

Ref: FOI-491

Sent via email only:

29 July 2025

Dear [REDACTED]

1. Thank you for your email of 6 June 2025 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act'). Specifically, your request was as follows:

- 1. How many TUEs have been issued to biological females for cross-sex (gender-affirming) hormones, specifically testosterone, various testosterone esters including long-acting or oral testosterone undecanoate, testosterone cypionate, enanthate, or mixed testosterone esters, between January 2020 and present date. If you are able to provide a total by year please do so.*
- 2. Please provide a list of the sports where TUEs have been issued to biological females for cross-sex (gender-affirming) 'treatment' during the years 2020-2025.*
- 3. Please provide the total number of TUEs issued for each sport over the years 2020-2025. (I understand that this information may be sensitive and could be enough to identify individuals but please let me know if this is the case.)*

2. On 1 July 2025, in response to a request for clarification from UKAD, you confirmed that the scope of Part 3 of your request was limited to Therapeutic Use Exemptions ('TUEs') issues to biological females.

Summary of Response

3. UKAD confirms that it holds some information relevant to your request.
4. In relation to Part 2 of your request, UKAD does not hold the information requested.

5. In relation to Part 3 of your request, UKAD confirms that it holds the information requested. However, the information is withheld pursuant to section 40 of the Act, as more particularly explained below.

Part 1 of your request

6. In relation to Part 1 of your request, UKAD confirms that zero (0) TUEs have been issued to biological females for cross-sex (gender-affirming) hormones, including testosterone and any of its esters, between January 2020 and 6 June 2025.

Part 2 of your request

7. Given the response to Part 1 of your request, UKAD consequently does not hold information in respect of Part 2 of your request.

Part 3 of your request

8. Section 40(2) of the Act states:

Any information... is also exempt information if—

- a) it constitutes personal data which does not fall within subsection (1) [personal data of which the applicant is the data subject], and*
- b) the first, second or third condition below is satisfied.*

9. Section 40(3A)(a) of the Act states:

The first condition is that the disclosure of the information to a member of the public otherwise than under this Act –

- (a) would contravene any of the data protection principles,...*

10. UKAD has concluded that, in view of the number of TUEs issued in certain sports, there is a genuine risk that disclosure of the information requested may identify an individual that has been issued with a TUE, if UKAD were to provide the requested information on that sport-by-sport basis. This would mean that any information relating to such a TUE would constitute “personal data” as defined in Section 3(2) of the Data Protection Act 2018 (‘DPA’) and Article 4(1) of the General Data Protection Regulation (EU) 2016/679 (‘UK GDPR’). This is because it would be information relating to an identified living individual.

11. Having determined that the information you have requested is personal data, UKAD has gone on to consider whether disclosure would contravene any of the data

protection principles as set out in Chapter 2, Article 5(1)(a) of the UK GDPR. The first data protection principle states that personal data shall be processed lawfully, fairly and transparently.

12. The lawful basis on which UKAD processed personal data is contained in Chapter 2, Article 6(1)(e) of the UK GDPR and section 8 of the DPA, being that it is necessary for the performance of a task carried out in the public interest (i.e., eliminating doping in sport). However, as set out in the Information Commissioner's (ICO) Guidance Note on section 40 of the Act, UKAD's lawful processing of personal data for this purpose does not extend to disclosure to the general public under the Act.
13. Accordingly, UKAD may only lawfully disclose the information you have requested on a different basis. The only two bases that may apply are consent (being consent to disclose that information under the Act) or if disclosure would be necessary for the purposes of legitimate interests. Athletes issued with a TUE by UKAD have an expectation that the details associated with their TUE will remain confidential. Therefore, UKAD may only lawfully disclose this information to you if it is necessary for the purposes of legitimate interests. To establish this lawful basis, all three of the following criteria must be met:
 - i. The purpose of disclosure is a legitimate interest;
 - ii. Disclosure must be necessary for that purpose; and
 - iii. The legitimate interests outweigh the interests and rights of the individual.
14. UKAD acknowledges the legitimate public interest in transparency and accountability regarding anti-doping matters. However, it is UKAD's view that disclosing the information you have requested would not be necessary to achieve that purpose, particularly given the information UKAD publishes pursuant to the UK Anti-Doping Rules. UKAD is also of the view that even if such disclosure was necessary, it would not outweigh an individual Athlete's right to privacy when in receipt of a TUE. Therefore, UKAD does not have a lawful basis to disclose this information to you and we are withholding the information requested under the exemption in section 40 of the Act.
15. For completeness, UKAD's position is that, to the extent such disclosure may constitute processing of special category data, it also does not consider any of the relevant conditions (per Article 9 of the UK GDPR) to the prohibition generally on processing such data apply here. UKAD has a specific 'anti-doping derogation' for processing special category data in connection with its public purposes (paragraph

27, Schedule 1, Part 2 of DPA). In UKAD's view, the derogation does not extend to the type of processing which might be required in responding to your specific request.

Conclusion

16. 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 and should be addressed via email to foi@ukad.org.uk. Please remember to quote the reference number above in any further communications.
17. 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