

Data Portability Conduct Requirement

Google's general search services

17 June 2026

© Crown copyright 2026

You may reuse this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence.

To view this licence, visit www.nationalarchives.gov.uk/doc/open-government-licence/ or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Website: www.gov.uk/cma

Contents

| | |
|---|----|
| 1. Introduction and summary | 3 |
| 2. The aim of our Data Portability CR | 5 |
| 3. Effectiveness of the Data Portability CR | 6 |
| Data scope: derived data | 6 |
| Reasonable business needs | 7 |
| Consent flow | 8 |
| Further points raised on the INs | 8 |
| Implementation and compliance | 9 |
| Our view | 10 |
| CRs that could be equally effective | 11 |
| 4. Proportionality assessment for the Data Portability CR | 12 |
| Our view | 12 |

1. Introduction and summary

- 1.1 Where a firm has strategic market status (**SMS**) in a digital activity linked to the UK, the CMA can impose proportionate requirements as to how that firm must conduct itself in relation to that digital activity (conduct requirements or **CRs**).
- 1.2 On 10 October 2025, we designated Google as having SMS in general search services. On 28 January 2026, we published for consultation our proposal to impose a CR on Google to give consumers who use Google's general search services the right to port their data directly to other businesses.¹ We received 15 submissions from the following stakeholder groups: trade associations and similar organisations, consumer groups and businesses.²
- 1.3 This document explains how that process has informed our decision to impose the CR in its final form (the **Data Portability CR**). It should be read in conjunction with our consultation document.³ The text of the Data Portability CR is set out in the Data Portability **CR Notice** and is supplemented by the Data Portability CR **Interpretative Notes** (the **INs**) which explain the CMA's interpretation of the Data Portability CR. The Data Portability CR **Compliance Reporting Notice** sets out how Google must report to the CMA on its compliance with the Data Portability CR.⁴
- 1.4 The sections of this document follow the steps set out in our guidance, reflecting the requirements of the Digital Markets, Competition and Consumers Act 2024 (the **Act**), which states that when imposing CRs we will: (i) identify what the CR is intended to achieve (the aim); (ii) consider whether the CR would be effective in achieving the aim; and (iii) consider the proportionality of the CR.⁵
- 1.5 In summary, the Data Portability CR requires Google to provide authorised third parties with the necessary tools to facilitate the effective portability of specified types of user data. Google may comply with this requirement by making its existing API (the **Data Portability API**) established to meet its obligations under the Digital Markets Act (the **DMA**) available in the UK.⁶

¹ [CMA consultation on proposed Data Portability CR](#), page 6.

² [Google's general search services: proposed conduct requirements, responses to the consultation](#).

³ [CMA consultation on proposed Data Portability CR](#).

⁴ The **CR Notice**, **INs** and **Compliance Reporting Notice** are available on the [Data Portability CR page](#) and can also be accessed via the [case page](#).

⁵ [Digital markets competition regime guidance](#) (CMA194), paragraph 3.20.

⁶ Data Portability CR, paragraphs 2 and 3.

- 1.6 We consider that the Data Portability CR will effectively and proportionately achieve our aim, which is to ensure that UK consumers who use Google's general search services can effectively port their data to other businesses to develop new services or otherwise share the value of that data.
- 1.7 In response to the consultation, we have amended our INs to clarify the following points (see Section 3 for more details):
- (a) that the Data Portability CR does not cover derived/inferred data;
 - (b) what is meant by 'reasonable endeavours to maximise uptime'; and
 - (c) what constitutes 'sufficient notice' of material changes to the data portability tools.
- 1.8 We have not, at this stage, seen a convincing case that other elements proposed by stakeholders in response to our consultation – such as near-real-time data portability or an increased data scope – are needed to make the Data Portability CR effective. However, we have a statutory duty to keep under review the effectiveness of the Data Portability CR, the extent to which Google is complying with it, and whether to revoke or vary it.⁷ We will engage with parties to hear their views on the Data Portability CR as part of this process.
- 1.9 We recognise that our compliance monitoring must be robust. We will achieve this through an annual compliance report, supply of performance metrics, ongoing stakeholder engagement and feedback and supplementary evidence gathering. This will allow us to act quickly if we identify any concerns.

