

**Housing**  
Ombudsman Service

Local Government &  
Social Care  
**OMBUDSMAN**

**Joint Data Controller Agreement**

*Between the Housing Ombudsman Service and the Local Government and Social Care Ombudsman for complaint handling in the case of joint investigations.*

## Document Control

Title:	Joint Data Controller Agreement between the Housing Ombudsman Service (HOS) and the Local Government and Social Care Ombudsman (LGSCO) for complaint handling in the case of joint investigations.
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## ***Complaint handling in the case of joint investigations***

<b>1. Parties to the agreement:</b>	
Housing Ombudsman Service (HOS)	Local Government and Social Care Ombudsman (LGSCO)
<b>2. Contacts</b>	
<b>HOS</b> Daniel Toms (for investigation issues) Hayden Glassey (for data protection issues)	<b>LGSCO</b> Dionne Grant (for investigation issues) Julie Odams (for data protection issues)
<b>3. Joint working complaints</b>	
<p>The Housing Ombudsman Service and Local Government and Social Care Ombudsman can, where required, carry out joint assessments and investigations of complaints. The HOS investigates complaints about local authority housing services and registered social housing providers, while LGSCO investigates complaints about councils, other authorities and organisations including school admissions appeal panels and adult social care providers, such as care homes.</p> <p>Joint investigations by the HOS and LGSCO covered by this agreement are about individuals who believe they have been let down by local authorities and other bodies in jurisdiction in relation to housing provision and / or allocation. This agreement does not extend to complaints that involve only one of the constituent body's (HOS and LGSCO) jurisdiction.</p> <p>Both organisations will process the personal information outlined in part 5 of this agreement for the purpose of carrying out joint assessments and investigations, in accordance with their investigatory functions.</p> <p>This casework will be carried out by HOS and LGSCO employees, working on each organisation's own systems (LGSCO using Echo for case management, HOS using WorkPro) and sharing information as required for investigation progression and decision making.</p> <p>Where either LGSCO or HOS identify that a complaint may involve elements of both constituent body's jurisdictions, relevant officers will be convened to carry out an initial assessment of the complaint and decide if and how it should be considered further. This process can be carried out without the consent of the complainant under the discharge of statutory function under the Local Government Act 1974 and Housing Act 1996 with a lawful basis under Principle 1 Article 6 (e) of the UK General Data Protection Regulation.</p> <p>Before the organisations begin a joint investigation, written consent from the complainant for LGSCO and HOS to conduct a joint investigation must be received. The organisation which originally received the complaint will provide the complainant with more information about how their personal data will be processed.</p>	
<b>4. Joint data controllers</b>	

A complainant is provided with information about how their personal data will be processed (“fair processing information”) when they submit their complaint to either LGSCO or HOS, in the form of a privacy statement or notice.

The Local Government Act 1974 and The Housing Act 1996 give LGSCO and HOS specific powers to share information for the purposes of a complaint and to fulfil their statutory functions. Limited information will be shared between LGSCO and HOS at the initial assessment phase to decide if a joint investigation should be conducted. If a joint investigation is recommended then the permission of the complainant to proceed with the joint investigation must be sought. This consent may initially be obtained over the telephone, but must be followed up by written consent (See forms at Appendix 1.). This consent will be recorded on both organisations’ case management systems.

If Consent to proceed with a joint investigation is provided, the relevant personal data that is required to complete the investigation will be shared between HOS and LGSCO. Further consent is not required for this and information will be shared under the statutory powers as referred to above. The UK GDPR lawful basis for this sharing is Article 6(e) and Article 9(g) which means the sharing of the personal data is required to deliver the joint public service to the individual.

Under Article 26 of the UK General Data Protection Regulation (UK GDPR), where two or more controllers jointly determine the purposes and means of processing, they shall be joint controllers. And under Section 5(2) of the Data Protection Act 2018, where an organisation is required by law to process personal data, it must retain data controller responsibility for the processing. LGSCO and HOS will therefore be joint data controllers for data held in joint investigations carried out by a team.

Relevant information and evidence gathered by HOS may be sent to the LGSCO to be stored on ECHO. HOS will retain copies of this information on their case management system for reference.

HOS may hold other information that is not provided to the LGSCO. This will be stored in line with HOS case handling procedures.

The information transferred will be held on the LGSCO’s ECHO system and all new information will be held on ECHO, unless there are exceptional reasons why it cannot be, such as large file size, or file type.

## **5. Personal data to be processed**

The following classes of personal data may be processed under this joint data controller agreement:

- personal details of the aggrieved/person affected (PA)
- personal details of any representative making the complaint on behalf of the PA
- family details of the PA

- personal details of other people involved in the case
- lifestyle and social circumstances
- goods and services
- financial details
- employment and education details
- details of complaints, incidents and grievances
- visual images, personal appearance and behaviour
- responses to surveys

We also process special categories of personal data, and other sensitive classes of information that may include:

- physical or mental health details
- racial or ethnic origin
- religious or other beliefs
- political opinions, sexual life
- trade union membership offences (including alleged offences)
- criminal and legal proceedings, outcomes and sentences

## 6. Transmission of personal data

Information received by either organisation that needs to be shared with the other will be transferred securely between HOS and LGSCO. The type of transfer will depend on the format of the information being transferred.

Where possible paper or other physical information will be converted to digital information and sent via secure electronic means. All digital information shared shall be encrypted at rest and in transit.

When paper or physical information must be transferred between HOS and LGSCO this must be via Special Delivery with the Royal mail or secure courier.

