

Official

Ref: FOI-221

Sent via email only: [REDACTED]

09 April 2019

Dear [REDACTED]

1. Thank you for your email of 1 March 2019 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act'). Your request was for information relating to the statutes applicable to UKAD and the Management Agreement ('the Agreement') between UKAD and the Department for Digital, Culture, Media and Sport ('DCMS'). Specifically, your request was as follows:

'In an EU-funded project aimed at developing good governance indicators for NADOs, we're trying to categorise NADOs on the basis of different parameters such as independence from government and sports movement, budget, responsibility, etc. Most of the information we need are available at the UKAD website, but we would be grateful if we under the Freedom of Information had the possibility to obtain:

- a) UKAD's statutes (if there is any); and
- b) the Management Agreement between UKAD and DMCS'

2. By email dated 29 March 2019 UKAD requested clarification from you, namely whether your request for 'UKAD's statutes' related to the following:
 - i. any UK legislative statutes that apply specifically to UKAD; or
 - ii. legal instruments through which UKAD has authority to conduct anti-doping activities; or
 - iii. other information.

3. In a return email of 1 April 2019, you confirmed that your request for 'UKAD's statutes' related to '*any UK legislative statutes that apply to UKAD*'.

Summary of response

4. The information requested at part a) of your request, insofar as UKAD holds any such statutes, is exempt from disclosure under section 21 of the Act, as it is information accessible to you by other means.
5. UKAD is disclosing the current Agreement between UKAD and DCMS and a letter from the Permanent Secretary of DCMS confirming the term of the Agreement, as per point b) of your request.

Part a) of your request

6. UKAD was not created by statute. The framework under which UKAD operates is outlined on the UKAD website¹. Importantly, this includes the National Anti-Doping Policy, through which the UK Government has implemented its commitment to the pursuit of doping-free sport². Effectively, the Policy operates in place of a specific Act of Parliament and is the legal underpinning for UKAD's operations.
7. Information about the UK Government's oversight of public bodies, including non-departmental government bodies such as UKAD, can be found at the following link: <https://www.gov.uk/guidance/public-bodies-reform>. As with any public authority or limited company UKAD is of course subject to a large number of statutes. All Acts of Parliament are published online by the UK Government at the following address: <https://www.legislation.gov.uk/>.
8. As these statutes are publicly available they are exempt from disclosure pursuant to your request, under s 21 of the Act.
9. Section 21 of the Act states:

(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

¹ <https://www.ukad.org.uk/our-organisation/global/international-anti-doping-landscape/>

² <https://www.ukad.org.uk/resources/document/national-uk-anti-doping-policy>

Part b) of your request

10. UKAD confirms that it holds the information you have requested in part b) of your request and provides its response as follows:
- i. The existing Management Agreement between UKAD and DCMS dated 31 December 2014 is enclosed at **Annexure A**;
 - ii. A letter from the Permanent Secretary of the DCMS dated 27 March 2015, which confirms the ongoing validity of the Management Agreement, is enclosed at **Annexure B**.

Conclusion

11. 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 original letter and should be addressed to: Philip Bunt, Chief Operating Officer, UK Anti-Doping, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8AE. Please remember to quote the reference number above in any further communications.
12. 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