⁷ Section 25 of the Act.

2. The aim of our Data Portability CR

- 2.1 As set out in our consultation document,⁸ the aim of the Data Portability CR is to ensure that UK consumers who use Google's general search services can effectively port their data to other businesses to develop new services or otherwise share the value of that data.
- 2.2 Any conduct requirement must pursue one or more of three statutory objectives and fall within an exhaustive list of 'permitted types' set out in the Act. The Data Portability CR pursues the statutory objective of fair dealing.⁹ It falls under the permitted type set out in section 20(3)(h) of the Act: preventing Google from restricting the ability of users or potential users to use products of other undertakings.¹⁰
- 2.3 Before imposing a conduct requirement, the CMA must have regard in particular to the benefits for consumers that it considers would likely result (directly or indirectly) from the conduct requirement.¹¹ As explained in greater detail in the consultation,¹² we consider that the Data Portability CR is likely to provide direct benefits for consumers who want to switch services or use several services at once; stronger incentives for third parties to develop or improve products by providing greater certainty about data access; and better services for consumers in existing markets in the short term.

⁸ CMA consultation on proposed Data Portability CR, page 14.

⁹ Section 19(6) of the Act.

¹⁰ CMA consultation on proposed Data Portability CR, page 14.

¹¹ Section 19(10) of the Act.

¹² CMA consultation on proposed Data Portability CR, pages 14-15 and 27-32.

3. Effectiveness of the Data Portability CR

- 3.1 Our assessment is that the Data Portability CR will be effective in achieving the aim set out above. It will ensure that UK consumers who use Google's general search services can effectively port their data to other businesses to develop new services or otherwise share the value of that data.
- 3.2 The majority of stakeholders that provided views on our effectiveness analysis supported our proposed approach of using INs to promote effective service level standards. Several respondents also agreed with aligning the Data Portability CR with the EU data portability requirement under the DMA.¹³
- 3.3 Several stakeholders suggested changes or clarifications to the proposed CR or INs. We set out below the key issues raised and our response to them. After consideration of the feedback received, we have updated our INs, but not amended the drafting of the Data Portability CR itself.

Data scope: derived data

- 3.4 In our consultation document, we defined the data in scope as data provided by the relevant UK end user or generated through the activity of that UK end user in the context of the use of Google's general search services as a signed-in user where such data also falls within the scope of Google's obligations under Article 6(9) of the DMA, as revised or amended from time to time.¹⁴
- 3.5 One business submitted that the Data Portability CR should include access to derived or inferred data (second order data that Google creates or infers based on data provided by the end user, such as a user profile), since this is necessary to foster competition and innovation.¹⁵ A research group said that it was unclear whether data within scope includes derived or inferred data.¹⁶
- 3.6 We do not consider it necessary to extend the data scope of the Data Portability CR to include derived or inferred data, which would go beyond

¹³ Responses to the CMA's consultation on proposed Data Portability CR: Chamber of Progress, pages 14-15; CODE, page 1; Datapods, page 1; Platform Leaders, page 4; SCiDA, page 21-22. See also, [Google, Response to the CMA Consultation on Proposed Search Conduct Requirements, February 2026](#), pages 55-57.

¹⁴ CMA consultation on proposed Data Portability CR, page 16.

¹⁵ Response to the CMA's consultation on proposed Data Portability CR: Datapods, page 2.

¹⁶ Response to the CMA's consultation on proposed Data Portability CR: SCiDA, page 22.

what is offered under the DMA,¹⁷ consistency with which is also a key element of our proportionality assessment.¹⁸ We have amended the INs to clarify that the Data Portability CR does not include inferred or derived data.

