

1 Instructions for the use of consent (form Y50e) in local government trial programmes

Kela and the Centre for Economic Development, Transport and the Environment have in cooperation with the Association of Finnish Local and Regional Authorities created a consent form (form Y50e) for use in the local government trial programmes. The form is available on Kela's website under Forms.

These instructions are intended to describe the practical requirements of the data protection legislation and ensure that the client's consent is voluntary, specified, deliberate and unambiguous. Each government agency is responsible for more specific internal practical instructions. The municipalities in the regions in the trial programmes must follow the instructions of the Development and Administration Centre for ELY Centres and TE Offices on consent when releasing data available from the client information system of the Employment and Economic Development Offices (URA).

1.1 Evaluation of the need for a consent form

In the local government trial programmes, the clients' situations often require cooperation between different government agencies when determining which benefits and services the client is entitled to. There is not always a legislative basis for the right of different government agencies to exchange information. Due to the disparity between the client and the government agency, the use of consent as the basis for the processing of information should be restricted. Therefore consent for the exchange of information between government agencies should be requested only in situations where it is necessary in order to arrange the services that the client needs. In addition, a real possibility for the client to refuse his or her consent for the exchange of information must be available. The clients themselves have the right to receive printouts of the information concerning them from the government agencies, and the clients can themselves provide the information they wish directly to other government agencies.

Even with the client's consent, the client's information must not be released to any wider extent than necessary. The party releasing the information must make sure that the release of information follows the legislation. The party requesting the information is liable to indicate the grounds for the right to receive information.

1.2 Asking for the client's consent

Usually the municipality requests the client's consent. The client's consent can also be requested by another party, for instance Kela.

When you are requesting the client's consent, always first tell the client the following:

- why consent is needed
- for which purposes the information that is exchanged on the basis of the consent will be used
- that the client can select the government agencies between which information may be exchanged on the basis of the consent
- which information may be exchanged on the basis of the consent
- that giving the consent is voluntary
- how the client can limit or withdraw his or her consent
- for how long the consent is valid
- where the client can find the privacy statements of the parties involved in the cooperation
- that the client can also choose not to give his or her consent for the exchange of information. In that case, clients can themselves give the information they wish to different government agencies.

Please note that the client should, when he or she so wishes, be given the opportunity to consider the exchange of information and the different alternatives and also for instance contact his or her own social worker or equivalent. The consent and the determining of its contents can be returned to after the period of consideration.

On the consent form, the party requesting the consent (for instance the municipality) complements and specifies through discussions with the client the government agencies between whom exchange of information is necessary in the client's situation and to whom the client gives his or her consent to exchange information. Example: Social services of the city of Tampere.

The client is asked to indicate clearly on the consent form the government agencies to which the client gives his or her consent to exchange information. The client is also asked to indicate the type of information that the government agencies can exchange between them on the basis of the consent. The client is informed about the consequences if the client does not give his or her consent to the exchange of certain information and how the service that the client needs is arranged without access to the information in question. When necessary, the client can also limit or specify the release of information in the section Exceptions limiting the consent. The limitation can be for instance:

- “The consent does not apply to entries in medical records prior to 1 January 2018.”
- “The exchange and processing of information about my health shall be limited to information regarding my back problems, treatment of the back and rehabilitation related to the back problems.”
- “When exchanging information about my health, health information that is not related to Asperger's syndrome shall not be processed.”
- “I give my consent to the social welfare authorities to release information concerning me to Kela, but information concerning me shall not be released from Kela to the social welfare authorities.”

The limitations must be stated on the form so clearly that there is no room for interpretation. In unclear situations, the information is not released, and instead the contents of the consent is verified from the client.

The client is asked to state on the form the date until which the consent is valid. The client must also sign the consent. Before the consent document is signed, the government agency must make sure that the client understands the contents of the consent that the client has given.

The details on the recipient of the consent are also entered on the consent form. In the section Government agency, the government agency that has received the client's statement of consent is entered, for instance "social services of the city of Oulu". In the section on contact information, such contact information for the government agency is entered (e-mail, phone number) through which it is possible to contact the government agency in matters concerning the consent.

2 Management of the consent

2.1 Government agency receiving the consent

The government agency that requested the consent archives the consent. The government agency that requested the consent makes sure that the consent is sent to the other government agencies selected in the consent in the manner agreed for the local government trial programme in question. If the consent form is sent electronically (for instance by e-mail), the government agency must make sure to use an encrypted or secure connection.

The government agency that has requested the consent also gives a copy of the consent to the client. The client is informed that he or she does not have to forward the consent.

Note: In exceptional situations it is possible to agree with the client that the client sends the signed consent form to Kela (e-service OmaKela) as a scanned document or a photograph. Also in such cases, the government agency that received the consent makes sure that the consent is sent to the other government agencies selected in the consent.

2.2 Government agency selected in the consent to which a copy of the consent document has been sent

The government agency must archive the consent document so that the document is easily accessible without the client having to remind the government agency separately about the existence of the consent.

2.3 Release of information on the basis of the consent

- Information is released on the basis of the consent in accordance with the consent, i.e. only to the extent that the client has given his or her consent. The client's consent shall not be interpreted expansively.
- When a government agency selected in the consent requests information on the basis of the consent, the government agency that releases the information must ensure the legality of the release of information and the adherence to the consent. As regards release of information, do as follows:
 - Check the contents of the consent in the consent document.
 - Refuse to release information that is not covered by the consent.
 - If it is unclear whether the consent covers the requested information, you can check this with the client and register this information; otherwise, refuse to release information in unclear cases.
 - Register the information about the government agencies to which information is released and what information is released on the basis of the consent.
 - Please note that only information is released on the basis of the consent, not documents.
 - exception: client plan drawn up on the basis of cooperation (see section 4 of the consent form)

2.4 Later limitation, change or withdrawal of the consent

Clients who have given their consent to the exchange of information between certain government agencies can at any time limit or change their consent or withdraw the consent altogether. The client can report the limitation/change/withdrawal to any government agency selected in the consent either verbally or in writing. If the client reports such matters verbally, the government agency that receives the information must register the information in its systems and as regards changes/limitations assist the client in drawing up a new written consent. The government agency that receives information from the client about a limitation/change/withdrawal must also without delay inform the other government agencies selected in the consent about the matter. It is important that the information is forwarded to the other government agencies so that the client's information is not incorrectly released on the basis of the consent.

If the client withdraws the consent:

- Register clearly in the client's details that the consent in question has been withdrawn. Also register the date starting from which the consent has been withdrawn.
- Inform the other government agencies that the consent has been withdrawn.
- Do not destroy the consent document.

If the client limits or changes the consent:

- Archive the new limited/changed consent. Also register the date starting from which the new consent is valid.
- Inform the government agencies selected in the original and the new consent document about the limitations/changes to the consent. Send the new consent document to the government agencies that have been selected in the document.

- Do not destroy the old consent document. Register the date until which the consent in question has been valid.
- Give the client a copy of the consent with the limitations/changes.

If the client later wishes to give his or her consent again or it is necessary in the client's situation to ask for consent regarding new government agencies (i.e. supplement the consent):

- Request a completely new consent from the client.
- Give the client a copy of the consent.
- Also send the consent to the other government agencies selected for the consent.
- Archive the consent document.

Provisions applied: Article 7 of the General Data Protection Regulation (2016/679)

3 Instructions concerning consent:

- Instructions for the municipalities in the regions in the trial programmes: [Release of information on the basis of consent from the client information system of the Employment and Economic Development Office](#)
- [Instructions regarding consent from the Office of the Data Protection Ombudsman](#)