

A FOI officer's life: After the *Rashomōn*

From: The FOI Officer

To: The Qualified Person

Submission under section 36b(ii) of the FOI Act, which relates to the prejudice to the effective conduct of public affairs and, specifically, the free and frank exchange of views for the purposes of deliberation.

1. The information requested relates to the working life and the esteem in which a FOI officer is held.
2. Although the information is not usually held, we have located the material at Appendix A, which was (unfortunately) recorded by a former FOI officer as part of a complaint to his line manager.
3. We have also located the material at Appendix B, which was the version of the complaint forwarded by the FOI officer's line manager to senior management.
4. Although the material contains some personal views, it cannot be described as personal data as it is in an anonymised form.
5. There is a great public interest in members of the public understanding the challenges of a FOI Officer and the process of release of information.
6. The in-house health and wellbeing lead has considered this material and advised that members of the public will be overwhelmed by despair by the life of the FOI officer, which would prejudice the effective conduct of public affairs.
7. Release of the information will prevent us from recruiting high calibre candidates in the future and will harm the work of the public authority, which would also prejudice the effective conduct of public affairs.
8. Release of it will harm the ability of FOI staff to express their concerns and so enable management to deliberate on how to improve their working lives and the work of the public authority.
9. We therefore submit that the public interest is in withholding
10. A decision is needed soon after 31 December 2012 and, in any event, by the IRMS annual conference.

Appendix A:

I came home a few months ago and my ten year old asked why my hands were flecked with black marks. I told him.

A little while later, when I met a future brother-in-law, and conversation politely turned to what we did for a living, my ten year old sniggered and explained that I coloured in bits of paper for a living. The joke in the family still lingers and now that it

is Christmas, and all the wags are gathered in one room, I am dreading it. After all, it is impossible to explain that that redacting documents with a marker pen to remove personal data and commercially sensitive material is a real skill. It is easier to go along with the jibe that I colour in, while friends and relative bask in the glory of being computer technicians, retail managers and having 'proper' jobs.

Leave my family aside – it is often impossible to explain to my colleagues what I do. Some of them regard me as someone who monitors a mailbox, forwarding on FOIs to the relevant team and sending out what they send me. And very occasionally, this is true. With the easy ones.

I was talking to a PA once about the reluctance of her boss to clear a public interest test relating to a contract. About halfway through the conversation I realised that she thought that her boss had drafted the public interest test and that I didn't really understand it. It did not occur to her that I had drafted the public interest test based on the fragments of information that I had been given (I was not confident that her team even understood how to undertake one). When I pointed this out, she stopped dead. But as it was the public sector, a place where, in some offices, the ethos can be so politically correct that people will sometimes not ask after an absent colleague lest they are seen as being too intrusive, she did not dare put into words her obvious surprise that I, as a mere FOI officer, that public servant who only ever monitors a mailbox, could actually write a complex public interest test.

I also recall the 'who do you think you are?' expression on senior colleagues' faces when I tried to press them about the actual harm that would (or would be likely) to result in release of some information. This is why the FOI training that I have been ramming down people's throats in the organisation now has a page devoted to explaining that the reason I have to challenge people robustly over the harm is that I have dual loyalties – to make sure that members of the public are well represented in the organisation in getting as much information out as possible and to make sure that the reputation of the organisation is safeguarded. In all events, it is my job to forestall an ICO decision notice that ends with a sorrowful 'I further note that during the course of the Commissioner's investigation the public authority has shown an apparent lack of knowledge of the requirements of the FOIA and the Commissioner would expect the public authority to improve the quality of its responses in the future.'

Equally, members of the public are often suspicious of the FOI officer. We are the gatekeepers to information and I have come across members of the public who think

that I spend my day nailing the gate shut. What they do not realise is that I do not own the information, that I have often read it for the first time and have found it interesting and mostly think that release will be harmless. About the only things that I ever get very worried about (in the normal course of work, although there are exceptions) is personal data.

So, neither my family, my colleagues nor members of the public have any respect for me.

Appendix B:

I came home a few months ago and my ten year old asked why my hands were flecked with black marks. I told him.

A little while later, when I met a future brother-in-law, and conversation politely turned to what we did for a living, my ten year old interrupted and explained that I coloured in for a living. The family really enjoyed the joke but after I had explained that the skill in redacting documents with a marker pen to remove personal data and commercially sensitive material, they marvelled at my attention to detail. All of my friends and relatives understood that for all the expertise in their areas of computers and retail, that what I did was difficult and important.

Leave my family aside – it is often a challenge to explain to my colleagues what I do. Some of them recognise me as someone deeply versed in FOI law and not someone who just forwards on FOIs to the relevant team and sending out what they send me. I was talking to a PA once about the reluctance of her boss to clear a public interest test relating to a contract. About halfway through the conversation I realised that she thought that her boss didn't really understand it. She knew that I had drafted the public interest test based on the fragments of information that I had been given (I was not confident that her team even understood how to undertake one) and was troubled by the idea of discussing how someone on more than our combined salaries could not understand something written so clearly. When I gave voice to this, she stopped dead. But as it was the public sector, a place where, in some offices, the ethos can be so politically correct that people never talk about the weaknesses of their colleagues (at least, not outside of the circle that they know and trust – public servants are not angels) we had to wrestle with the fact that I, as a mere FOI officer, could actually write a public interest test for a member of the public to understand, but which a senior official could not understand.

I also recall the ‘who do you think you are?’ expression on senior colleagues’ faces when I tried to press them about the actual harm that would (or would be likely) to result in release of some information. But this has been assuaged by FOI training that people in the organisation have been making time for me to deliver to them. I have a slide devoted to explaining how I have to challenge people robustly over the any harm done by release. I have dual loyalties – to make sure that members of the public are well represented in the organisation in getting as much information out as possible and to make sure that the reputation of the organisation is safeguarded. They are grateful that it is my job to forestall an ICO decision notice that ends with a sorrowful ‘I further note that during the course of the Commissioner’s investigation the public authority has shown an apparent lack of knowledge of the requirements of the FOIA and the Commissioner would expect the public authority to improve the quality of its responses in the future.’

Equally, members of the public are often relieved to talk to the FOI officer. We are the gatekeepers to information and I have come across members of the public who are very happy to speak to someone who they feel is on their side. What they do realise is that I do not own the information, and that I have no vested interest in withholding it. About the only things that I ever get very worried about (in the normal course of work, although there are exceptions) is personal data.

So, now that I have explained my work, my family, my colleagues and members of the public have lots of respect for me. Honest.

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