

Date 31 October 2018

EDIR: 20269

Mr Craig Cummings
request-513410-2275f4b4@whatdotheyknow.com

Dear Mr Cumming,

Subject: Review

I have considered your request for a review in which you explained you were dissatisfied that the Council had not given you certain finalised job evaluation scores and that you are uncertain as to why release of the same would be harmful to the conduct of public affairs. I have carried out a review in accordance with the provisions of the Freedom of Information (Scotland) Act 2002, ("FOISA") and now advise that I have upheld the original response provided to you.

The Council continue to rely upon section 30 (c) as a basis for exemption from release of factor scores. I have set out section 30(c) of FOISA below:-

"Prejudice to effective conduct of public affairs - Information is exempt information if its disclosure under this Act— ... (c) would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs."

This sets out that when processing freedom of information requests the Council is able to maintain that they are not able to release the finalised information you are seeking as all post holders have not been confirmed as a consequence of the relevant service area review.

The review process is used to determine if the Council's original response was incorrect. Having reviewed the process and determined that the information would be available once interview processes are finalised, in circumstances where release of relevant scores is [only] to (a) the job holder and (b) the Manager of that post.

The job evaluation factor scores held for the two posts you have requested information for were finalised on 27 June 2018. The posts referred to have not yet been filled as the process is still ongoing. To release such scores prior to appropriate finalisation, given that interviews have not yet taken place and no post holders have been appointed, would be likely to cause substantial prejudice to the effective conduct of public affairs.

If we were to routinely disclose finalised job evaluation scores prior to conclusion of interviews and confirmation of post holders thereafter, this would be harmful to the operation of public affairs.

Once the interview process is finalised, the scores may only be provided to (a) the job holder and (b) the Manager of that post. To release such scores prior to appropriate finalisation would be

Chris Peggie, Review Officer, Strategy & Insight Division

Level 2.1 Waverley Court, 4 East Market Street, Edinburgh EH8 8BG

Tel 0131 529 4494 E-mail review@edinburgh.gov.uk

likely to cause substantial prejudice to the effective conduct of public affairs. The Council cannot issue job evaluation scores through a review request.

The exemption in section 30(c) is subject to the public interest test in section 2(1)(b) of FOISA. We have applied the public interest test to your request. Although there is a clear public interest in the Council promoting transparency and accountability through the disclosure of information relating to job evaluation scores, the Council has a duty to its processes in concluding evaluation and review processes once interviews and post holders are confirmed. Releasing the evaluation scores into the public domain would substantially prejudice our ability to fulfil this duty and is not in the public interest.

Therefore, I consider the public interest is best served by withholding the information.

Please note that this letter constitutes a formal refusal notice under section 16 of the Freedom of Information (Scotland) Act 2002.

If you are unhappy with this review outcome or the way we handled your request and review, you have a right of appeal to the Scottish Information Commissioner. You must submit your complaint to the Commissioner within 6 months of receiving this review response. The Commissioner can be contacted at:

The Office of the Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

Telephone: 01334 464610
Fax: 01334 464611

Website www.itspublicknowledge.info/Appeal
E-mail: enquiries@itspublicknowledge.info

Please note that, once the Commissioner provides you with a decision on any application made to him, you have the right to lodge an appeal against the decision on a point of law to the Court of Session.

Yours sincerely,

Chris Peggie
Review Officer