



Matter **Procedure of the City of Helsinki's in receiving child welfare notifications**

COMPLAINT

In their writing of 4 July 2020, the complainant criticised the City of Helsinki's child welfare procedure in receiving child welfare notifications. The complainant has stated that a written child welfare notification cannot be submitted to the child welfare services of the City of Helsinki. The telephone service had specifically emphasised to the complainant that child welfare notifications can only be submitted by telephone.

REPORT

The Deputy Mayor of the City of Helsinki has delivered to the Office of the Chancellor of Justice an email sent to the complainant on 6 July 2020.

The City of Helsinki has provided the Deputy Chancellor of Justice with a report dated 20 July 2020. A copy of the report will be sent to the complainant.

According to the report, for the time being in Helsinki, municipal residents can submit a child welfare notification by contacting child welfare services by telephone, requesting contact for example by e-mail, sending a letter or visiting a child welfare office. It is also possible to submit the notification via a secure mail sent by a social worker. For information technology reasons, it is not yet possible to submit a fully electronic child welfare notification. The city does not have a secure solution for its residents. At the moment, only authorities can submit a fully electronic notification. On its webpage, the Finnish Institute for Health and Welfare instructs to submit a child welfare notification on its website either by telephone, in writing using a form or by visiting

an agency. The Finnish Institute for Health and Welfare advises on its website that a child welfare notification may never be submitted by an unprotected email, as the information in the notification is sensitive.

In its report, the City of Helsinki states that the health and social services sector of Helsinki is about to introduce next year a new customer and patient data system Apotti, which will provide it with a secure solution for filing an electronic child welfare notification. The official child welfare notification form is available on the city's website.

If the complainant has been instructed to submit a child welfare notification only by telephone, the report by the city clearly indicates that there has been a mistake in the instruction. Child welfare notifications may require rapid action, which is why the city instructs to report them mainly by telephone, in which case further questions may also be asked to the notifier. All notifications are entered in the customer information system irrespective of the route through which they have arrived.

DECISION

Assessment

Under section 7, subsection 1 of the Administrative Procedure Act, service and consideration of a matter by an authority shall be organised so that customers of the administration receive appropriate administrative services and the authority can perform its duties successfully.

According to section 4 of the Child Welfare Act (417/2007), child welfare must promote the favourable development and wellbeing of the child. Under section 11, subsection 1 of the Act, the municipality must ensure that preventive child welfare and child - and family-specific child welfare are organised in such a way that the content and extent of such services accord with the need prevailing in the municipality. Child - and family-specific child welfare must be arranged to the extent necessary at the times of the day when it is needed. Under section 26(1) of the Act (30 December 2014/1302), a child welfare case is initiated on application or when a social worker or other child welfare worker has otherwise become aware of a child in need of child welfare. Under subsection 2 of the section, after a child welfare case has been initiated, the social worker or other child welfare worker must immediately assess the child's possible urgent need for child welfare.

According to section 4 of the Act on the Status and Rights of Social Welfare Clients (812/2000), the client shall be treated in a manner that does not violate their dignity and that respects their belief and privacy. Under section 14, subsection 1 of the same Act, social welfare documents containing information on a social welfare client or other private person are confidential.

The Act on Electronic Services and Communication in the Public Sector (13/2003) applies to the electronic filing and processing of administrative matters, judicial matters, prosecutions and enforcement matters and to the service of decisions, unless otherwise provided elsewhere by law. The Act also applies, as appropriate, to other official activities. Under section 5 of the Act, provisions on the organisation of electronic services and ensuring their availability are laid down in the Act on the Provision of Digital Services.

Under section 4 of the Act on the Provision of Digital Services (306/2019), an authority shall, among other things, plan and maintain its digital services in such a way that their information security, data protection, findability and ease of use are ensured, and ensure the availability of digital services for which it is responsible and other electronic data transfer methods used by the authority also outside the opening hours of the authority's service points. Under section 5 of the same Act, an authority shall provide everyone with the opportunity to send electronic messages and documents relating to their need for services using digital services or other electronic means of data transfer. An authority shall provide everyone with an opportunity to use a messaging service referred to in the Act on the shared e-support services of the Administration for receiving electronic messages and documents in their matter or another electronic data transfer method that is sufficiently secure if the authority can deliver the message or document electronically.

According to the government proposal for the Act on the Provision of Digital Services (government proposal 60/2018), the objective of the Act would be to promote everyone's opportunities to use digital services. The Act would also promote the availability of digital services, information security, accessibility of content and improve the quality of services. Above all, the objective of the act would be to improve everyone's equal opportunities to use digital services. General provisions on the appropriate organisation and quality of the services provided by the authorities are laid down in section 1 of the Administrative Procedure Act and as part of the service principle and the appropriateness of the services in section 7 of the Administrative Procedure Act.

The appropriateness of the service requires that the service provided by the authority is available and appropriate. From the customer's point of view, it is important that the customer can easily contact the authorities. In certain situations, you may need to be contacted electronically, either by email or using an electronic notification form, if contacting some customers by phone, for example, is not possible. Taking into account the service principle of the administrative branch, the appropriateness of services means that when a customer wishes to take care of their matter electronically, such a possibility of using services is guaranteed in the manner best suited to each service.

Easy access to an authority's service for the administration's customers may also be a precondition for the appropriateness of official actions by the authority. For example, the child Welfare Act imposes an obligation on the authorities to take, if necessary, very immediate and urgent measures to safeguard the child's development or wellbeing. The actions may be prompted by, for example, a child welfare notification filed by a private person, which should therefore be simple and easy to submit. At the same time, under the Social Welfare Client Act, the authorities have a strict obligation to protect confidentiality and the privacy and personal data of clients. In addition, the authorities must take into account information security and data protection in the provision of digital services.

According to the complaint and the report received, the City of Helsinki does not currently have an appropriate electronic form for submitting a child welfare notification to private persons. This can be seen as a deficiency not only in terms of the general administrative service principle but also in terms of the urgency required for processing child welfare notifications. On the other hand, to protect information security and confidentiality, the city's actions can be considered appropriate in these circumstances. It is possible to submit a child welfare notification via the secure e-mail sent by a social worker. According to the city's announcement, next year it will introduce an information system that enables a fully electronic child welfare notification to be submitted in a secure manner.

Measures

Under section 4, subsection 2 of the Chancellor of Justice Act, on the basis of a complaint submitted to them, the Chancellor of Justice shall take such measures as they consider necessary in terms of compliance with the law, legal protection or the realisation of fundamental and human rights.

The City of Helsinki has apologised for the incorrect information provided to the complainant on the submission of child welfare notifications. On the basis of the complaint, I do not have any grounds for my actions as referred to in the legal provision described above.

I would like to conclude by referring to my view of the service principle of the authorities, which is part of good governance, and its appropriate organisation in child welfare matters.

The complaint does not give cause for further measures.

This document has been signed electronically.

Senior Legal Adviser

Linda Harjutsalo