

12 October 2022

[REDACTED]
[REDACTED]
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Dear [REDACTED]

1. Thank you for your email of 16 June 2022 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act'). Your request was for information related to UKAD's Athlete Biological Passport ('ABP') programme.

Response

2. UKAD addresses your queries in turn below:

Question 1. Which Athlete Passport Management Units (APMUs) has UKAD designated to administer and manage the ABP Programme on behalf of UKAD since 2009? Please provide the timeframe for each APMU that has been used.

Response:

2009 - 2012

Haematological Passports belonging to UK Athletes were typically managed by International Federations during this period.

2013 - 2019

We established an internal APMU in 2013 to manage haematological Passports in instances where we were assigned custodianship of a Passport in the global Anti-Doping Administration and Management System (ADAMS).

2014 - 2019

UKAD established a partnership with the Drug Control Centre at King's College London ('the DCC') to manage steroidal Passports in 2014, following the inclusion of the Steroidal Module in ADAMS.

2020 - onwards

UKAD designated the DCC to formally host the UK APMU in line with new requirements set out by the World Anti-Doping Agency (WADA) – these requirements came into effect in 2020.

Question 2: Please can you provide every contract that UKAD has signed with these APMUs to administer and manage the ABP Programme on behalf of UKAD.

Response: UKAD does not “hold” this information as per section 1 of the Act, in that it does not have a signed contract with the DCC specifically for the purpose of “administer[ing] and manag[ing] the ABP programme on behalf of UKAD”, or in a form to be relevant to and/or responsive to your request.

Question 3: In the 2009 UKAD Anti-Doping Rules, it makes no mention of UKAD’s ABP Programme. Since when has UKAD had the power to sanction Athletes, under its jurisdiction, for an Athlete Biological Passport violation?

Response: Notwithstanding the absence of an express reference to the ABP programme in the 2009 UK Anti-Doping Rules (‘2009 ADR’), UKAD has authority to bring charges against an Athlete under its jurisdiction for an ABP violation pursuant to those rules. Specifically, an Anti-Doping Rule Violation (‘ADRV’) brought on the basis of an Adverse Passport Finding would have been charged under 2009 ADR Article 2.2 for Use of a Prohibited Substance.

Question 4: How many athlete ABP passports have been marked "likely doping" by the three person "Expert Panel" of UKAD's ABP programme between 2009 and September 2012 and 2017-2022 (present day)? Please provide a breakdown by year and sport.

Response: UKAD does not hold ABP data collected between 2009 and September 2012. That timeframe is beyond the 10-year retention period prescribed in the WADA International Standard for the Protection of Privacy and Personal Information.

In relation to data collected between 2017 and 2022, this information is exempt under section 31 of the Act and is therefore being withheld. This is on the basis that

disclosure of this information would be likely to prejudice the exercise by UKAD of its regulatory function.

Section 31(1) of the Act 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

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(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2)...

Section 31(2) of the Act 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.

The primary purpose of the anti-doping process is the elimination of doping in sport through the detection and prevention of ADRVs. UKAD identifies ADRVs in several ways, including the testing of Athletes for substances contained in the WADA Prohibited List and through the implementation of an ABP testing programme. The fundamental principle of the ABP testing programme is to monitor selected biological variables over time that indirectly reveal the effects of doping, rather than attempt to detect the doping substance or method itself. The ABP testing programme implemented by UKAD is fundamental to the (prevention and) detection of ADRVs and is core to UKAD's function. It falls squarely within section 31(2)(b) of the Act.

To disclose details of how many ABP Passports have been marked as "likely doping" would negatively impact UKAD's ability to carry out one of its core functions, as disclosure would provide assistance to any Athletes who may seek to cheat by giving an insight into the operations and testing of UKAD, allowing them to take steps to avoid detection.

Additionally, the requested information is sensitive because it would relate to ABPs that continue to be monitored and evaluated on an ongoing basis. Such information therefore represents 'live' data.

Having determined that section 31 of the Act will apply to this information, UKAD has considered the public interest arguments regarding whether disclosure of the data should be made.

UKAD recognises the importance of transparency and accountability with regard to anti-doping. However, in this case UKAD considers that the more important public interest lies in the maintenance of an effective anti-doping regime so that UKAD can 1) carry out its obligations towards its public policy objective of eliminating doping in sport and 2) comply with the requirements prescribed by WADA.

UKAD considers that the public interest in knowing how many ABP Passports have been marked as “likely doping” would undermine its ability to carry out its function and therefore is outweighed by the public interest in ensuring the effectiveness of the ABP programme.

Question 5: How many athletes have been charged, not sanctioned, with ADRVs for abnormalities in their Athlete Biological passports by UKAD since 2009?

Response: UKAD confirms that it holds this information, however we are withholding this under the exemption provided in section 31 of the Act. This is on the basis that disclosure of this information would be likely to prejudice the exercise by UKAD of its regulatory function. For details of the application of section 31, please see the answer to question 4.

Question 6: How many ABP samples did UKAD collect in 2009, 2010 and 2011? Please provide a breakdown by sport.

Response: UKAD does not “hold” this information. It is beyond the 10-year retention period set out in WADA’s International Standard for the Protection of Privacy and Personal Information.

Conclusion

3. 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 request and should be addressed to: Philip Bunt, Chief Operating Officer, UK Anti-Doping,

SportPark, 3 Oakwood Drive, Loughborough, LE11 3QF. Please remember to quote the reference number above in any further communications.

4. 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 Lan, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely
UK Anti-Doping