

Request No: ELIR00344

Received: 08.02.23

Resolved: 15.02.23

## Subject: Staffing Structure

Hi, I'm interested in your staff management structure, particularly relating to the management of your golf courses. I intend to use this information to compare how the Trusts in each local authority area vary in their approach. In particular, do you have a single management team for all the different leisure area's or do you take a similar approach to Fife in that the Golf Trust is separate entity from their Leisure Trust.

Please be aware I have no intention to publish any information shared.

## Response

The request for information has been processed under the terms of the Freedom of Information (Scotland) Act 2002. Unfortunately, Edinburgh Leisure is only able to meet part of the request.

### **Application of Exemptions**

The information asked for regarding [our staff management structure, particularly relating to the management of your golf courses](#) will not be released in full.

Under the terms of the Act, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, Edinburgh Leisure is applying the following exemption to the information that you have requested:

### **S38 (1) (b) Personal Information (third parties).**

We have provided the documents outlined in '**Documents Enclosed**' in our response which provides the information requested however we have redacted the names of all Edinburgh Leisure staff and third parties from the documents enclosed.

The redacted names are of Edinburgh Leisure personal who have not consented to the release of their personal data.

Section 38 of the Freedom of Information (Scotland) Act 2002 (FOISA) contains four exemptions, all relating to personal information. Information is exempt from disclosure if it is:

- (i) the personal data of the person requesting the information (section 38(1)(a));

- (ii) the personal data of a third party – but only if other conditions apply (section 38(1)(b));
- (iii) personal census information (section 38(1)(c)); or
- (iv) a deceased person's health record (section 38(1)(d)).

The exemptions in sections 38(1)(a) and (b) regulate the relationship between FOISA, the General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

Under the terms of the Act, a request for information can be refused where one or more exemptions listed in the legislation apply. In this instance, Edinburgh Leisure applied the following exemption to the information that you have requested: **S38 (1) (b) Personal Information (third parties)**.

"Personal data" is defined in section 3(2) of the DPA 2018 as "any information relating to an identified or identifiable living individual". Section 3(3) of the DPA 2018 defines "identifiable living individual" as "a living individual who can be identified, directly or indirectly, in particular by reference to – (a) an identifier such as a name, an identification number, location data or an online identifier, or (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual."

Disclosing the personal data within the documents enclosed would contravene the data protection principles in Article 5 (1)(a) of the GDPR. Article 5(1)(a) states that personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

Condition (a): consent 22. Condition (a) states that the processing will be lawful if the data subject has given consent to the processing of his or her personal data for one or more specific purposes. 23. "Consent" is defined in Article 4 of the GDPR as- "... any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her" 24.

Please note that this response constitutes partial release under the Freedom of Information (Scotland) Act 2002.

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

To promote transparency and accountability, please note it is Edinburgh Leisure's Policy to publish all request details and responses made under freedom of information legislation. This information will be made available through Edinburgh Leisure's website and will not include your personal details. The disclosure log is available [here](#).

#### **Documents Enclosed**

Operations Team Indoor Venues 2022\_Redacted

Operations Team Citywide Venues Services 2022\_Redacted