

Ref: FOI-423

19 December 2023

[REDACTED]

Sent via email only: [REDACTED]

Dear [REDACTED]

1. Thank you for your email of 25 November 2023 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act').

Your request was as follows:

"I wish to request information about the number of professional boxers who are enrolled in either the National Regional Testing Pool (NRTP) or a Domestic Testing Pool (DTP) and, therefore, are subject to out-of-competition testing."

Response

2. UKAD confirms that it holds relevant information pertaining to your request. However, we are withholding this information pursuant to section 31 of the Act. This is on the basis that disclosure of this information would be likely to prejudice the exercise by UKAD of its regulatory function.
3. Section 31(1) of the Act provides as follows:

Section 31 Law enforcement

(1) 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),

...

(2) 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 ...

4. The primary purpose of the anti-doping process is the elimination of doping in sport through the detection and prevention of Anti-Doping Rule Violations ('ADRVs'). UKAD identifies ADRVs in several ways, including through the testing of Athletes and subsequent analysis of any samples collected from them for substances contained in the World Anti-Doping Agency ('WADA') Prohibited List. Athletes within the National Registered Testing Pool ('NRTP') or Domestic Testing Pool ('DTP'), are specifically prioritised by UKAD and are subject to focused In-Competition and Out-of-Competition Testing as part of UKAD's test distribution plan. UKAD's testing programme, and more specifically the operation of the NRTP and DTP, is therefore fundamental to the (prevention and) detection of ADRVs and core to UKAD's function. It falls squarely within section 31(2)(b) of the Act.

5. It is UKAD's view that publishing the number of professional boxers who are within the NRTP or DTP would risk undermining its testing programme. This information, particularly when read in the context of data confirming the number of tests conducted on professional boxers subject to the UK Anti-Doping Rules, would provide a level of transparency around UKAD's testing priorities and testing program and therefore negatively impact UKAD's ability to carry out one of its core functions. Disclosure would also provide assistance to professional boxers who may seek to cheat, by giving an insight into UKAD's testing priorities and enabling testing patterns to be identified, thereby allowing them to take steps to avoid detection.

6. Having determined that section 31 of the Act applies to this information, UKAD has considered the public interest arguments in favour of disclosure of the data. UKAD recognises the importance of transparency and accountability in general and, specifically, in providing the public with more understanding of its anti-doping programme¹.
7. Conversely, UKAD considers that the more important public interest lies in the maintenance of an effective anti-doping programme so that UKAD can work towards its public policy objective of eliminating doping in sport. Disclosing the specific information requested would undermine the effectiveness of UKAD's testing programme, as it would be likely to reduce both the deterrent effect and its effectiveness in detecting ADRVs through such operations.
8. UKAD has concluded that the public interest in disclosing the data requested is outweighed by the public interest in ensuring the effectiveness of UKAD's testing programme. UKAD therefore withholds this information under section 31 of the Act.

Conclusion

9. 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 addressed via email to: foi@ukad.org.uk. Please remember to quote the reference number above in any future communications.
10. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commission 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

¹ Please note that UKAD publishes testing statistics every quarter. The data is broken down by national governing body and can be found here: <https://www.ukad.org.uk/quarterly-reports-ukads-testing-programme>.