

30 August 2024

Case Reference IC-315744-JOP5

Request

You asked us about the ICO's Interim Chief Executive Officer vacancy, which has since been taken down from the website you have linked below:

"Dear Information Commissioner's Office,

<https://www.gatenbysanderson.com/job/GSe...>

Please provide all information held about the drafting of this vacancy. Please also provide information about the chain of approval that led to the final draft. Please also provide information about whether the Information Commissioner paid for external advice on this subject and if so how much was paid and to who."

We received your request on 22 May 2024, however due to a technical factor at our end, our team did not receive sight of it until a significant time after that date.

We apologise for the delay and any inconvenience this may have caused.

We have handled your request under the Freedom of Information Act 2000 (the FOIA).

Our response

Please find the attached bundle of correspondence which contains information about the drafting of the vacancy and the chain of approval for it.

We have redacted the information which is not in scope of your request.

We did not pay for external legal advice on this particular subject, so we do not hold that particular information.

FOIA section 40(2)

You will see that some third party personal data has been redacted in our response. It is exempt under section 40(2) of the FOIA.

Disclosure of this data would break the first principle of data protection - that personal data is processed lawfully, fairly and in a transparent manner.

There is no strong legitimate interest that would override the prejudice that disclosure would cause to the rights and freedoms of the individuals concerned. So we are withholding the information under section 40(2) of the FOIA.

FOIA section 31

We have redacted some internal email addresses under section 31(1)(g) of the FOIA.

We can do this when the disclosure of information "*would, or would be likely to, prejudice...the exercise by any public authority of its functions for any of the purposes specified in subsection (2).*"

In this case the relevant purposes contained in subsection 31(2) are 31(2)(a) and 31(2)(c):

" a. the purpose of ascertaining whether any person has failed to comply with the law," and

"c. the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise."

Misuse of internal email addresses that exist to support ICO staff would likely prejudice our ability to perform our regulatory functions. Disclosure would leave us vulnerable to phishing or other cyber-attacks, spam, or an increased volume of irrelevant correspondence which it would take us time to process.

There are other channels that the public can use to contact us, and they are publicly available via [our website](#).

The exemption at section 31(1)(g) is not absolute. When considering whether to apply it in response to a request for information, there is a 'public interest test'. We have to consider whether the public interest favours withholding or disclosing the information.

In this case the public interest factor in favour of disclosing the information is:

- Increased transparency in the way in which the ICO conducts its business.

The public interest factors in maintaining the exemption are as follows:

- Internal email addresses being used inappropriately will reduce the effectiveness and efficiency of our regulatory functions.
- The public interest in transparency is met by the public provision of other more appropriate means of contacting us.

Having considered all of these factors we have taken the decision that the public interest in withholding the information outweighs the public interest in disclosing it.

Next steps

You can ask us to review our response. Please let us know in writing if you want us to carry out a review. Please do so within 40 working days.

You can read a copy of our full [review procedure](#) on our website.

If we perform a review but you are still dissatisfied, you can complain to the ICO as regulator of the FOIA. This complaint will be handled just like a complaint made to the ICO about any other public authority.

You can [raise a complaint](#) through our website.

Your information

Our [privacy notice](#) explains what we do with the personal data you provide to us, and sets out [your rights](#). Our [Retention and Disposal Policy](#) details how long we keep information.

Yours sincerely



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**For information about what we do with personal
data see our [privacy notice](#)**