

Official

Ref: FOI-307

Sent via email only: [REDACTED]

Dear [REDACTED]

10 June 2021

1. Thank you for your email of 31 March 2021 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act').
2. Specifically, your request was as follows (UKAD has numbered the questions in your request for ease of reference):

"At the end of 2010, UKAD informed British Cycling of an anomalous finding of nandrolone in a sample taken from one of their riders.

1. *Please could you provide all documents (including letters, emails and minutes of any meetings or notes of conversations) relating to BC being informed of the finding, their response to UKAD and any subsequent correspondence* (including letters, emails and minutes of any meetings or notes of conversations).*

**The subsequent correspondence would include any documents sent between the two bodies relating to this particular finding, a request by BC to conduct some private testing and also any follow up documentation about that testing. They would also include correspondence from BC/s chosen testing centre to UKAD.*

2. *In addition, please could you provide any documents (including letters, emails and minutes of any meetings or notes of conversations) concerning requests to UKAD from any other Olympic sport to conduct private testing on athletes in the years 2010-2012 (inclusive) and UKAD's response to any such request."*

Summary of Response

3. In relation to Question 1, UKAD neither confirms nor denies that it holds information responsive to this request. The detail of the basis for this response is set out below. Please note that this “neither confirm nor deny” response to your request should not be taken as an indication that the information you requested is or is not held by UKAD.
4. In relation to Question 2, UKAD does not hold any documents responsive to this request.

Response

5. UKAD neither confirms nor denies that it holds the information requested in Question 1. In doing so, UKAD relies on the exemption in section 31 of the Act.

Section 31 – law enforcement

6. Section 31(1) provides as follows:

Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice – (g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2) ...

7. Section 31(2) provides:

The purposes referred to in subsection (1)(g) to (i) are – (b) the purpose of ascertaining whether any person is responsible for any conduct which is improper...

8. Section 31(3) further provides:

The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice any of the matters mentioned in subsection (1).”

9. UKAD's functions, including the sample testing process in the system that applies under the UK Anti-Doping Rules ('the Rules')¹, clearly fall within the scope of the exemption provided at 31(2)(b) of the Act.
10. Pursuant to the Rules and the World Anti-Doping Agency's Code and International Standards², and to safeguard its effectiveness, all stages of the sample testing process are confidential, and so specific information generated by or derived from it, including whether or not any particular test took place and any test results (to the extent such exists) will only be published if it is determined that an Anti-Doping Rule Violation (or 'ADRV') has been proved³.
11. UKAD's position is that any other disclosures, including confirmation as to the presence or otherwise of such information, would undermine the integrity and effectiveness of the testing programme and so prejudice the exercise of UKAD's functions.
12. For similar reasons, UKAD considers that the public interest lies in not confirming or denying whether we hold the information responsive to your request. UKAD of course recognises the importance of transparency⁴ and accountability in general and specifically in providing the public with more understanding of its regime.
13. However, to do otherwise in response to your Question 1. would, in our view, genuinely risk undermining UKAD's ability to organise and operate its testing programme across sport. There is an important public interest in the maintenance of an effective anti-doping regime – so that UKAD can work towards its public policy objective of eliminating doping in sport.

Conclusion

14. If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your request and should be

¹ <https://www.ukad.org.uk/sites/default/files/2020-11/2021%20UK%20Anti-Doping%20Rules%20v1.0%20FINAL.pdf>

² https://www.wada-ama.org/en/resources/search?f%5B0%5D=field_resource_collections%3A228

³ See in particular Rules 5.9 and 8.5.

⁴ UKAD publishes its quarterly testing statistics and ADRV decisions: <https://www.ukad.org.uk/quarterly-reports-ukads-testing-programme>; and <https://www.ukad.org.uk/sanctions>.

addressed via email to: foi@ukad.org.uk. Please remember to quote the reference number above in any further communications.

15.If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

UK Anti-Doping