

**Request No: ELIR00415**

**Received: 09.08.24**

**Resolved: 02.09.24**

**Subject / Request:** Request for Information Asbestos at RCP

1. All and any information relating to all contractors who worked on the Royal Commonwealth Pool
  - Q1 relates purely to the construction of the Royal Commonwealth Pool, so only during that period. A brief search suggests this was between 1967 and 1969, though if you have any documents suggesting it extends beyond that please do extend the period. Do we have any held information on this?
2. All and any information relating to the presence of asbestos in the Royal Commonwealth Pool
  - Q2 extends from the completion of the Pool to the modern day, so from 1970 until 2024. I do not know exact dates when the pool building was worked on or refurbished, though I would guess that perhaps around the commonwealth games this may be particularly relevant? If you have any details of asbestos removal contractors brought in during the period of 1970 to 2024 it would be appreciated if you could include those.
3. All and any asbestos surveys or asbestos registers relating to the Royal Commonwealth Pool
4. All any documents referring to the presence of asbestos in Royal Commonwealth Pool
5. All and any information relating to the removal of asbestos from the Royal Commonwealth Pool
6. All any documents relating to the removal of asbestos from the Royal Commonwealth Pool.

## Our Response

The request has been processed under the terms of the Environmental Information (Scotland) Regulations 2004 (EIRs).

### Partial Release of Information

Unfortunately, Edinburgh Leisure is only able to meet part of the request; this information is released now in the format requested.

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**Edinburgh Leisure**  
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<p><b>Q2.</b></p>	<p>All and any information relating to the presence of asbestos in the Royal Commonwealth Pool</p> <ul style="list-style-type: none"> <li>- Q2 extends from the completion of the Pool to the modern day, so from 1970 until 2024. I do not know exact dates when the pool building was worked on or refurbished, though I would guess that perhaps around the commonwealth games this may be particularly relevant? If you have any details of asbestos removal contractors brought in during the period of 1970 to 2024 it would be appreciated if you could include those.</li> </ul>
<p><b>Response</b></p>	<p><b>Response Documents</b></p> <ul style="list-style-type: none"> <li>• RCP – Asbestos Drawing (After refurb)_Redacted</li> <li>• A4-Plan_563025_Royal-Commonwealth Pool_Redacted</li> <li>• O&amp;M Asbestos</li> <li>• Site inspection report</li> <li>• Lucion_reports_563025</li> <li>• Asbestos Condition methodology_Redacted</li> <li>• Asbestos priority matrix</li> <li>• HSE Working with asbestos</li> <li>• Asbestos condition report Boiler House</li> <li>• Asbestos condition report Calorifier Room</li> <li>• Asbestos condition report CCTV room</li> <li>• Asbestos condition report Changing village</li> <li>• Asbestos condition report Staff Disabled Change</li> <li>• Asbestos condition report Dive Pool</li> <li>• Asbestos condition report Family Change</li> <li>• Asbestos condition report Female Dry Change</li> <li>• Asbestos condition report Filter Plant Room</li> <li>• Asbestos condition report First Aid Room</li> <li>• Asbestos condition report Group change</li> <li>• Asbestos condition report Male Dry change</li> <li>• Asbestos condition report Staff change lane</li> <li>• Asbestos condition report Staff room</li> <li>• Asbestos condition report Studio 3</li> <li>• Asbestos condition report Teaching Pool</li> </ul> <p><b>Regulation 11: Personal Data.</b></p> <p>Edinburgh Leisure has provided you with all the documents mentioned</p>

	<p>above however we have redacted the personal data of all third parties from the documents.</p> <p>Please see <b>Application of Exceptions</b> below.</p>
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<b>Q3.</b>	<p>All and any asbestos surveys or asbestos registers relating to the Royal Commonwealth Pool</p>
<b>Response</b>	<p><b>Response Documents</b></p> <ul style="list-style-type: none"> <li>• RCP Asbestos Survey (Original 2003)_Redacted</li> <li>• Grahams asbestos register_Redacted</li> <li>• Asbestos Survey (Completed at 1433 on 16-04-24)_Redacted</li> <li>• Lucion_reports_563025</li> </ul> <p><b>Regulation 11: Personal Data.</b></p> <p>Edinburgh Leisure has provided you with all the documents mentioned above however we have redacted the personal data of all third parties from the documents.</p> <p>Please see <b>Application of Exceptions</b> below.</p>

<b>Q4.</b>	<p>All any documents referring to the presence of asbestos in Royal Commonwealth Pool</p>
<b>Response</b>	<p><b>Response Documents</b></p> <ul style="list-style-type: none"> <li>• RCP – Asbestos Drawing (After refurb)_Redacted</li> <li>• A4-Plan_563025_Royal-Commonwealth Pool_Redacted</li> <li>• O&amp;M Asbestos</li> <li>• Site inspection report</li> <li>• Lucion_reports_563025</li> <li>• Asbestos Condition methodology_Redacted</li> <li>• Asbestos priority matrix</li> <li>• HSE Working with asbestos</li> <li>• Asbestos condition report Boiler House</li> <li>• Asbestos condition report Calorifier Room</li> <li>• Asbestos condition report CCTV room</li> <li>• Asbestos condition report Changing village</li> <li>• Asbestos condition report Staff Disabled Change</li> <li>• Asbestos condition report Dive Pool</li> <li>• Asbestos condition report Family Change</li> </ul>

