Notes that Google cannot restrict access to other services and APIs on the basis that companies are offering products and services on top of data exported via the Data Portability API.

(e) Do you agree with our proposals for compliance reporting and for monitoring the effectiveness of the proposed intervention? Have we identified the right metrics?

The compliance report is in line with the process that is already established for DMA compliance reporting and seems suitable. What would be interesting from our perspective is the percentage of failed requests along with the respective error, as third parties do not necessarily get this information from Google unless notified by the users with little further diagnostics information.