

Official

Ref: FOI-229

[REDACTED]  
Sent via email only:  
[REDACTED]

28 May 2019

Dear [REDACTED]

1. Thank you for your email of 17 April 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 In-Competition testing in English Hockey. Specifically, your request was as follows:

*'I request the following information:*

- a) *When was the last time an in-competition drugs test was conducted by Ukad for England Hockey?*
- b) *When was the last time an in-competition drugs test was conducted by Ukad in the women's Premier Division of England's Hockey League?*
- c) *When was the last time an in-competition drugs test was conducted by Ukad in the men's Premier Division of England's hockey league?'*

### Summary of Response

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2. UKAD is disclosing the information in part a) of your request.
3. UKAD is withholding the information parts b) and c) of your request. The detail of the basis for this response is set out below.

### Part a) of your request

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4. UKAD confirms that it holds the information requested. We are providing this information to a level of specificity that is in keeping with information that UKAD routinely publishes about its testing program; that is, at a quarterly level. We are withholding any further detail pursuant to the exemption in section 31 of the Act.

5. UKAD publishes testing statistics every quarter. The data includes the number of In-Competition and Out-of-Competition tests conducted by UKAD on behalf of National Governing Bodies ('NGBs') (including England Hockey) and International Federations ('IFs') and can be found on the UKAD website.
6. A test is considered as being 'on behalf of' an NGB or IF when it is conducted pursuant to that organisation's Anti-Doping Rules ('Rules'). For example, tests may be paid for and requested by a National Governing Body in its capacity as event organiser for an international event. However, if this test is undertaken pursuant to the Rules of the International Federation for that sport, UKAD records the test as being on behalf of the IF for the purposes of its quarterly testing statistics.
7. We confirm that the last test conducted by UKAD for England Hockey was in quarter two of 2018-19 (between 1 July and 30 September 2018, being a period used in UKAD's quarterly testing statistics). However, this test was recorded in UKAD's testing statistics for that period as being on behalf of the International Hockey Federation, having been conducted pursuant to its Rules.
8. We are withholding any more specific details about the date of this test under the exemption in Section 31 of the Act. In coming to this view, UKAD has adopted the reasoning set out in paragraphs 9 to 18 below.

#### **Parts b) and c) of your request**

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9. UKAD confirms that it holds the information requested. However, we are withholding it under the exemption in section 31 of the Act on the grounds that releasing the information would be likely to prejudice the exercise by UKAD of its regulatory functions.
10. 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) ...*
11. 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...*

12. One of UKAD's core functions is to identify and prosecute any athlete or other person who commits an ADRV contrary to the UK Anti-Doping Rules ('the Rules')<sup>1</sup>. This function falls within section 31(2)(b) of the Act. UKAD uses its testing program to discover ADRVs.
13. It is UKAD's view that publishing specific dates when testing was last conducted on players in a specific competition would risk undermining the testing program. A similar risk arises from publishing whether tests occurred In-Competition or Out-of-Competition. This is because a fundamental principle of drug testing is that it is conducted without advanced notice, and such information would indicate to players in that competition the likelihood of being tested at any given time. This risk is particularly relevant for sports such as hockey, where there is a smaller pool of players competing at a level at which they will be subject to drug testing.
14. More generally, it would give an insight into UKAD's testing strategy and may enable testing patterns to be identified, providing assistance to any athletes who may seek to cheat by attempting to evade testing or avoid the detection of ADRVs.
15. Having determined that disclosure would prejudice the identification of ADRVs, UKAD has considered the public interest arguments in favour of releasing the information. UKAD recognises the importance of transparency and accountability in general, and specifically in providing the public with more understanding of its anti-doping regime<sup>2</sup>.
16. Conversely, UKAD considers that the more important public interest lies in the maintenance of an effective anti-doping regime, so that UKAD can work towards its public policy objective of eliminating doping in sport. Disclosing the information requested would undermine the effectiveness of the testing program as it would be likely to reduce both its deterrent effect and its effectiveness in detecting prohibited substances.

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<sup>1</sup> <https://www.ukad.org.uk/sites/default/files/2019-05/UK%20Anti-Doping%20Rules.PDF>

<sup>2</sup> As referenced in paragraph 5 above, UKAD does publish a significant amount of testing information.

17. UKAD has concluded that the public interest in knowing the last time players in a specific competition have provided samples for drug testing, including confirmation that such testing was conducted In-Competition, is outweighed by the public interest in ensuring the effectiveness of UKAD's testing program. UKAD therefore withholds this information under section 31 of the Act.
18. In coming to this view, UKAD has taken account of the fact that the public interest arguments in favour of disclosure, as discussed above, are sufficiently met by the information that UKAD regularly publishes about its testing program (as set out in paragraph 5 above).

## Conclusion

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19. 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.
20. 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

A handwritten signature in blue ink that reads "UK Anti-Doping".

**UK Anti-Doping**