

Official

Ref: FOI-199

Sent via email only:

05 July 2018

Dear [REDACTED]

1. Thank you for your email of 7 June 2018 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 in football. Specifically, your request was as follows:

*1. How many drug tests were carried out on Premier League footballers in football seasons: a) 2013/14, b) 2014/15, c) 2015/16, d) 2016/17 and e) 2017/18?*

*2. How many drug tests were carried out per Premier League club in football seasons: a) 2013/14, b) 2014/15, c) 2015/16, d) 2016/17 and e) 2017/18? Please provide a breakdown of each club and how many times their players were tested.*

*3. How many drug tests were carried out on Football League (Championship, League One, League Two) footballers in football seasons: a) 2013/14, b) 2014/15, c) 2015/16, d) 2016/17 and e) 2017/18?*

*4. How many drug tests were carried out per Football League (Championship, League One, League Two) club in football seasons: a) 2013/14, b) 2014/15, c) 2015/16, d) 2016/17 and e) 2017/18? Please provide a breakdown of each club and how many times their players were tested.*

## Decision

---

2. UKAD confirms that it holds the information requested. However, the information requested is exempt from disclosure for the following reasons:
  - a. with respect to points 1 and 3 of your request, the information is exempt pursuant to Section 21 of the Act as it is reasonably accessible to you by other means; and

- b. with respect to points 2 and 4 of your request, the information is exempt pursuant to Section 36(2)(c) of the Act, as to disclose it would prejudice the effective conduct of public affairs.
3. An explanation for the applicability of these exemptions is set out below.

## Reasoning

---

### **Section 21 – information accessible to the applicant by other means**

4. Section 21(1) of the Act provides as follows:

*Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

5. The information you have requested at points 1 and 3 of your request is exempt from disclosure as it is freely available to you on the UKAD website, having been previously requested under the Act. Therefore, with respect to points 1 and 3 of your request, the information you have requested can be found [here](#), namely in UKAD's response to reference number FOI-188.

### **Section 36(2)(c) – prejudice to effective conduct of public affairs**

6. Section 36(2)(c) 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 otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of public affairs*

7. Section 36(4) of the Act provides as follows:

*In relation to statistical information, subsections (2) and (3) shall have effect with the omission of the words 'in the reasonable opinion of a qualified person'*

8. The information you have requested is statistical information and therefore section 36(4) of the Act applies in this instance.
9. The information you have requested at points 2 and 4 of your request is exempt from disclosure as to provide the number of tests conducted on players at club level would prejudice the effective conduct of public affairs, which in this context means it would prejudice one of UKAD's core functions, being the detection and prosecution of Anti-Doping Rule Violations ('ADRVs').

10. The testing of athletes is one of UKAD's primary means of detecting and prosecuting ADRVs. One of the core tenets of UKAD's testing program is that all testing be conducted with no advance notice. This requirement is reflected in the World Anti-Doping Agency ('WADA') International Standard for Testing and Investigations.<sup>1</sup>
11. If UKAD was to disclose the number of tests it has conducted at club level, it would undermine the efficacy of the UKAD testing regime. This is because there is a significant risk that disclosure of that information would enable players at those clubs to determine if and how often they were likely to be subject to testing. This in turn prejudices UKAD's ability to detect and prosecute ADRVs. By way of example, if UKAD was to disclose the number of tests conducted at club level and it so happened that at a particular club no tests, or very few tests, had been conducted, it would effectively notify players at that club that their chances of being tested are low and therefore they may be able to use a prohibited substance undetected. Conversely, to disclose the number of tests conducted at club level could also have the effect of putting players on notice that their club may be subject to greater testing in the future.
12. For the reasons outlined above, it is UKAD's opinion that disclosure of the information requested at points 2 and 4 of your request would prejudice the effective conduct of public affairs within the meaning of section 36(2)(c) of the Act, in that it would prejudice UKAD's ability to detect and prosecute ADRVs.
13. Having determined that disclosure would prejudice the effective conduct of public affairs, UKAD has gone on to consider the public interest test and whether, despite the prejudice caused, the public interest in disclosing the information requested outweighs the public interest in withholding the information.
14. UKAD recognises the general public interest in oversight and evaluation of UKAD's decisions and operations, including an understanding of how much testing takes place across a specific sport. However, UKAD also recognises the public interest in ensuring that its testing program remains effective. Acknowledging the information UKAD has already provided (being the total football testing numbers per season, broken down by league), UKAD has decided that, in the circumstances, the public interest in ensuring the continued efficacy of UKAD's testing program and thus our ability to detect and prosecute ADRVs, outweighs the public interest in knowing the number of tests conducted at any

---

<sup>1</sup> <https://www.wada-ama.org/en/resources/world-anti-doping-program/international-standard-for-testing-and-investigations-isti-0>

particular club. UKAD has therefore decided that the information requested at points 2 and 4 of your request is exempt from disclosure pursuant to section 36(2)(c) of the Act.

## 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 letter and should be addressed to: Pat Myhill, Director of Operations, 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**