



Freedom of Information & Privacy Officer

Position Detail			
Reports To	General Counsel	Group	Office of the Chief Executive Officer
Classification	MRP1	Location	AWB, Canberra
Reports – Direct Total	0 (zero)		

Organisational Environment

Airservices Australia (**Airservices**) is a government owned organisation providing safe, secure, efficient and environmentally responsible services to the aviation industry.

Each year we manage over four million aircraft movements carrying more than 156 million passengers, and provide air navigation services across 11 per cent of the world's airspace.

Airservices has two major operating centres in Melbourne and Brisbane and a corporate office in Canberra. We operate 29 air traffic towers at international and regional airports, and provide aviation rescue fire-fighting services at 26 Australian airports.

We are committed to continuing to improve our business by providing our customers with services they value, and embedding new ways of working and technology investments to further innovate and optimise.

The Freedom of Information and Privacy Officer role sits within the Legal Services function which is led by the General Counsel and Board Secretary.

Primary Purpose of Position

As the Freedom of Information and Privacy, you will have primary responsibility for ensuring Airservices' compliance with its obligations under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) and the *Privacy Act 1988* (Cth) (**Privacy Act**) and all related regulations, standards and codes (including the Privacy (Australian Government Agencies – Governance) APP Code 2017 (**Privacy Code**)).

You will be the Airservices decision-maker for requests under the FOI Act, the Privacy Officer for the purpose of the Privacy Code and the Privacy Contact Officer for the purposes of the *Airservices Australia Privacy Policy*.

Accountabilities and Responsibilities

- **Privacy and data breaches:** Fulfilling the functions of a Privacy Officer under the Privacy Code, including but not limited to handling internal and external privacy enquiries; responding to requests for access to, and correction of, personal information; responding to responding to alleged breaches of the Australian Privacy Principles; maintaining all necessary and appropriate records in relation to complaints alleged breaches and requests with respect to personal information, including an up to date centralised record of Airservices' personal information

holdings; liaising with the Office of the Australian Information Commissioner (**OAIC**) on privacy matters; maintaining awareness of best practice and emerging issues in personal information management; reviewing and updating privacy statements, notices, and template contract terms and correspondence; measuring and documenting Airservices' performance against its privacy management plan (at least annually); managing the development and delivery of privacy training to Airservices staff; ensuring Airservices' compliance with the Notifiable Data Breach Scheme under the Privacy Act (including urgent assessment of whether data incidents are eligible data breaches, and notifying the OAIC and affected individuals where required in accordance with the Privacy Act), and providing expert privacy advice to Airservices staff in the context of complaints and disputes, procurement and other commercial transactions involving personal information, and day to day operations.

- **FOI:** Acting as the first point of contact for all FOI matters for both internal and external parties; as the principal authorised officer of Airservices for the purposes of s23 of the FOI Act, making decisions in relation to requests for access in accordance with the FOI Act and all related Regulations; working effectively with Airservices staff to facilitate identification and review of relevant records; maintaining all appropriate records of FOI requests, assessments and decisions; ensuring regular reporting to the General Counsel and other Airservices staff as required in relation to the management of requests under the FOI Act, and any related external processes such as third party consultations; providing advice to Airservices on its obligations under the FOI Act and related Regulations; maintaining awareness of best practice within Commonwealth agencies in relation to FOI matters and ensuring that wherever possible Airservices matches best practice in such matters; managing the delivery of FOI training for staff and the development of online resources about FOI matters for internal and external stakeholders; maintaining positive relationships with external stakeholders including the OAIC.
- **Privacy and FOI related legal proceedings:** in conjunction with internal and/or external legal counsel, support Airservices' management of legal proceedings under the FOI Act or Privacy Act, including assistance with preparation of submissions and evidence

FOI and Privacy Internal and External Reporting, and responding to Audits and External Review Recommendations:

- prepare and ensure the timely submission of all internal and external reporting required in relation to FOI and Privacy matters, including the required statistical reporting to the OAIC;
- ensure that all actions required or agreed to be undertaken in response to internal or external audits and external reviews are completed in accordance with applicable requirements as to timing and otherwise.