Reasonable business needs

- 3.7 In consultation, our proposed INs provided that Google's data portability tools should provide sufficient capacity to allow authorised third parties to access data at a frequency to meet their reasonable business needs.¹⁹
- 3.8 One business²⁰ and an advocacy group²¹ submitted that the CR should require the delivery of near-real-time or real-time data since immediate and frictionless access is needed to build innovative new businesses. However, another advocacy group highlighted the practical and technical feasibility constraints, including the costs and risks, of such interoperability.²²
- 3.9 Relatedly, a research group and a business asked us to specify the meaning of 'reasonable business needs', or set out criteria by which reasonableness can be assessed. This would ensure that Google does not preserve the current implementation as the status quo.²³
- 3.10 We do not consider these changes to be necessary or proportionate. The framing of the obligation in the Data Portability CR (as explained further in the INs) is deliberately flexible. It is intended to meet our aim without imposing an inflexible and potentially disproportionate burden on Google.
- 3.11 Reasonable business needs are likely to change over time in the light of developments in technical capability and business practices. We will keep this issue under review. If we consider Google is not meeting expectations, we will consider further action.

¹⁷ European Commission and European Data Protection Board, [Joint Guidelines on the Interplay between the Digital Markets Act and the General Data Protection Regulation, Version for public consultation](#), accessed 23 April 2026, paragraph 107.

¹⁸ CMA consultation on proposed Data Portability CR, page 21.

¹⁹ Paragraph 3(b) of the proposed INs as set out in the CMA consultation on proposed Data Portability CR, page 17.

²⁰ Response to the CMA's consultation on proposed Data Portability CR: Emerge, page 6.

²¹ Response to the CMA's consultation on proposed Data Portability CR: Open Data Institute, page 6.

²² Response to the CMA's consultation on proposed Data Portability CR: Consumer Choice Center, page 4.

²³ Responses to the CMA's consultation on proposed Data Portability CR: SCiDA, pages 22-23; Emerge, page 6.

Consent flow

- 3.12 In our consultation document, we proposed that the INs set out our expectations for how Google manages the consent flow and to keep this under review as part of our monitoring of the Data Portability CR.²⁴ The proposed INs explained that we expect Google to ensure UK end users are given balanced, clear and targeted choices across data portability tools, and that consent flows balance ease of portability with appropriate privacy and security safeguards.
- 3.13 One business urged the CMA to require Google to remove the ‘warning iconography’ on the consent screen (particularly the yellow warning sign normally reserved exclusively for genuinely dangerous situations) and to benchmark its consent flow against its own UX standards.²⁵ A trade association also flagged ‘scare screens’ as an area of ongoing concern and urged the CMA and European Commission to work together on improving the consent flow.²⁶
- 3.14 However, another business considered that, overall, the proposed INs (including paragraph 3(g), which addresses consent flows) were ‘sufficiently clear and cover the most important issues’.²⁷ An advocacy group also submitted that the expectations on balanced consent flows set out in the Interpretative Notes ‘address the key operational concerns’.²⁸
- 3.15 On the basis of the evidence received, we do not consider it necessary to change our approach to consent flows.

Further points raised on the INs

- 3.16 Stakeholders requested changes or clarification of the following INs:
- (a) A trade association proposed that, under paragraphs 3(d) and 3(e), where a third party raises an issue through the issues tracker (or its equivalent), it should be provided with a resolution timeline.²⁹

²⁴ Paragraph 3(g) of the proposed INs as set out in the CMA consultation on proposed Data Portability CR, page 18; and pages 10-12.

²⁵ Response to the CMA’s consultation on proposed Data Portability CR: Emerge, pages 4-5.

²⁶ Response to the CMA’s consultation on proposed Data Portability CR: CODE, page 1.

²⁷ Response to the CMA’s consultation on proposed Data Portability CR: Datapods, page 1.

²⁸ Response to the CMA’s consultation on proposed Data Portability CR: Platform Leaders, page 4.

