



Freedom of Information Officer (Enforcement Team)

Job Description and Person Specification

Grade: 4 (full time equivalent (FTE) – 37 hours)

Starting salary: £42,000 (gross p.a.) FTE on a scale rising to £50,079 (gross p.a.) FTE

Permanent Post

Reports to: Deputy Head of Enforcement

Applications on a job share basis are welcome and flexible working arrangements are available

Background

The Scottish Information Commissioner promotes and enforces the Freedom of Information (Scotland) Act 2002 (FOISA) and the Environmental Information (Scotland) Regulations 2004 (the EIRs).

This legislation generates tens of thousands of information requests to Scotland's public authorities each year. These often involve high profile, controversial or sensitive matters. If requesters are unhappy with the response they receive from an authority, they can appeal to the Commissioner and he will decide whether the information should be disclosed. Around 500 appeals are made to the Commissioner each year.

The Commissioner employs staff to help him investigate and decide upon cases. You will be one of a team of Freedom of Information Officers (FOIOs), who investigate appeals and draft legally enforceable decisions. Decisions can be appealed to the Court of Session.

The Commissioner has a statutory duty to promote Freedom of Information (FOI), contributing to openness and transparency in Scotland. FOIOs are also involved in this by ensuring that public authorities comply with their duties under FOISA and the EIRs, and by helping to identify and promote good practice.

The Commissioner is subject to FOISA, the EIRs and the data protection legislation. He receives approximately 75 information requests and 20 subject access requests each year. Responding to such requests, within the required timescales is an important function of the Commissioner.

Purpose of Job

FOIOs provide essential support to the Commissioner in fulfilling his responsibilities.

You will join a team of FOIOs whose principal task is to investigate appeals to the Commissioner, as well as handling complex enquiries, drafting decisions, responding to information requests and subject access requests (which relate to the work of the Enforcement Team) and promoting good practice.

Responsibilities

Investigations

You will be responsible for:

1. investigating appeals, including researching cases, communicating with Scottish public authorities and requesters, analysing submissions and supporting information, considering the application of exemptions and, where appropriate, negotiating with public authorities and applicants with a view to settling cases.
2. preparing drafts of legally enforceable decisions to a high standard, ensuring their legal, technical and grammatical competence and that the decision is well-argued, makes reference to precedent, etc.
3. approving draft decision notices in line with the Commissioner's Investigations Handbook
4. managing your caseload to ensure you achieve your targets and key performance indicators (agreed with your line manager and the Head of Enforcement).
5. responding to enquiries to the office, providing advice and guidance to public authorities and the public about FOISA and the EIRs and their inter-relationships with other related legislation, such as Data Protection legislation.
6. responding to information requests made to the Commissioner under FOISA and the EIRs and to subject access requests made under Data Protection legislation (which relate to the work of the Enforcement Team).

Other duties

You may also be called upon to undertake other appropriate duties such as:

7. carrying out work in line with the Commissioner's Enforcement Policy and Intervention Procedures which will include working with public authorities to assess whether they are following good practice and, where appropriate, preparing practice recommendations and enforcement notices
8. drafting (or reviewing) guidance on FOISA and the EIRs and on the role of the Commissioner
9. leading and participating in project work
10. delivering presentations to a wide range of audiences on FOISA and the EIRs and on general freedom of information issues

Person Specification

Experience

You will have experience in a work environment of conducting investigations, carrying out research, analysing complex information, writing reports and making carefully argued recommendations based on your work. You will be able to work well under the pressure of a caseload which requires investigations to be carried out and decisions to be drafted within a stipulated period.

You will be educated to degree level or equivalent or have an equivalent level of skills or knowledge.

It is essential that you have excellent writing and communication skills, including the ability to write for, or speak to, a range of audiences. You must be able to demonstrate that you can present complex and technical arguments in an accurate and understandable way. You will be able to demonstrate that you can analyse complex information and situations and use your judgement to make recommendations to the Commissioner. You will be able to demonstrate the interpersonal skills required to deal with a wide variety of people, advising them and assisting them to understand complex issues and in situations which may be challenging.

It is desirable that you have experience of working in a regulatory or statutory based environment, preferably with an investigative or complaints handling background, and can demonstrate in-depth understanding of how this will shape and impact on your role as an FOIO.

You may have knowledge of the structure and operation of public bodies and experience of advising the public on legal or individual rights.

It is also desirable that you have a sound knowledge of FOISA and the EIRs and associated secondary legislation and Codes of Practice (or similar). This includes understanding the political, legal and practical issues around freedom of information, gained through practical experience of working with FOISA and the EIRs (or similar).

Experience of working with data protection legislation and how it impacts on FOISA and EIRs is also desirable.

You will be computer literate and able to demonstrate a good working knowledge of and be confident in using applications such as Microsoft Word, Excel, PowerPoint and MS Teams. You will have a good working knowledge of Microsoft Outlook and of carrying out internet research and be able to use electronic records management and case management software (training will be given).

