SCOTTISH INFORMATION COMMISSIONER
INFORMATION FOR CANDIDATES

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To apply for this appointment you should read the information below and complete and return the application form by 5pm on Monday 31 October 2011.

Context

Scotland’s first Information Commissioner, Kevin Dunion’s term in office will come to an end on 23 February 2012.

The Parliament is now looking to nominate an individual to be appointed by Her Majesty the Queen, to be the new Scottish Information Commissioner, on or as near as possible to, the 24th February 2012.

Statutory Framework

The Freedom of Information (Scotland) Act 2002, as amended, provides for an independent Scottish Information Commissioner to promote and enforce the freedom of information regime.

To maintain the independence of the Commissioner, the Act provides that he or she will be appointed by Her Majesty the Queen on the nomination of the Parliament.

The Commissioner is not an officer of the Parliament, but is required to submit annually to the Parliament, a general report on the activities of the Commissioner’s office. The Commissioner may also from time to time lay before Parliament any other reports in respect to his/her functions as he/she thinks fit. The Commissioner must also, in respect of each 4 year period, lay before Parliament a strategic plan setting out he/she proposes to perform his/her functions during that time.

In relation to the functions of the Commissioner, he/she is not under the direction or control of the Parliamentary corporation, of any member of the Scottish Executive or the Parliament.
Finance and staffing of the office of the Scottish Information Commissioner

The Scottish Parliamentary Corporate Body (SPCB) sets the Commissioner’s terms of appointment, pays the salary of the Commissioner and all expenses, including staff costs, incurred by the Commissioner in the exercise of his/her functions. The Commissioner's budget for 2011/12 is £1.473m. The successful candidate will be the Accountable Officer for the expenditure incurred by the office. Further information on the statutory position between the SPCB and the Commissioner can be found in the Freedom of Information (Scotland) Act 2002 as amended by the Scottish Parliamentary Commissions, Commissioners etc. Act 2010.

The Commissioner is supported by 22 members of staff and is currently based in St Andrews, Fife.

Key Responsibilities and Duties of the Commissioner

The Act provides for a freedom of information regime for Scotland, which is open, accountable, easily accessible to everyone and has the trust of the Scottish public.

In this context, the main responsibilities and duties of the Scottish Information Commissioner are:

- managing the day-to-day running of the office, including accounting for the finances of the office;
- ensuring the requirements of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 are met;
- providing the principal interpretation of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004;
- liaising with the UK Information Commissioner where appropriate, for example, on appeals which involve personal information covered by the Data Protection Act 1998;
- promoting and giving advice to the public on their rights under the Act;
- promoting good administrative practice by public authorities;
- approving the publication scheme of each authority within the scope of the Act;
- considering applications from people seeking disclosure of information, mediating outcomes acceptable to the applicant and authority; serving information, decision and enforcement notices on Scottish public authorities where necessary; and
- laying before the Scottish Parliament an annual report on how he/she has exercised the powers and functions of the Commissioner’s office and any other reports.
Person Specification

This is a demanding post which has a high media and public profile. The successful candidate will be able to demonstrate the following skills and knowledge:

Skills

- Excellent decision making skills;
- Experience of working at a senior level with strong leadership, governance and management skills;
- Highly developed influencing and diplomatic skills when dealing with a wide range of stakeholders, e.g. Ministers, MSPs, members of the public, senior managers of public authorities and staff; and
- Good public speaking and media relations skills.

Knowledge

- Extensive knowledge of the Freedom of Information (Scotland) Act 2002 and the Environmental Information (Scotland) Regulations 2004 or equivalent freedom of information regime;
- A general understanding of the Scottish Parliament, the Scottish Government and Scottish public authorities;

Desirable qualities

- A familiarity with legal issues.

Disqualification

A person is disqualified from appointment as the Commissioner if the person is, or holds office in, or is an employee or appointee of, another Scottish public authority.

This would not prevent such a person from applying for the post of Commissioner but, if selected, he or she would have to resign from their current office or employment before they could be appointed as the Commissioner.

Restrictions on subsequent appointments

A person who has ceased being the Commissioner may not, without the approval of the Parliamentary corporation, be employed or appointed in any other capacity by the new Commissioner; be a Scottish public authority or hold office in, or be an employee or appointee of, a Scottish public authority; or hold any other office, employment or appointment or engage in any other occupation being an office, employment, appointment, or occupation which that person could not have held, or, as the case may be, engaged in when Commissioner, due to his/her terms and conditions of appointment.

The requirement to seek approval from the Parliamentary corporation starts when the person ceases to be the Commissioner and ends on the expiry of the financial year next following the one in which it started.
Terms and Conditions of Appointment

Status

The Commissioner is not to be regarded as a servant or agent of the Crown or as having status, immunity or privilege of the Crown; and the Commissioner’s property is not to be regarded as property of, or property held on behalf of, the Crown.

The Commissioner is, as such, to be regarded as a juristic person distinct from the natural person holding the office.

Length of Appointment

The appointment is offered on the basis of a single term of 6 years. The post is not suitable for job sharing.

The successful candidate will be expected to take up appointment on or as near to 24 February 2012.

Salary

The post attracts a salary of £78,000 which may be reviewed.

Location

The Commissioner’s office is currently located in St Andrews, Fife although you may have to travel to other locations in the conduct of your duties.

Hours of Work

This is a full-time appointment based on 37 hours week excluding lunch breaks. It may require occasional work outside normal office hours in evenings and weekends and also entail regular travel within Scotland and occasionally within the UK and abroad.

