Joint Data Controller Agreement
Between Public Service Ombudsman and the Local Government and Social Care Ombudsman for complaint handling carried out by the Joint Working Team

Document Control

Title:	Joint Data Controller Agreement Between Public Service Ombudsman and the Local Government and Social Care Ombudsman for complaint handling carried out by the Joint Working Team
Original Author(s):	Hannah Burling
Owner:	Deirdre Micklethwaite (Public Service Ombudsman) Karen Sykes (Local Government and Social Care Ombudsman)
Distribution:	Public Service Ombudsman and Local Government and Social Care Ombudsman (IRM & Joint Working Teams)
Reviewed by:	Anne Pollard (LGSCO
Quality Assured by:	

1. Parties to the agreement:	
Public Service Ombudsman	Local Government and Social Care Ombudsman (LGSCO)
2. Contacts	
PHSO Sarah Deans (for investigation issues) Angharad Jackson (for data protection issues)	**LGSCO** Anne Pollard (for investigation issues) Cameron Black (for data protection issues)

3. Joint working complaints

The Public Service Ombudsman and Local Government and Social Care Ombudsman carry out joint assessments and investigations of complaints. The Public Service Ombudsman investigates complaints about NHS services and government departments and agencies, while LGSCO investigates complaints about councils, other authorities and organisations including school admissions appeal panels and adult social care providers, such as care homes.

Joint investigations by the Ombudsmen covered by this agreement are about individuals who believe they have been let down by local authorities, private adult social care providers and NHS services. This agreement does not extend to joint complaints that involve investigating government departments and their agencies.

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.

This casework will be carried out by a team made up of employees from both Ombudsmen. Joint cases will be conducted on LGSCO IT systems (using ECHO for Case Management).

Where either Ombudsman identify that a complaint may involve elements of both health and social care, the Joint Working Team will assess the complaint and decide how it should be considered further.

Before the Joint Working Team can start to assess a complaint, written consent from the complainant for the Ombudsmen to share information between them must be received. When a complaint is allocated in the Joint Working Team, they will provide the complainant with more information about how their personal data will be processed.

4. Joint data controllers

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

The Regulatory Reform (Collaboration etc between Ombudsmen) Order 2007 inserted powers into the Parliamentary Commissioner Act 1967, the Health Service Commissioners Act 1993 and the Local Government Act 1974 to give both Ombudsmen specific powers to share information 'for the purposes of a complaint' and to conduct joint investigations. Under Section 33 of the Local Government Act 1974 and Section 18 of the Health Service Commissioners Act 1993 limited information can be shared at an initial stage to establish whether a fuller assessment is undertaken. If a fuller assessment and investigation are recommended then the permission of the complainant to share information 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.) Information will only be passed from one organisation to the other once the consent of the individual concerned has been obtained. This consent will be recorded on both organisations' case management systems. The key legislative provisions of both organisations allowing data sharing are set out in Appendix 2.

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. Although the Joint Working Team work in the LGSCO environment and use LGSCO systems, the Public Service Ombudsman will retain data controller responsibility along with LGSCO. Both Ombudsmen will therefore be joint data controllers for data held in joint investigations carried out by the Joint Working Team.

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

The Public Service Ombudsman may hold other information that is not provided to the LGSCO. This will be stored in line with the Public Service Ombudsman's 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 the Public Service Ombudsman that needs to be dealt with by the Joint Working Team will be sent to LGSCO via secure email if possible.

Information shall be transferred securely between the Ombudsmen. 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 the Ombudsmen this must be via monitored and secured courier or post.

Information transferred to the LGSCO for the attention of the Joint Working Team will, where possible, be scanned and placed on LGSCO's case management system ECHO. Hard copies of correspondence will then be destroyed.

Where joint working cases require clinical or legal advice about particular health elements of a case this will be requested by LGSCO from the Public Service Ombudsman's advisers, or LGSCO's own retained legal advisors. All documentation will be returned to LGSCO and uploaded to their case management system ECHO. Copies of the advice and associated documentation may be retained on the Public Service Ombudsman's systems but the Public Service Ombudsman will not hold anything in this regard that is not held on ECHO. LGSCO may obtain their own legal advice which will be held on ECHO only.

7. Security of personal data

Both Ombudsmen 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.

The Ombudsmen 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

Information held within each organisation's casework management system will be retained in line with that organisation's retention schedule. A copy of the Public Service Ombudsman's retention schedules can be found at:

https://www.ombudsman.org.uk/sites/default/files/retention_schedule_1.pdf

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, but all subject access requests for data held as part of a joint working case will be dealt with by LGSCO in line with their information request handling policy and procedure. LGSCO will inform the Public Service Ombudsman of any requests for information they receive relating to Joint Working Team cases.

10. Amending, transferring or deleting personal data

LGSCO 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. LGSCO will inform the Public Service Ombudsman about any amendments or deletions 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.

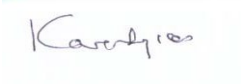
11. Compliance with this agreement

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 LGSCO, liaising with the Public Service Ombudsman as necessary.

