

Official

Ref: FOI-216

[REDACTED]
Sent via email only:
[REDACTED]

01 February 2019

Dear [REDACTED]

1. Thank you for your email of 4 January 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 UKAD expenditure on domestic flights and a breakdown of information relating to those flights. Specifically, your request was as follows:

- (a) *Please disclose the total amount spent on flights within the UK in 2018;*
- (b) *Please provide a breakdown showing the cost of each flight, the to and from destination/s, the date/s, who took the flight and the purpose of the trip.*

Response

2. UKAD confirms that it holds the information requested and provides its response in the attached table.
3. UKAD has withheld information from the table under Section 31 of the Act on the ground that to disclose the information held would prejudice UKAD's ability to investigate and/or prosecute Anti-Doping Rule Violations ('ADRVs'). UKAD's reasoning is set out below.
4. UKAD has interpreted your request for "who took the flight" to relate to the role of the UKAD employee travelling, rather than the names of specific employees which would constitute personal data under the Act. UKAD has included the names of Directors and Board Members, which are publicly available.

5. UKAD has withheld information under Section 12 of the Act on the ground that the cost of complying with the request would exceed the appropriate limit. UKADs reasoning is set out below.

Section 31 – Law enforcement

6. 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)...

7. 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...

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') pursuant to the Code and the UK Anti-Doping Rules ('ADR'), and thus uphold professional standards in the field of sport. Such conduct falls within the meaning of "improper" for the purposes of the Act. In UKAD's view, disclosure of flight information (dates, locations and personnel) relating to UKAD investigations and/or intelligence gathering would be likely to prejudice UKAD's ability to prosecute future ADRV cases and/or prejudice ongoing investigations and prosecutions. However, UKAD will release the costs and purpose of these flights with the sensitive information redacted.
9. Having determined to withhold the information 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, especially regarding expenditure as a Non-Departmental Government Body.
10. 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 UKADs intelligence gathering and investigation program as it would be likely to jeopardise current investigations and/or the prosecution of current or future ADRVs.

11. UKAD has therefore concluded that there is a stronger public interest in the need to protect UKAD's ability to effectively investigate and prosecute athletes and other persons with respect to ADRVs under the ADR than there is in disclosure of all information that you have requested.

Section 12 - Exemption where cost of compliance exceeds appropriate limit

12. UKAD has supplied the attached summary of flights booked by UKAD staff working from the National Office at Fleetbank House. However, UKAD also runs the Doping Control Scheme ('DCS') which operates throughout the United Kingdom. This DCS is operated by Doping Control Personnel ('DCP').
13. In order to collect and collate *all* flight expenditure information held by UKAD, including those flights taken by DCP in pursuit of their duty, UKAD would have to individually locate and review approximately 5,700 expense claims. This work would exceed the "appropriate limit" referred to in the Act
14. Pursuant to Regulation 3 of the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the 'Fees Regulations'), the appropriate limit for UKAD is £450. Regulation 4(3) of the Fees Regulations prescribes what UKAD can take into account when estimating whether complying with the request would exceed the (£450) limit:
- (a) Determining whether the information is held;*
 - (b) Locating the information;*
 - (c) Retrieving the information;*
 - (d) Extracting the information.*
15. Regulation 4(4) of the Fees Regulations states that when estimating the time spent carrying out any of (a)-(d) above, costs may be calculated at a rate of £25 p/hour. I.e. if, in order to complete any of (a)-(d) above, it would take more than 18 hours ($£450 / £25 \text{ p/hour} = 18 \text{ hours}$), UKAD may refuse the request.
16. There are approximately 5,700 expense claims to work through. UKAD has calculated that it takes approximately 2 minutes to properly review each claim. This request would therefore require approximately 190 hours of work (5,700 expense claims x 2 = 11,400 minutes; $11,400 \text{ minutes} / 60 = 190 \text{ hours}$) to complete.
17. UKAD therefore withholds this information from our response to your request, pursuant to the exemption provided in Section 12 of the Act.

Conclusion

18. 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.
19. 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