²⁹ Response to the CMA’s consultation on proposed Data Portability CR: CODE, pages 1-2.

- (b) A business user of the Data Portability API argued that the INs should include a further provision 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.³⁰
- (c) Google requested that we clarify the meaning of paragraph 3(a)(i) ('reasonable endeavours to maximise uptime'). Google proposed that this should be assessed against objective industry benchmarks, as all large-scale technical systems require limited downtime for maintenance, updates, etc.³¹
- (d) Google requested that we clarify the meaning of 'material' change and 'sufficient' notice in paragraph 3(f) ('sufficient notice of material changes'). Google submitted that changes which do not affect the scope, functionality, or technical integration of the Data Portability API (eg minor updates, bug fixes) should not trigger a notice obligation. Where changes have a meaningful impact, Google submitted that notice should be proportionate to their technical significance and the time reasonably required for developers to assess and adapt their implementations.³²

3.17 We have clarified the meaning of paragraphs 3(a)(i) and 3(f) of the INs to ensure all stakeholders understand the CMA's expectations of those provisions. We have not made the other changes proposed, since, on the basis of the evidence we have received, we do not consider them necessary to ensure that the tracker mechanisms are working effectively³³ or to ensure that the use of the Data Portability API does not cause material difficulties with the use of other Google APIs.

Implementation and compliance

3.18 In our consultation document, we proposed that the Data Portability CR be implemented no later than three months after it is imposed, given that the Data Portability API is already in place in the EEA and UK.³⁴ We proposed an annual compliance report to include key UK-based metrics, broken down month by month, and ongoing stakeholder engagement and feedback. We

³⁰ Response to the CMA's consultation on proposed Data Portability CR: Datapods, page 2.

³¹ Google, Response to the CMA Consultation on Proposed Search Conduct Requirements, February 2026, page 57.

³² Google, Response to the CMA Consultation on Proposed Search Conduct Requirements, February 2026, pages 57-58.

³³ CMA consultation on proposed Data Portability CR, pages 10 and 12.

³⁴ CMA consultation on proposed Data Portability CR, page 22.

considered these requirements would place little additional burden on Google since they are closely aligned with the compliance regime under the DMA. In addition, we proposed that Google should publish a non-confidential version of the report and related performance metrics.³⁵

- 3.19 The vast majority of third-party stakeholders and Google³⁶ supported our proposed approach. Two stakeholders (a business and an advocacy group) noted the benefits of Google publishing performance data to increase transparency.³⁷ One advocacy group considered annual reporting insufficient in assuring the quality of data used on this timescale.³⁸ However, a trade association³⁹ and another advocacy group⁴⁰ considered annual reporting proportionate given Google's existing DMA obligations and to reduce compliance costs. One business asked us to require transparency on response times of the Data Portability API as part of the compliance metrics.⁴¹

Our view

- 3.20 In light of the broad support for our proposals, we have not made any changes to our proposals for implementation and compliance. As explained in the consultation document, this aligns broadly with Google's DMA reporting as the most proportionate approach on the basis of current evidence.⁴²
- 3.21 Similarly, we have not seen evidence to justify requiring additional metrics to those we proposed in the consultation document for the purposes of compliance. In each case, we will keep these issues under review in line with our general statutory duty to monitor the effectiveness of the Data Portability CR, including its applicable compliance mechanisms.⁴³
- 3.22 We expect our approach to monitoring the effectiveness of the Data Portability CR may include consideration of data on the uptake and usage of the API by consumers and businesses, as well as engagement with stakeholders. This will help us understand the extent to which the Data Portability CR has

³⁵ CMA consultation on proposed Data Portability CR, page 23.

³⁶ Google, Response to the CMA Consultation on Proposed Search Conduct Requirements, February 2026, page 58.

³⁷ Responses to the CMA's consultation on proposed Data Portability CR: Platform Leaders, page 4; Gener8, page 1.