The information transferred will be held on the LGSCO's ECHO system and all new information will be held on ECHO, unless there are exceptional reasons why it cannot be, such as large file size, or file type.

Information transferred to and from HOS will be held on HOS' case management system WorkPro, unless there are exceptional reasons why it cannot be, such as large file size, or file type. Where this is the case, the information will be stored in a secure and restricted area on HOS servers.

Where joint working cases require legal advice about particular elements of a case this will be requested by the relevant organisation.

## 7. Security of personal data

HOS and LGSCO are accountable for the personal data they steward on behalf of the people who work for and with them and for the public whose complaints they handle. Both organisations have appropriate training and policies in place to ensure the security and privacy of information and these are audited at least annually by an external objective reviewer.

In the event of a security or data incident that compromises the confidence, integrity, availability or resilience of information within the scope of this agreement, both DPOs must be contacted immediately.

LGSCO and HOS may decide to handle incidents together or separately and both controllers will undertake to report significant incidents to the Information Commissioner's Office (ICO). This will include developing incidents where the exact circumstances and impact may not have been identified. Each data controller reserves the right to report to the ICO if they consider the incident a significant risk to the rights and freedoms of individuals.

## **8. Retention of personal data**

All casework material associated with joint working investigations will be retained in line with the holding organisation's retention schedules, unless there are exceptional reasons why it should be retained for longer, such as legal proceedings or ICO involvement.

HOS will retain casework documentation for a period of 3 years from the closure date of the case. Case workflow information will be held for a period of 7 years and then anonymised.

The LGSCO's Retention and disposal of casework records policy can be found at: [Health and safety, and Information management - Local Government and Social Care Ombudsman](#)

## **9. Subject access requests**

Data subjects can exercise their right to request their personal data from either body. Where a data subject makes a request to one organisation that is relevant to the information held by the other then the organisation's representatives will discuss the request and decide which organisation should lead on the response, and what data will be required from the other party. Discussion will take place as soon as possible and no later than 10 working days from the request being verified by the receiving organisation.

## **10. Amending, transferring or deleting personal data**

Each organisation will be responsible for ensuring the personal data held on their systems for the purposes of joint working are handled in accordance with relevant legislation and best practice. This will include but is not limited to: ensuring inaccurate personal data is amended or deleted as appropriate. Each organisation will inform the other about any amendment or deletion requests which would affect any information they hold, resulting from a data subject exercising their rights in this area. Data subjects can exercise their rights to object to or restrict processing of their personal data, and to have inaccurate personal data rectified with either body.

## **11. Compliance with this agreement**

Any changes can only be made if both parties are in agreement. A copy of this agreement will be published on the websites of both parties to demonstrate an open and transparent approach to this work. The agreement will be monitored

and reviewed annually to ensure it is still relevant or if there are any significant changes in legislation that require it to be updated.

## 12. Complaints

In the event of a complaint/allegation of the misuse of personal information being processed for the purposes of a joint investigation this will initially be considered by the receiving organisation, liaising with the other as necessary.

## 13. Signatories

For HOS: 

Full name: Mark Smart

Position: Head of Casework Excellence  
and Development

Date: 12 July 2024

For LGSCO: 

Full name: Karen Sykes

Position: Director of Investigations,  
LGSCO

Date: 18 November 2024

## Appendix 1 - Consent form

### Authorisation to share information with the Housing Ombudsman Service

Ref:

I wish the Local Government and Social Care Ombudsman (LGSCO) to involve the Housing Ombudsman Service (HOS) in the full consideration of my complaint. I agree for the LGSCO to refer my complaint to the HOS on my behalf, and consent to LGSCO and the HOS sharing any relevant information between one another as part of the consideration of my complaint.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

**If you are complaining on behalf of someone else they must sign here if they are capable**

I give my consent for the complaint that has been made to LGSCO on my behalf to be shared with the HOS in the consideration of my complaint. I agree for LGSCO to refer the complaint to the HOS on my behalf, and consent to LGSCO and the HOS sharing any relevant information between one another as part of the consideration of my complaint.

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_



## **Authorisation to proceed with a joint investigation with the Local Government and Social Care Ombudsman**

### **Our reference:**

I agree to the Housing Ombudsman Service (HOS) involving the Local Government and Social Care Ombudsman (LGSCO) in the investigation and determination of my complaint. I am happy for the HOS to refer my complaint to the LGSCO on my behalf for the purpose of a joint investigation.

*Please note that by providing consent for a joint investigation, relevant information will be shared between HOS and LGSCO to complete their investigations.*

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

You can find information on how a joint investigation will be carried out on our website: [Others we work with | Housing Ombudsman Service](#)

Please view the [Housing Ombudsman Service](#) and [Local Government and Social Care Ombudsman's](#) Privacy Notice's for details on how your personal information will be used and shared for the purpose of the joint investigation.

### **Complaining on behalf of someone else**

*If you are complaining on behalf of someone else the complainant must sign here. If they are unable to sign, please sign on their behalf and let us know.*

I agree to the Housing Ombudsman Service (HOS) involving the Local Government and Social Care Ombudsman (LGSCO) in the investigation and determination of my complaint that has been made to the HOS on my behalf by my authorised representative. I am happy for the HOS to refer my complaint to LGSCO on my behalf for the purpose of a joint investigation.

*Please note that by providing consent for a joint investigation, relevant information will be shared between HOS and LGSCO to complete their investigations.*

Signed: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_