People

- Actively influence stakeholders (across all levels of Airservices) to create a culture that values privacy and personal information and which understands and positively engages with FOI requests.
- Provide a high standard of client service and maintain strong client relationships.

Policies and Risk Management

- Take responsibility for the design, development, implementation and continuous improvement of relevant policies and procedures to ensure compliance with the FOI Act and Privacy Act and all related Regulations, Codes and applicable law.
- Support the integration of FOI and privacy related policies and procedures into Airservices Risk Management and Assurance frameworks.

Key Performance Indicators

Efficient, Effective and Accountable

- Implementation and ongoing operation of Airservices Australia's Privacy Management Plan, including regular and appropriate internal stakeholder training.
- Implementation and ongoing operation of Airservices Australia's Data Breach Response Plan, including regular and appropriate internal stakeholder training.

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- Implementation and ongoing operation of Airservices Australia's Freedom of Information framework, including regular and appropriate internal stakeholder training.
 - Promotion of strong privacy governance, capability and overall best practice within Airservices

Commercial

- Compliance with all relevant legislative deadlines.
- Effective engagement with external stakeholders, including in consultations under the FOI Act and in relation to oversight bodies such as the OAIC.

Safety

- Compliance with Airservices' workplace health and safety standards, Code of Conduct and safety-related Policies and Procedures.

Key Internal Relationships

- General Counsel and Senior Legal Counsel
- Privacy Champion
- Privacy Officers
- FOI Action Officers

Skills, Competencies and Qualifications

Essential Skills and Competencies

- Substantial experience acting as an FOI and Privacy Officer (or equivalent role such as a senior member of an FOI and Privacy Team)
- In depth knowledge and understanding of the Privacy Act, the Privacy Code, and related Regulations and Guidelines (or equivalent State instruments) and other legislation applicable to Airservices which is relevant to the handling of personal information, such as income tax legislation.
- In depth knowledge and understanding of the FOI Act and related Regulations and Guidelines (or equivalent State instruments)An awareness of case law and reference materials (such as those made available by the OAIC) with respect to the interpretation of FOI and Privacy legislation and an understanding of the mechanisms for internal and external review of decisions under the FOI Act and the Privacy Act (or equivalent State instruments)
- A demonstrated ability to act with integrity and independence as a statutory decision-maker
- Demonstrated ability to respond to data incidents, including leading and coordinating responses to actual and suspected data breaches in accordance with legislative requirements
- Demonstrated ability to draft correspondence, templates, briefing material and reports relating to the management of FOI and Privacy obligations
- A proven ability to acquire an understanding of the business and operations of a substantial organisation, including the strategic priorities of the organisation, its key stakeholders, major projects and record keeping systems, which will assist in making relevant decisions such as decisions with regard to third party consultations, and decisions as to the balancing of factors for and against disclosure in the context of conditionally exempt records
- Experience in the design and delivery of training in relation to FOI and privacy, to build staff capability and organisational maturity in these areas, and a demonstrated commitment to continuous improvement

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- Effective time management skills to enable decision-making in relation to both FOI and Privacy in accordance with legislative requirements
 - Strong written and verbal communication and interpersonal skills to support engagement with a wide range of internal and external stakeholders
 - Strong records management capabilities, including a proven ability to implement organisational records policies and standards, to comply with legislative requirements relating to records (such as the Commonwealth Archives Act) and in the maintenance and management of databases and other record-keeping systems required to ensure compliant and effective FOI and privacy functions
 - Proficiency with the Microsoft Office suite, Adobe Professional, and Sharepoint

Qualifications

- Tertiary qualifications in law strongly preferred but candidates without these qualifications who have the Essential Skills and Competencies will be considered

Performance Standards and Behaviours

As a member of Airservices, you will consistently demonstrate performance standards and behaviours that are in accordance with our Code of Conduct. This includes:

- Treating everyone with dignity, respect and courtesy.
- Acting with honesty and integrity.
- Acting ethically and with care and diligence.
- Complying with all Airservices' policies and procedures, and applicable Australian laws.
- Disclosing, and taking reasonable steps to avoid any actual, potential or perceived conflict of interest.
- Behaving in a way that upholds our vision, mission and values, and promotes the good reputation of Airservices.