

07 July 2021

[REDACTED]
Sent via email only: [REDACTED]

Ref: FOI-300

Dear [REDACTED]

1. Thank you for your email of 16 February 2021 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act').
2. Specifically, your request was as follows:
 - “1. How many in-competition drug tests were carried out on Premier League footballers, English Football League footballers and Women’s Super League footballers during the 2019-20 season and 2020-21 season.
 2. How many out-of-competition drug tests were carried out on Premier League footballers, English Football League footballers and Women’s Super League footballers during the 2019-20 season and the 2020-21 season.
 3. How many failed out-of-competition doping tests for recreational drugs were returned.
 4. A breakdown of the recreational drugs which caused the failed tests referred to in point three.”

Summary of response

3. UKAD is disclosing all of the information in parts 1 and 2 of your request.
4. UKAD is disclosing all of the information in part 3 of your request.
5. UKAD is withholding the information in part 4 of your request.

Number of In- / Out-of-Competition tests – parts 1 and 2 of your request

6. UKAD confirms that it holds the information in parts 1 and 2 of your request and provides its response via the table in Annex 1.
7. By email dated 18 February 2021, UKAD sought clarification from you in relation to part 1 of your request. Specifically, UKAD asked whether in calculating the total

number of In-Competition tests we should include the total number of tests whilst competing in the respective leagues only, or if any In-Competition tests of footballers who compete in those leagues but who are tested whilst participating in a domestic cup (e.g. The FA Cup) should be included in the totals too. By reply email dated 19 February 2021, you confirmed that part 1 of your request is for the total number of In-Competition tests of footballers who compete in the respective leagues, therefore any In-Competition tests at a domestic cup should be included when calculating the totals.

8. In its email to you dated 18 February 2021, UKAD also sought clarification in relation to part 2 of your request. Specifically, UKAD asked if there are applicable date ranges for calculating which Out-of-Competition tests fall within the 2019-20 season and the 2020-21 season, respectively. In your reply email dated 19 February 2021, you confirmed that part 2 of your request is for the total number of Out-of-Competition tests between 1 July 2019 to 30 June 2020 (for the 2019-20 season), and between 1 July to “*the current point where your records are up to date*” (for the 2020-21 season).
9. By email dated 22 February 2021, UKAD sought further clarification from you in relation to part 2 of your request. Specifically, UKAD highlighted that, due to the COVID-19 pandemic, the 2019-20 football season was still being played into July 2020 (and beyond). By reply email dated 22 February 2021, you confirmed that you agree with the following date ranges being used to identify the 2019-20 season and the 2020-21 season, respectively:
 - a. 2019-20 = 28 May 2019 – 4 August 2020 (28 May 2019 being the first day after the 2018-19 EFL Championship Play Off Final); and
 - b. 2020-21 = 5 August 2020 – the current point where UKAD’s records are up to date (5 August 2020 being the first day after the 2019-20 EFL Championship Play Off Final).
10. UKAD has defined a “*Premier League / English Football League / Women’s Super League footballer*” as a player registered with a club competing in those leagues during the 2019-20 season or the 2020-21 season (as applicable).
11. Please note that the figures in Annex 1 indicate the number of individual tests in the respective seasons, rather than the number of samples (blood and/or urine) provided by each footballer. Therefore, if an individual footballer had both urine and blood samples collected when tested by UKAD, this would be counted as one test.

12. Further to the above, please also note that the figures in Annex 1 relate to tests conducted by UKAD and any sub-contracted sample collection agency on its own behalf only (which includes contracted testing for The Football Association ('The FA')). The figures in Annex 1 do not include tests conducted by the Union of European Football Associations ('UEFA'), Fédération Internationale de Football Association ('FIFA') and/or any other Anti-Doping Organisation. Please also note that the figures in Annex 1 do not include tests conducted on u18/u23 squads and/or tests conducted on footballers whilst training with or competing for an international team.
13. UKAD publishes testing statistics every quarter.¹ This publicly available data is broken down to identify tests conducted in specific sports, including tests conducted under the jurisdiction of The FA.

Number of failed Out-of-Competition tests for recreational drugs – part 3 of your request

14. UKAD confirms that it holds the information in part 3 of your request.
15. UKAD has defined a "*failed out-of-competition doping test for recreational drugs*" as a breach of Article 4.1.1 of The FA Social Drugs Regulations.²
16. In the 2019-20 season, there were 5 breaches of Article 4.1.1 of The FA Social Drugs Regulations. Please note, this figure relates to the total number of Out-of-Competition tests detailed in Annex 1. This figure does not, therefore, include tests conducted on u18/u23 squads and/or tests conducted on footballers whilst training with or competing for an international team.
17. In the 2020-21 season, there were 3 breaches of Article 4.1.1 of The FA Social Drugs Regulations. Please note, this figure relates to the total number of Out-of-Competition tests detailed in Annex 1. This figure does not, therefore, include tests conducted on u18/u23 squads and/or tests conducted on footballers whilst training with or competing for an international team.

Breakdown of the recreational drugs which caused the failed Out-of-Competition tests – part 4 of your request

18. UKAD confirms that it holds the information in part 4 of your request.

¹ <https://www.ukad.org.uk/quarterly-reports-ukads-testing-programme>

² <https://www.thefa.com/-/media/files/thefaportal/governance-docs/anti-doping/the-fa-social-drugs-regulations---2020-21.ashx>

19. However, we are withholding this information from disclosure pursuant to section 41 of the Act.

41 Information provided in confidence

- (1) *Information is exempt information if–*
- (a) *it was obtained by the public authority from any other person (including another public authority), and*
 - (b) *the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.*

20. The information in part 4 of your request (i.e. “*the recreational drugs which caused the failed tests*” in part 3 of your request) was provided to UKAD by the Drug Control Centre at King’s College London, a third party for the purposes of section 41(1)(a) of the Act. The information has the quality of confidence and was shared with UKAD in circumstances which imported an obligation of confidence.
21. Disclosure would be an unauthorised use of the information and would constitute a breach of confidence. This breach of confidence would be actionable by The FA and the footballers involved.
22. Any such action would be likely to succeed, with the public interest in disclosure not outweighing UKAD’s duty of confidence; therefore, the information is exempt from disclosure pursuant to section 41 of the Act. This exemption is an absolute exemption, and as such UKAD is not required to consider the public interest test any further in this context.

Conclusion

23. 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 this response via email to foi@ukad.org.uk. Please remember to quote the reference number above in any further communications.
24. 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

UK Anti-Doping

Annex 1 – Testing of Premier League / English Football League / Women’s Super League footballers by UKAD

	In-Competition		Out-of-Competition	
	2019-20 season*	2020-21 season^	2019-20 season*	2020-21 season^
Premier League	304	206	762	514
EFL Championship	236	121	596	317
EFL League One	153	82	302	251
EFL League Two	115	96	325	264
FA Women’s Super League	36	39	100	103
TOTAL	844	544	2,085	1,449

* 2019-20 season = 28 May 2019 – 4 August 2020 inclusive.

^ 2020-21 season = 5 August 2020 – 31 May 2021 inclusive.