13. Signatories

For Public Service Ombudsman: Full name: Deirdre Micklethwaite Position: Assistant Director of Casework  Date: 16 November 2026	For Local Government and Social Care Ombudsman: Full name: Karen Sykes Position: Director of Investigations  Date: 16 November 2026

Appendix 1 – Consent form

Authorisation to share information with the Public Service Ombudsman

Ref:

I consent for the Local Government and Social Care Ombudsman (LGSCO) to involve the Public Service Ombudsman in the consideration of my complaint. I consent to:

- sharing information between both Ombudsmen; and
- the Joint Working Team assessing my complaint about the all the organisations involved, to ask any of those organisations for information, and to issue decisions on the complaint to them.

I understand that I can withdraw consent for Joint Working at any time, but that this may affect how my complaint is considered.

Signed: _____

Name: _____

Date: _____

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

I consent for the Local Government and Social Care Ombudsman (LGSCO) to involve the Public Service Ombudsman in the consideration of my complaint. I consent to:

- sharing information between both Ombudsmen; and
- the Joint Working Team assessing my complaint about the all the organisations involved, to ask any of those organisations for information, and to issue decisions on the complaint to them.

I understand that I can withdraw consent for Joint Working at any time, but that this may affect how my complaint is considered.

Signed: _____

Name: _____

Date: _____

Authorisation to share information with the Local Government and Social Care Ombudsman

Our reference:

I agree to the Public Service Ombudsman involving the Local Government and Social Care Ombudsman during its look at my complaint. I am happy for the Public Service Ombudsman to refer my complaint to the Local Government and Social Care Ombudsman on my behalf and consent to the Public Service Ombudsman and the Local Government and Social Care Ombudsman sharing any relevant information between one another as part of their look into my complaint.

Signed: _____

Name: _____

Date: _____

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

I agree to the Public Service Ombudsman involving the Local Government and Social Care Ombudsman during its look at my complaint that has been made to the Public Service Ombudsman on my behalf. I am happy for the Public Service Ombudsman to refer my complaint to the Local Government and Social Care Ombudsman on my behalf and I consent to the Public Service Ombudsman and the Local Government and Social Care Ombudsman sharing any relevant information between one another as part of their look into my complaint.

Signed: _____

Name: _____

Date: _____

You can find information on how a joint investigation will be carried out on our website: www.ombudsman.org.uk/about-us/working-others

Appendix 2 – key legislative provisions

The following provisions allow the Ombudsmen to share information between their offices. Consent from the person affected must be obtained before agreeing a joint investigation.

Local Government Act 1974

Section 33ZA Collaborative working between Local Commissioners and other Commissioners

(1) If at any stage in the course of conducting an investigation under this Act a Local Commissioner forms the opinion that the complaint relates partly to a matter within the jurisdiction of —

(a) the Parliamentary Commissioner,
(b) the Health Service Commissioner for England, or
(c) both,

he may, subject to subsection (2) below, conduct an investigation under this Act jointly with that Commissioner or those Commissioners.

(2) A Local Commissioner must obtain the consent of the person aggrieved or any person acting on his behalf in accordance with subsection (2) of section 27 of this Act before agreeing to a joint investigation referred to in subsection (1) above.

(3) If a Local Commissioner forms the opinion that a complaint which is being investigated by—

(a) the Parliamentary Commissioner,
(b) the Health Service Commissioner, or
(c) both,

relates partly to a matter within his jurisdiction, he may conduct an investigation under this
Act jointly with that Commissioner or those Commissioners.

Section 32

(2)Information obtained by a Local Commissioner, or any person discharging or assisting in the discharge of a function of a Local Commissioner, in the course of or for the purposes of an investigation under this Part of this Act shall not be disclosed except–

(a) ...

(aa) for the purposes of a complaint which is being investigated by the Parliamentary Commissioner or the Health Service Commissioner for England (or both)...

Health Service Commissioners Act 1993

18ZA Collaborative working between the Commissioner and other Commissioners

(1) If at any stage in the course of conducting an investigation under this Act the Commissioner forms the opinion that the complaint relates partly to a matter within the jurisdiction of—

(a) the Parliamentary Commissioner,
(b) a Local Commissioner, or
(c) both,

he may, subject to subsection (2), conduct an investigation under this Act jointly with that
Commissioner or those Commissioners.

(2) The Commissioner must obtain the consent of the person aggrieved or any person acting on his behalf in accordance with section 9(3) before agreeing to a joint investigation referred to in subsection (1).

(3) If the Commissioner forms the opinion that a complaint which is being investigated by—

(a) the Parliamentary Commissioner,
(b) a Local Commissioner, or
(c) both,

relates partly to a matter within his jurisdiction, he may conduct an investigation under this
Act jointly with that Commissioner or those Commissioners.

Section 15. Confidentiality of information

(1) Information obtained by a Commissioner or his officers in the
information, course of or for the purposes of an investigation shall not be disclosed except—

(a) for the purposes of the investigation and any report to be made
in respect of it,
(aa) for the purposes of a complaint which is being investigated by the Parliamentary Commissioner or a Local Commissioner (or both)