

Ref: FOI-350

[REDACTED]

Sent via email only:

[REDACTED]

11 November 2022

Dear [REDACTED]

1. Thank you for your email dated 1 September 2022 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act').
2. You requested the following information:
 - a. *"The total number of tests UKAD conducted on all footballers in 2016, 2017, 2018, 2019, 2020 and 2021."*
 - b. *"Of these tests, How many were ESA tests? (in 2017, 2018, 2019, 2020, 2021)."*
 - c. *"Of these tests, How many were IRMS tests? (in 2017, 2018, 2019, 2020, 2021)."*
3. On 15 September 2022 UKAD requested clarification from you regarding your request, in particular querying:
 - i. By "all footballers" whether you intended this to cover The Football Association ('FA'), Scottish Football Association ('SFA') and Football Association of Wales ('FAW').
 - ii. If your request related to calendar years or football seasons.
 - iii. In relation to "IRMS tests", whether this was a reference to gas chromatography carbon isotope ratio mass spectrometry ('GC-C-IRMS').

- iv. In relation to “*ESA tests*” and “*IRMS tests*”, whether your request related to the number of samples which have been subjected to ESA and GC-C-IRMS testing in the stated years.

4. You responded to UKAD’s request for clarification as follows:

- i. *“Preferably just the FA.”*
- ii. *“I assume full calendar years is easiest for you - if that is not the case then football seasons is fine.”*
- iii. *“Correct.”*
- iv. *“Correct. Clarifying how many of each”.*

Response – part a.

5. With regard to part a. of your request regarding the total number of tests UKAD conducted on footballers governed by The FA (i.e., in accordance with the Anti-Doping Regulations of The FA), UKAD confirms that it holds the material relevant to your request as follows:

Calendar Year	Collected Tests
2016	1903
2017	3547
2018	4364
2019	4219
2020¹	2306
2021^{2 3}	2461

6. For the purposes of this request, a ‘test’ is defined as any test of a single player in a sample collection session. Where multiple samples (blood and/or urine) were collected from a player in a sample collection session, this has been counted as one test.

¹ Football testing interrupted due to the Covid 19 pandemic.

² Football testing interrupted due to the Covid 19 pandemic.

³ In June 2021 UKAD ceased operating as the sample collection authority for The FA’s Social Drugs Regulations. Figures for testing prior to June 2021 therefore reflect the fact that UKAD was conducting testing in accordance with The FA’s Anti-Doping Regulations and Social Drugs Regulations.

7. Response – parts b and c.

8. As to parts b. and c. of your request, UKAD confirms that it holds the information in those parts of your request.
9. However, we are withholding this information pursuant to 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.
10. Section 31(1) of the Act provides as follows:

Section 31 Law enforcement

(1) 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),

...

(2) 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 ...

11. The primary purpose of the anti-doping process is the elimination of doping in sport through the detection and prevention of Anti-Doping Rule Violations ('ADRVs'). UKAD identifies ADRVs in several ways, including through the testing of Athletes and subsequent analysis of any samples collected from them for substances contained in the World Anti-Doping Agency ('WADA') Prohibited List. UKAD's testing programme and subsequent analysis of any samples collected is therefore fundamental to the (prevention and) detection of ADRVs and core to UKAD's function. It falls squarely within section 31(2)(b) of the Act.
12. It is UKAD's view that publishing the number of footballers whose samples were subjected to ESA and GC-C-IRMS testing and analysis during the specific time periods requested would risk undermining its testing programme. This information, (particularly when read in the context of data confirming the number of tests

conducted on footballers subject to the Anti-Doping Regulations of The FA), would negatively impact UKAD's ability to carry out one of its core functions. This is because disclosure would provide assistance to footballers who may seek to cheat, by giving an insight into UKAD's testing and sample analysis operations and enabling testing patterns to be identified, allowing them to take steps to avoid detection.

13. Having determined that section 31 of the Act applies to this information, UKAD has considered the public interest arguments in favour of disclosure of the data. UKAD recognises the importance of transparency and accountability in general and, specifically, in providing the public with more understanding of its anti-doping programme⁴.

14. Conversely, UKAD considers that the more important public interest lies in the maintenance of an effective anti-doping programme so that UKAD can work towards its public policy objective of eliminating doping in sport. Disclosing the specific information requested would undermine the effectiveness of UKAD's operations, as it would be likely to reduce both the deterrent effect and its effectiveness in detecting prohibited substances through such operations.

15. UKAD has concluded that the public interest in disclosing the data requested is outweighed by the public interest in ensuring the effectiveness of UKAD's testing programme. UKAD therefore withholds this information under section 31 of the Act.

16. The above notwithstanding, UKAD can confirm that it incorporates the requirements of WADA's Technical Document for Sport Specific Analysis ('TDSSA')⁵ in the development of its Test Distribution Plan for football. The TDSSA is intended to ensure all Anti-Doping Organisations, including UKAD, utilise the available tools for detecting Prohibited Substances at an appropriate and consistent level.

Conclusion

17. 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 request and should be

⁴ Please note that UKAD publishes testing statistics every quarter. The data is broken down by national governing body and can be found here: <https://www.ukad.org.uk/quarterly-reports-ukads-testing-programme>.

⁵ The current version of WADA's TDSSA can be found here: <https://www.wada-ama.org/en/resources/world-anti-doping-program/tdssa-technical-document-sport-specific-analysis>.

addressed via email to: foi@ukad.org.uk. Please remember to quote the reference number above in any future communications.

18. If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commission 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". The signature is written in a cursive, slightly stylized font.

UK Anti-Doping