



Freedom of Information Officer (Enforcement Team)

Job description and person specification

Grade:	4 (full time equivalent (FTE) – 37 hours)
Starting salary:	£45,428 (gross p.a.) FTE on a scale rising to £54,166 (gross p.a.) FTE
Term:	12 months fixed term appointment
Reports to:	Deputy Head of Enforcement

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. Just under 600 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 you meet our targets and key performance indicators
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
11. line management of staff
12. contributing to policy work

Person Specification

Experience

You will have experience in a work environment of 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 Criteria

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 Criteria

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