	<ul style="list-style-type: none"> <li>• Asbestos condition report Female Dry Change</li> <li>• Asbestos condition report Filter Plant Room</li> <li>• Asbestos condition report First Aid Room</li> <li>• Asbestos condition report Group change</li> <li>• Asbestos condition report Male Dry change</li> <li>• Asbestos condition report Staff change lane</li> <li>• Asbestos condition report Staff room</li> <li>• Asbestos condition report Studio 3</li> <li>• Asbestos condition report Teaching Pool</li> <li>• RCP Asbestos Survey (Original 2003)_Redacted</li> <li>• Grahams asbestos register_Redacted</li> <li>• Asbestos Survey (Completed at 1433 on 16-04-24)_Redacted</li> <li>• Lucion_reports_563025</li> </ul> <p><b>Regulation 11: Personal Data.</b></p> <p>Edinburgh Leisure has provided you with all the documents mentioned above however we have redacted the personal data of all third parties from the documents.</p> <p>Please see <b>Application of Exceptions</b> below.</p>
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<b>Q5.</b>	<a href="#">All and any information relating to the removal of asbestos from the Royal Commonwealth Pool</a>
<b>Response</b>	<p>Regulation 10(4)(a) Information Not held – please see below.</p> <p>The Asbestos removal and encapsulation of asbestos was done as part of the 2012 refurbishment and will need to be provided by CEC.</p> <p><b>The City of Edinburgh Council will respond to this question.</b></p>

<b>Q6.</b>	<a href="#">All any documents relating to the removal of asbestos from the Royal Commonwealth Pool.</a>
<b>Response</b>	<p>Regulation 10(4)(a) Information Not held – please see below.</p> <p>The Asbestos removal and encapsulation of asbestos was done as part of the 2012 refurbishment and will need to be provided by CEC.</p> <p><b>The City of Edinburgh Council will respond to this question.</b></p>

***Application of exceptions***

Under the terms of the EIRs, a request for information can be refused where one or more exceptions listed in the legislation apply. In this instance, Edinburgh Leisure is applying the following exception to the information that you have requested:  
**Regulation 11: Personal Data.**

We have provided the information however have redacted any third-party personal information from all documents.

<b>Exception(s)</b>	Regulation 11 of the Environmental Information (Scotland) Regulations 2004
<b>Why exception(s) applies</b>	<p>Regulation 11 of the Environmental Information (Scotland) Regulations 2004 (the EIRs) sets out when personal data can and cannot be disclosed under the EIRs. Regulation 10(3) makes it clear that, where a request for environmental information includes personal data, the personal data must not be made available (i.e. disclosed) otherwise than in accordance with regulation 11.</p> <p>Personal data must not be disclosed if it is:</p> <ul style="list-style-type: none"> <li>• the personal data of the person requesting the information (regulation 11(1));</li> <li>• the personal data of a third party – and other conditions apply (regulation 11(2)).</li> </ul> <p>The exceptions in regulation 11 regulate the relationship between the EIRs, the UK General Data Protection Regulation and the Data Protection Act 2018.</p>
<b>Public Interest</b>	The exceptions in regulation 11 are generally absolute, which means that they are not subject to the public interest test. However, in two specific situations, the exception in regulation 11(2) is subject to the public interest test. This means that, even if the exception applies, the personal data must be disclosed unless, in all the circumstances of the case, the public interest in making the personal data available is outweighed by the public interest in not making it available.
<b>Duration</b>	Regulation 11 applies regardless of how old the information is. In practice, this will be limited because the provisions can only be applied if the information relates to living individuals. The exceptions do not apply to personal information of deceased people.

Edinburgh Leisure has provided you with all the documents mentioned above however we have redacted the personal data of all third parties from the documents.

Please note that this letter constitutes a formal refusal notice under regulation 11 of the Environmental Information (Scotland) Regulations 2004.

**information is not held**

Edinburgh Leisure is relying on the exception in regulation 10(4)(a) of the EIRs for question 1 as this information is not held by us.

<b>Information which is the subject of the request and is not held</b>	<p>Q1: All and any information relating to all contractors who worked on the Royal Commonwealth Pool</p> <p>Q1 relates purely to the construction of the Royal Commonwealth Pool, so only during that period. A brief search suggests this was between 1967 and 1969, though if you have any documents suggesting it extends beyond that please do extend the period. Do we have any held information on this?</p>
	<p>Q5: All and any information relating to the removal of asbestos from the Royal Commonwealth Pool</p>
	<p>Q6: All any documents relating to the removal of asbestos from the Royal Commonwealth Pool.</p>
<b>Response</b>	<p>Regulation 10(4)(a) Information Not held.</p> <p>Edinburgh Leisure can only provide information about the management of the venue, we cannot provide the details of the contractors who worked on the original build or refurbishment where asbestos was removed. These projects were run by The City of Edinburgh Council (CEC) and they will hold that information.</p> <p><b>The City of Edinburgh Council will respond to this question.</b></p>

This refusal notice is provided in accordance with Regulation 13 of the Environmental Information (Scotland) Regulations. You have requested certain environmental information which we are unable to disclose to you. Further information about this decision is set out below.

<b>Exception(s)</b>	Regulation 10(4)(a) of the Environmental Information (Scotland) Regulations 2004
<b>Why exception(s) applies</b>	Regulation 10(4)(a) applies as the requested information about question 1, 5 & 6 (noted above) as it is not held by Edinburgh Leisure. We believe this information is held by <b>The City of Edinburgh Council</b> who will respond to this question.

**Public Interest**

Edinburgh Leisure does not hold information about question 1, 5 or 6 (noted above) and therefore cannot assess the public interest in making the information available as no information is held on the matter.

Please note that this letter constitutes a formal refusal notice in accordance with regulation 10 (4)(a) and regulation 13 of the Environmental Information (Scotland) Regulations 2004.

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