Essential skills, knowledge and experience required

1. Educated to degree level or equivalent level of skill or knowledge
2. Work experience in a relevant discipline
3. Excellent writing, presentational and communication skills, including the ability to write for, or speak to, a range of audiences
4. Strong analytical and research skills
5. Excellent problem-solving skills
6. Good interpersonal and team-working skills (including working with other teams)

7. Strong time-management skills and the ability to manage competing priorities
8. Commitment to providing a high-quality service
9. Computer literate with a good working knowledge of and confidence in using tools such as Microsoft Word, Excel, PowerPoint, MS Teams and Outlook and of carrying out internet research

Desirable Personal Characteristics / Competencies

10. Experience of working in a regulatory or statutory based environment, with an investigative or complaints handling background,
11. Knowledge of the structure and operation of public authorities
12. Experience of electronic case management
13. Practical experience of working with FOISA, the EIRs, associated secondary legislation and Codes of Practice (or similar)
14. Knowledge of the political, legal and practical issues around freedom of information
15. Experience of providing advice to members of the public and public authorities
16. Practical experience of working with data protection legislation and how it impacts on FOISA and the EIRs (or similar)
17. Knowledge of public authority records management
18. Good working knowledge of and confidence in using Microsoft (MS) Office (Word, Outlook, Powerpoint and Excel) and MS Teams

Additional Information

Application

To apply, you must complete an application form and submit this to us within the advertised timescale. You may answer in your own handwriting or in typescript. Your answers will help us to judge who to invite for interview. As well as judging the substance of your response, judgements will also be made about your written communication skills.

Please note that CVs will not be considered.

Selection

The applicants with the most appropriate qualifications, experience and demonstrable competencies will be invited to attend an interview (more details will be provided on successful selection for interview).

Location

Your usual place of work will be Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS, but you may be required to work at other locations from time to time as the Commissioner may reasonably require.

Hybrid working is possible however, the ability to attend the office premises will be a contractual requirement and this means that any member of the Commissioner's staff who chooses to live some distance from their contractual work location will need to be able to travel to their contractual

work location in their own time and at their own expense, as commuting costs cannot be paid by the Commissioner.

We are unable to support remote working abroad, unless there is a genuine requirement to do so in the role. Specific examples of a genuine role requirement would be official business travel overseas for colleagues to attend conferences, meetings and networking / relationship building opportunities. This position takes account of significant issues of compliance related to employing a person resident in another country including immigration requirements/ right to work in that country, security, taxation, pensions, social security, employment law and, also, IT security requirements.

Security Clearance

Security clearance is required for this post. If you are successful at interview and a conditional offer of employment is made, we will ask you to complete a security vetting form which will be processed by the Scottish Parliament's Security Office on behalf of the Commissioner.

The system of security vetting operated is similar to the national vetting systems used by UK central Government Departments, Agencies and Devolved Administrations.

If satisfactory security clearance is not obtained the conditional offer of employment will be withdrawn.

Pre-Employment Checks: identity and right to work in the UK.

There are no nationality restrictions on who we employ. However, you must check whether there are any restrictions on your stay or on your freedom to take or change employment in the United Kingdom before you apply for a post.

If you are not eligible to work in the UK then we are unable to consider your application.

If you are invited to an interview, we will ask you to provide proof of your identity and your eligibility to work in the UK. The documentation required could include:

- a passport or a national identity card or
- a birth certificate issued in the UK or
- a certificate of registration or naturalisation, or
- a Home Office document stating eligibility to remain in the UK

If the identity and right to work in the UK checks are not satisfactory, you cannot be appointed to the post being recruited to and may not be able to take part in any interview you are invited to.

References

You will be asked to provide the names of two referees (one of which should be your present or most recent employer) whom we may approach for a reference. If you are successful at interview we will ask you to confirm that we can contact your referees. The Commissioner can only make an unconditional offer of employment subject to satisfactory references.

Basic criminal records check

If you are successful at interview and a conditional offer of employment is made, you must apply for a Basic Criminal Records check via Disclosure Scotland and you will be expected to obtain this

and incur the cost for the certificate. Current charges and other information on disclosure certificates can be found at the Disclosure Bureau's website (www.disclosurescotland.co.uk).

In determining whether an unspent criminal record is relevant and would lead to withdrawal of a conditional offer of employment on the basis that the assessment of this pre-employment check is unsatisfactory, the unspent criminal record will be assessed in relation to the tasks which need to be performed and the circumstances in which the work is to be carried out.

Equal Opportunities

The Commissioner is committed to promoting equality of opportunity and treatment and will seek to ensure that all job applicants and staff are treated fairly, with respect and without bias. No job applicant or employee will receive less favourable treatment than others because of her or his: age; sex; sexual orientation; gender reassignment; marital or civil partnership status; pregnancy or maternity race (which includes colour, nationality and national or ethnic origin), religion or belief, or a similar philosophical belief (or lack of any of these); disability (unless such treatment is objectively justified); part time or fixed time contract status (unless such treatment is objectively justified); and trade union membership status/activities.

Disability

We will make reasonable adjustments for disabled applicants during the recruitment process and, where requested, will provide and accept information in accessible formats, where this would be a reasonable adjustment.

All applicants who are invited for interview will be asked if they have additional support needs and offered assistance if needed.

Data Protection

Under the UK General Data Protection Regulation and the Data Protection Act 2018, information provided by you will be processed and stored to provide management information for employment purposes.

You have the right to request any information held about you.

More information about how we use your personal data and about your data protection rights can be found in our Privacy Notice: [Privacy notice | Scottish Information Commissioner \(itspublicknowledge.info\)](#). Please let us know if you would like us to send you a paper copy.

Further Information

<p>For more information regarding the job content and requirements:</p> <p>Euan McCulloch Head of Enforcement emculloch@itspublicknowledge.info</p> <p>or, in his absence:</p> <p>Jill Walker Deputy Head of Enforcement jwalker@itspublicknowledge.info</p>	<p>or</p>	<p>For more information regarding the recruitment process and terms and conditions:</p> <p>Helen Gardner-Swift Head of Corporate Services hgardnerswift@itspublicknowledge.info</p>
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Contact us

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