³⁸ Response to the CMA's consultation on proposed Data Portability CR: Open Data Institute, page 7.

³⁹ Response to the CMA's consultation on proposed Data Portability CR: Computer and Communications Industry Association, page 2.

⁴⁰ Response to the CMA's consultation on proposed Data Portability CR: Platform Leaders, page 4.

⁴¹ Response to the CMA's consultation on proposed Data Portability CR: Emerge, page 5.

⁴² CMA consultation on proposed Data Portability CR, page 22.

⁴³ Section 25 of the Act.

enabled the expected benefits below, and whether there are any changes in circumstance which may give rise to a need to vary or revoke the requirement.

CRs that could be equally effective

- 3.23 Respondents did not identify any equally effective possible CRs. As outlined above, those respondents who did not support the proposed CR favoured continuation of the existing voluntary provision.

4. Proportionality assessment for the Data Portability CR

- 4.1 In our consultation, we set out our provisional view that the benefits of the proposed CR would significantly outweigh the costs, given (i) the negligible costs to Google in putting the voluntary API on a legal footing and (ii) the broad range of potential benefits we outlined, including but not limited to more users monetising their data and increased innovation and investment.⁴⁴
- 4.2 Several stakeholders agreed with the analysis set out in our consultation document that the Data Portability CR is proportionate.⁴⁵ However, two respondents said introducing the proposed CR, rather than letting Google continue with its voluntary API, could impair improvements by locking in established practices and restricting flexibility, and alter investment decisions that might otherwise encourage diversification of options.⁴⁶ Two stakeholders said data portability alone would not affect Google's SMS in general search.⁴⁷ A further respondent said we did not provide sufficient evidence that existing solutions were insufficient.⁴⁸

Our view

- 4.3 We have not seen evidence to cause us to change the view expressed in our consultation document that the Data Portability CR is likely to lead to consumer benefits which outweigh the costs.⁴⁹ Whilst we have made certain changes to the INs set out above, for the reasons above, each of these changes increases the extent to which the Data Portability CR will deliver benefits and does not involve significant, or any, additional costs to Google or third parties.
- 4.4 Our view is that consumers should be able to exercise data portability in the manner set out in the Data Portability CR. If providing consumers with these rights leads to a shift in investment towards products and services that use the Data Portability API, that should not be treated as a cost created by the requirement. Further, the evidence does not show any risks that the Data

⁴⁴ CMA consultation on proposed Data Portability CR, pages 14-15 and 24-32.

⁴⁵ Responses to the CMA's consultation on proposed Data Portability CR: Chamber of Progress, pages 14-15; Datapods, page 1; Emerge, page 6; Platform Leaders, page 4; SCiDA, pages 21-22; Which?, pages 6-7. Google also indicated that the proposed CR ensured meaningful user benefits (Google, Response to the CMA Consultation on Proposed Search Conduct Requirements, February 2026, page 55).

⁴⁶ Responses to the CMA's consultation on proposed Data Portability CR: Computer and Communications Industry Association, pages 1-2; ITIF, page 4.

⁴⁷ Responses to the CMA's consultation on proposed Data Portability CR: Microsoft, page 3; Which?, page 6.

⁴⁸ Response to the CMA's consultation on proposed Data Portability CR: Consumer Choice Center, page 3.

⁴⁹ CMA consultation on proposed Data Portability CR, pages 14-15 and 27-31.

Portability CR will impair improvements or investment in Google's general search services. We consider that our consultation accurately captured the limits to the prospect and scale of any impacts on general search services. Taking into account the range of views and the modifications set out above, we consider that our consultation stage assessment remains an appropriate and cautious basis for conclusions on proportionality.

- 4.5 Overall, therefore, we are satisfied that the final Data Portability CR would not produce disadvantages disproportionate to the aim.

Conclusion

- 4.6 Having carefully considered all the evidence, we consider it proportionate to impose the Data Portability CR for the purposes of the fair dealing statutory objective, having regard to our aim (as set out in Section 2 above).