

Official

Ref: FOI-264

Sent via email only: [REDACTED]

10 July 2020

Dear [REDACTED]

1. Thank you for your email of 8 February 2020 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 testing of Welsh rugby clubs.

2. Specifically, your request was for:

Under the freedom of information act can you please give me a list of the Welsh rugby clubs in all divisions that you have visited, in the hope of testing rugby players in the last 5 years.

3. On 11 February 2020, you provided the following clarification to your request:

I can confirm that I am interested in the Welsh rugby union clubs visited by UKAD in the last 5 years.

Summary of Response

4. UKAD is not disclosing the information you have requested. The detail of the basis for this response is set out below.

Response

5. UKAD confirms that it holds the information you have requested. However, we are withholding this information under the exemption provided in section 31 of the Act on the grounds that releasing this information would be likely to prejudice the exercise by UKAD of its regulatory function.

Section 31 – Law enforcement

6. Section 31(1) of the Act 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) of the Act 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. One of UKAD's core functions is to identify and prosecute any Athlete or other Person who commits an Anti-Doping Rule Violation ('ADRV') contrary to the applicable Anti-Doping Rules. Such conduct falls within the meaning of 'improper' pursuant to section 31(2)(b) of the Act.
9. It is UKAD's view that publishing testing data related to named Welsh rugby union clubs and for a specified time period would risk undermining its testing programme. This information would indicate to rugby union players in Wales the likelihood of being tested at any given time. A fundamental principle of drug testing is that it is conducted without advance notice.
10. More generally, it would give an insight into UKAD's testing strategy and may enable testing patterns to be identified, providing assistance to any rugby union players in Wales who may seek to cheat by attempting to evade testing or avoid the detection of ADRVs.
11. Having determined to withhold the information you have requested pursuant to section 31 of the Act, 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.¹
12. Conversely, UKAD considers that the more important public interest lies in the maintenance of an effective anti-doping testing programme, so that UKAD can work towards its public policy objective of eliminating doping in sport. Disclosing the information requested would undermine the effectiveness of UKAD's testing programme, as it would be likely to reduce both its deterrent effect and its effectiveness in detecting prohibited substances.

¹ Please note that UKAD publishes testing statistics every quarter. The data is broken down by National Governing Body (including the Welsh Rugby Union) and can be found here: <https://www.ukad.org.uk/quarterly-reports-ukads-testing-programme>

13. UKAD has concluded that the public interest in knowing which Welsh rugby union clubs have been visited by UKAD in the past five years for the purpose of testing 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.
14. In coming to this view, UKAD has taken account of the fact that the public interest arguments in favour of disclosure are sufficiently met by the information that UKAD regularly publishes about its testing program (as referred to in Footnote 1 above).

Conclusion

15. 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 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.
16. 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