

[REDACTED]

Sent via email: [REDACTED]

UK Anti-Doping  
Fleetbank House  
2-6 Salisbury Square  
London EC4Y 8AE

T: +44 (0) 20 7842 3450  
E: [ukad@ukad.org.uk](mailto:ukad@ukad.org.uk)  
W: [www.ukad.org.uk](http://www.ukad.org.uk)

02 March 2018

Official

Ref: FOI-178

Dear [REDACTED]

1. Thank you for your emails dated 31 January 2018 and 1 February 2018 which requested information from UK Anti-Doping ('UKAD') pursuant to the Freedom of Information Act 2000 ('the Act'). Specifically, your request was as follows:

*"all correspondence between Nicole Sapstead or Pat Myhill and any member of staff at Team Sky between January 1 and March 31 [2017]"*

#### **Material held & Summary of decision**

2. UKAD confirms that it does hold information that falls within the scope of your request, being two emails. UKAD has decided to disclose one of those emails to you, plus an attachment to that email. However, for the reasons outlined below, UKAD has decided not to disclose the other email to you as it is exempt pursuant to sections 36 and 41 of the Act.

#### **Information disclosed**

3. Please find enclosed copy email and an associated attachment dated 7 March 2017, sent from Team Sky to UKAD. Please note that this document has been partially redacted pursuant to section 40 of the Act (personal information). Also attached to the disclosed email was a document which is available to the public [here](#) and so has not been included with this response as it is exempt from disclosure under section 21 of the Act.

#### **Exempt information**

4. UKAD has decided not to disclose an email to you. The email was a request for advice provided to UKAD in strict confidence. In UKAD's view it is exempt from disclosure pursuant to sections 41 and 36 of the Act.

#### **Section 41 (information provided in confidence)**

5. Section 41(1) of the Act provides as follows:

*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.*

6. The section 41 exemption applies in circumstances where disclosure to the public would constitute an actionable breach of confidence. UKAD is of the view that public disclosure would constitute a breach of confidence actionable by Team Sky, and that such an action would be likely to succeed.
7. This exemption is an absolute exemption and therefore the public interest test is not required to be considered. Nonetheless, UKAD has considered the public interest insofar as it has come to the view that a "public interest" defence would not be available to UKAD in the circumstances of this case, were UKAD to be subject to an action for breach of confidence.

**Section 36(2)(b)(i) (inhibit the free and frank provision of advice)**

8. Section 36(2)(b)(i) of the Act provides as follows:

*Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act would, or would be likely to, inhibit the free and frank provision of advice*

9. UKAD has confirmed with the qualified person, Nicole Sapstead, that disclosure of the email requested would inhibit UKAD's ability to provide free and frank advice to individuals, sporting bodies and other relevant stakeholders in future, as it would inhibit the process of providing advice.
10. It is obviously necessary and desirable for UKAD to provide external advice and feedback to stakeholders in relation to anti-doping matters, whether of its own volition or upon request from stakeholders. UKAD considers it appropriate, necessary and consistent with the ADR and National Anti-Doping Policy that such advice be sought and given in confidence. To disclose requests for such advice (and any advice given) would deter stakeholders from approaching UKAD for its advice.
11. In considering the public interest in this context, UKAD has taken into account that disclosure of the information would provide transparency in respect of UKAD's work and/or provide the public with an understanding of the operation of the anti-doping regime. However, in UKAD's view the balance of the public interest in this case clearly lies in not providing the information sought. UKAD considers that disclosing the second email to you would set a precedent that would serve to inhibit UKAD's future free and frank provision of advice and feedback to stakeholders. UKAD provides this advice towards the important public policy objective of eliminating doping in sport. It is therefore in UKAD's view in the greater public interest for UKAD to continue to be able to provide free and frank advice in a confidential context.

**Your rights**

12. 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, Director of Business Services, UK Anti-Doping, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8AE. Please remember to quote the reference number above in any further communications.

13. 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

**From:** [REDACTED] (Communications Manager) [REDACTED]@teamsky.com>  
**Sent:** 07 March 2017 16:33  
**To:** [REDACTED]@ukad.org.uk  
**Subject:** Letter from Sir Dave Brailsford  
**Attachments:** Letter from Sir Dave Brailsford UKAD.pdf; Team Sky document.pdf

Dear Ms Sapstead,

Please find attached a letter and attached document, which I am sending on behalf of Sir Dave Brailsford.

Regards,

[REDACTED]  
Head of Communications



[REDACTED]@teamsky.com

W: [www.teamsky.com](http://www.teamsky.com)  
F: [facebook.com/teamsky](https://www.facebook.com/teamsky)  
T: [@teamsky](https://twitter.com/teamsky)

National Cycling Centre  
Stuart Street  
Manchester, M11 4DQ



**Nicole Sapstead**

Chief Executive, UK Anti-Doping

7 March 2017

Dear Ms Sapstead,

I am enclosing a document that Team Sky will publish today that provides more context around issues relating to the 2011 Critérium du Dauphiné race and the steps we have taken since then to strengthen our anti-doping and medical practices. We have given all of the relevant information to your Investigations Team already and, as I expect that this information will assist it in its ongoing investigation into doping in sport, I have also sent a copy of this document to the Chairman of the Culture, Media and Sport Select Committee.

While Team Sky has thus far adhered to UKAD's request to refrain from making any public comment until the investigation is concluded, the evidence given to the Select Committee last week and the way it has been interpreted and reported has led to assertions about the way Team Sky operates that are incorrect.

By maintaining confidentiality over UKAD's investigation, as requested by UKAD, Team Sky has been and continues to be heavily criticised in the media. It was a surprise that at the outset of my evidence to the Select Committee in December 2016, I was provided with an email from the Chairman of UKAD stating that he in fact had no objections to me answering questions on the ongoing investigation. In light of this email and that UKAD appears to be content for other witnesses to discuss its ongoing investigation with the Select Committee, we assume that UKAD will have no objection to the publication of this document.

Team Sky will, of course, continue to co-operate fully with UKAD's investigation and we look forward to its conclusion.

Yours sincerely,

**Sir David Brailsford**

Principal, Team Sky