

[REDACTED]

Sent via email only: [REDACTED]

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04 April 2018

Official

Ref: FOI-184

Dear [REDACTED]

1. Thank you for your email dated 4 March 2018, in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act'). You requested information pertaining to the testing of players at Manchester City Football Club, specifically, your request was as follows:

Manchester City are on course to get a record amount of points. Injuries they have tend to last only very short periods of time - an ankle ligament injury a few weeks ago supposedly meaning a player would be out for 2 months turned into the same player being out for only 2 weeks.

Can I please ask via the freedom of information act, how many times you have tested Manchester City for drug usage in the last 12 months.

Information held & summary of decision

2. UKAD confirms that it holds details of the number of occasions that UKAD has tested players at Manchester City for prohibited substances (as defined by the WADA Prohibited List) in the last 12 months (being the 12 months prior to your request, i.e. March 2017 to February 2018).
3. UKAD has concluded that this information is exempt from disclosure pursuant to section 36 of the Act. This is discussed further below.

Section 36 – prejudice to the effective conduct of public affairs

4. Section 36(2)(c) of the Act provides as follows:

Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs.

5. In the opinion of the qualified person, Nicole Sapstead, disclosure of the information you have requested would prejudice the effective conduct of public affairs as it would undermine the effectiveness of the UKAD testing program. To disclose the number of tests UKAD has conducted with respect to a particular club, be it Manchester City or any other club (football or otherwise), would

indicate to that club – and its players – the likelihood of their being tested at any given time. It would give athletes insight into UKAD's testing strategy and possibly enable them to identify a pattern in UKAD's testing program. One of the core premises of the testing program is that it is conducted with no advanced notice.

6. The exemption provided for in section 36 of the Act is not an absolute exemption. Therefore, having established that disclosure of the requested information would prejudice the effective conduct of public affairs, UKAD has gone on to consider whether, despite the prejudice caused, the public interest nonetheless warrants its disclosure. In so doing, UKAD has considered the following:
 - a. Arguments in favour of disclosure:
 - i. Transparency with respect to the work that UKAD, a publicly funded body, undertakes; and
 - ii. Providing the public with a better understanding of the operation of the UK anti-doping regime.
 - b. Arguments against disclosure:
 - i. Disclosing the information requested would undermine the UKAD testing program. It would provide the players at Manchester City with insight into UKAD's testing strategy. It would also set a precedent for disclosure of such information with respect to all clubs across all sports. This would significantly undermine the effectiveness of the testing program (both its ability to deter athletes and its ability to identify athletes currently breaching the rules) and ultimately UKAD's ability to meet its public function of protecting clean sport.
7. UKAD recognises the public interest in oversight of UKAD's work and the benefit of the public having insight into UKAD's programs, including testing. It is for this reason that UKAD makes available on its website a significant amount of data regarding its testing program. Each quarter, UKAD publishes a report on its testing program, which includes a breakdown of the number of tests conducted by UKAD in each sport and a further breakdown as to whether those tests were in-competition or out-of-competition. These reports are available here: <https://www.ukad.org.uk/anti-doping-rule-violations/quarterly-reports-on-testing-programme>.
8. Having weighed the competing public interest arguments both for and against disclosure, UKAD has concluded that, in this instance, there is a greater public interest in ensuring the continued effectiveness of UKAD's testing program, than there is in disclosure of the requested information.

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 original request (i.e. two months from the date of this letter) and should be addressed to: Philip Bunt, Director of Business Services, UK Anti-Doping, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8AE. Please remember to quote the reference number above in any further communications.

Yours sincerely

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