

Date: 12/11/2020**Case reference:** CAM507

Dear Requester

Thank you for your request for information dated 21/09/2020 about **housing management at any level having direct access to adult social care databases**. You clarified your request a(s per our suggestion) by email received on 21 October 2020. We have dealt with this under the Freedom of Information Act 2000.

Response

The council holds some of the information requested. The answers to your questions are below. We have stated where we do not hold the information requested and why.

A. Housing staff in 'Kentish Town pilot area' with limited access to Adult Social Care records

1. Please provide the protocol, the guidance and the evaluations of this pilot.

Please see the response to question 2 below

2. Who approved this pilot? Was this put to committee and relevant councillors?

In response to both questions 1 and 2 please see the attached January 2019 report to the Cabinet Member for Better Homes. This provides the detail about the work of the Landlord Services redesign team in Kentish Town and the outcome. As explained previously it was as part of this exercise that a small number of staff in the team were given access to Mosaic.

3. The exact number of staff in the Kentish Town area that had access in pilot

8 members of staff were given access in the pilot.

4. What is meant by 'the Kentish Town area'?

Please see the first paragraph of the attached report. The 'Kentish Town area' contains the Kentish Town, Cantelowes and Highgate ward areas.

B. Housing management access to Adult Social Care records

5. Did housing management at any level have ever have direct access to any adult social care database (that includes framework-i and Mosaic)?

Housing Management are not given access to Mosaic. An exception was made for the people noted in Q3 and was related to a defined project. Their access has subsequently ended.

6. Was a named individual or housing management officer ever allocated an access code?

Access to Mosaic is not by way of access codes.

7. Since 2013 has there been auditing of both ASC electronic records system where housing access has been established?

We do not hold this information. This is because regular 6 monthly audits of Mosaic access take place. The audits establish whether all Adult existing users continue to require access to Mosaic, and if access is required, that the level of access they have is correct and appropriate. This process was started in 2017 we are unable to confirm the process before 2017.

8. Have those actions, names or identifiers of housing staff been removed or permanently erased?

The people no longer have access but the audit trail for their activities is still there.

9. Why, including in any 'pilot' would ANY housing staff have a legal need or right to access personal sensitive data?

The attached report explains the purpose of the pilot and context. The service had a legitimate aim to provide a better service for residents. We considered this legitimate interest and the interests of the data subjects. We concluded that this limited exercise would not breach the principles of the Data protection Act 1998 and that the personal data would be processed fairly and lawfully.

10. Please provide copies of consent forms housing staff used to do so.

This was not necessary – please see response to the Q9 above.

C. Data protection law and Camden Council policy

11. How is housing staff accessing adult social care records with the law or Camden Council policy?

Staff are only given access to Mosaic where there is a business critical need to access records. This is carefully considered and regular auditing takes place to ensure access is still required.

Housing Management staff are not usually given access to Mosaic. An exception was given for 8 of the staff working on the landlord review. No Housing Management staff currently have access to Mosaic.

Please also see the report attached and the response to Q9 above.

12. Camden council is required by law to ensure refusal to data share is recorded clearly on records:

a. Where is this recorded on current and previous Adult Social Care records?

Adult social care does not rely on consent to share data. It relies on statutory duties to collect, share and keep information (see below). Adult Social Care will only share data where they have a legal power or duty to do this.

Where no legal reason exists, Adult Social Care will ask for consent first and it is at this point you can refuse to share your data. This will be clearly recorded on any Mosaic record.

It is worth noting that Adult Social Care may still share your information when there is an important reason that outweighs your privacy, for example to protect people who are at immediate risk. This is set out in the Adult Social Care privacy

notice: <https://camdencarechoices.camden.gov.uk/care-and-support-rights/adult-social-care-privacy-notice/>

Decisions to share records were ultimately made under the provisions of the Data Protection Act 1998 and are now made against the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

b. How does the council meet this statutory responsibility?

Please see the response to Q 12 above.

13. In an emergency presumably housing staff are required to follow council policy. So, for if they genuinely believed life was at risk they should call the police?

Yes, housing staff are guided to contact the appropriate emergency service in a life threatening emergency situation.

14. If they thought the above applied they may also consider calling London Ambulance service

although that would be outside council policy?

Please see the answer to Q13 above.

Further Information

We do not give our consent for any names and contact details provided in this response to be sent marketing material. Any such use will be reported to the ICO as a breach of General Data Protection Regulations and the Privacy and Electronic Communication Regulations.

Why not check our Portal [Open Data Camden](#) before making a new request as your question may already be answered by a previous [FOI response](#) or in one of our many useful and interesting datasets.

Your Rights

If you are not happy with how your response was handled you can request an Internal Review within 2 months of this letter by email to xxxxxxxxx@xxxxxx.xxx.xx or post: Information and Records Management Team, London Borough of Camden, Town Hall, Judd Street, London WC1H 9JE. Please quote your case reference number. If you are not satisfied with the Internal Review outcome you can complain to the Information Commissioner's Office at xxxxxxxxx@xxx.xxx.xx telephone 0303 123 1113, or post to Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. The ICO website www.ico.org.uk may be useful.

Yours sincerely,

Peter Williams
Information Rights Officer