Leave

You will be entitled to 30 days leave with pay per year. You will also receive an additional 10.5 days public and privileged holidays.

Political and Outside activities

The post you have applied for is a politically sensitive one which means that you are completely barred from taking part in either national or local political activities. You should also not provide professional advice in a private capacity.

Pension

The appointment is pensionable. The current arrangements are with the Civil Service Pension Scheme.
Application and Selection Process

All applications should be submitted on the enclosed application form. Applicants may continue their answers on separate sheets if necessary but should bear in mind the restriction on word count.

Each application is assessed in the same way, against the same, agreed criteria for the appointment in question. “Criteria” means the key skills, knowledge and qualities that we think you need to be able to do the job. The application form is split into two sections to ensure anonymity during short-listing. Part A contains personal information, such as your name and address. **This is not seen by the selection panel.** Part B is for information relevant to your application. It is the only part of your application the selection panel will receive.

The information that you provide in Part B of your application is the only information we will use in deciding whether or not you will be short-listed for interview. Before filling in your form you should read the specification above carefully. This is to make sure that you know what the appointment involves and the skills and qualities needed. Part B of the form is your chance to demonstrate that you have the skills required. You should use section 5 of the application form (Skills and Knowledge) to address each of the skills listed. **You should use specific evidence to support your statements.** You must show us what you did, the reasons for your action, what happened, what you took into account and the outcome. The selection panel will not make any assumptions about your skills and abilities, for instance through job titles.

You should fill in the forms as completely and as clearly as possible. Please do not send us your Curriculum Vitae instead of a completed form as it will not be considered. This is so we can assess all application forms equally.

The enclosed equal opportunities monitoring and political activity forms should also be completed and returned.

The information provided in the political activity questionnaire shall remain confidential until the Selection Panel has agreed the candidate to be recommended to the Parliament for nomination to Her Majesty for appointment. At this time, the information will be released to the Selection Panel to make panel members aware of any such activity, prior to Parliament considering the nomination.

It should be stressed that the information provided by candidates regarding their political activity will **not** be a determining factor in the selection process.

The Selection Panel

The role of the Selection Panel is to recommend a candidate to Parliament for nomination to Her Majesty, for appointment.

Rule 3.11 of The Scottish Parliament’s Standing Orders provide for selections panels made up of Members of the Parliament to be established to consider various appointments which are made by Her Majesty the Queen on the recommendation of the Parliament.
Standing Orders also provide that the members of the Selection Panel will be the Presiding Officer, a relevant Committee Convener (in this case the Convener of the Justice Committee) and at least 4 but no more than 7 other Members appointed by the Presiding Officer having regard to the political balance in the Parliament. In this case, in addition to the Presiding Officer and the Committee Convener the panel will comprise 5 other Members of the Parliament.

An Independent Assessor will oversee the process and be present at the interviews to ensure the appointment process conforms to good practice and to confirm or otherwise, that the nomination of the candidate is being made on merit after a fair, open and transparent process.

**Selection Process**

Short listing will take place in November 2011. Those applicants who appear from the information provided to have the best skills and knowledge for the post will be invited to interview.

Interviews will be held on **5 December 2011**.

Applicants selected for interview may be required to make an oral presentation to the Selection Panel. If so, candidates will be advised of the topic when invited to interview.

The Selection Panel will identify its preferred candidate and the candidate will be invited to confirm that he/she wishes to be nominated to the Parliament. A Motion nominating the individual to Parliament will be laid following the satisfactory completion of pre-appointment checks.

**Submitting your Application**

Please send your completed Application Form (Parts A and B) and Equal Opportunities Monitoring Form and Political Activity Form to the Scottish Parliament, Officeholder Services, Room Q4.01, Edinburgh, EH99 1SP, by **no later than 5pm on Monday 31 October 2011**.

If you wish to have your application acknowledged please write your name and full postal address on the acknowledgement card provided, **affix a stamp**, and return the card with your completed application form. The card will then be posted back to you. If you do not receive the card within 7 days please e-mail: officeholder.applications@scottish.parliament.uk or telephone 0131 348 6851 (RNID typetalk 18001 0131 348 6851).

Applications can be e-mailed to: officeholder.applications@scottish.parliament.uk

An on-screen version of the application can be found on our website at [www.scottish.parliament.uk/abouttheparliament/12442.aspx](http://www.scottish.parliament.uk/abouttheparliament/12442.aspx)
Equal Opportunities

The Scottish Parliamentary Corporate Body is committed to promoting equality of opportunity and treatment and to eliminating unfair discrimination in its employment/appointment practices.

If you require any of the documentation in an alternative format, or you have any queries about the post or the selection process, please contact Janice Crerar, The Scottish Parliament, Edinburgh EH99 1SP (telephone 0131 348 6851) or at janice.crerar@scottish.parliament.uk
Additional Information

Please indicate if you have ever been convicted of any offence (other than minor motoring offences) which are not spent in accordance with the Rehabilitation of Offenders Act 1974 or if any charges are outstanding; been adjudged bankrupt or made a composition or arrangement with your creditors over the past 10 years; been dismissed from any office or employment over the past 10 years; ever been disqualified from acting as a company director or in the conduct of a Company; ever been a director, partner or manager of a company which has gone into liquidation, receivership or administration; any other facts to declare which you feel might be raised in public in future in relation to your suitability to hold appointment for which you are being considered, for example, because they could be presented as a conflict of interest.