

Ref: FOI-360

[REDACTED]

Sent via email only:
[REDACTED]

12 January 2023

Dear [REDACTED],

1. Thank you for your email dated 7 December 2022 and the accompanying letter attached to your email, 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 Adverse Analytical Findings, Atypical Findings and Adverse Passport Findings (together "**Cricket Adverse/Atypical Findings**") reported in respect of samples collected (whether in-competition or out-of-competition) from cricketers in 2022 (whether in men's competitions, or in women's competitions)";*
 - b. *"The number of samples to which the Cricket Adverse/Atypical Findings related";*
 - c. *"The total number of Adverse Analytical Findings, Atypical Findings and Adverse Passport Findings (together "**The Hundred Adverse/Atypical Findings**") reported in respect of samples collected (whether in-competition or out-of-competition) from cricketers competing in The Hundred 2022 (whether in the men's competition, or in the women's competition)";*
 - d. *"The number of samples to which The Hundred Adverse/Atypical Findings related"; and*
 - e. *"A breakdown of the Prohibited Substance which caused each Adverse/Atypical Finding".*

3. Your request was for the completion of a table of information in response to the requests detailed at paragraph 2.

Summary Response

4. UKAD confirms that it holds relevant information pertaining to your requests at parts a. to d., as detailed at paragraph 2 above. Accordingly, it has completed the table you provided. The table is annexed to this letter.
5. With regard to your request at part e. for a breakdown by Prohibited Substance as detailed at paragraph 2 above, UKAD confirms that it holds relevant information. However, UKAD will not be providing information relating to this specific category of data, pursuant to the exemption provided in section 31 of the Act (indicated by 'Not disclosed' in the annexed table). This is more particularly explained below.

Response – part e.

6. As to part e. of your request, UKAD confirms that it holds the information to that part of your request. 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 functions.
7. 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 ...

8. One of UKAD's core functions is the investigation and prosecution of Anti-Doping Rule Violations ('ADRVs'). This function falls within section 31(1)(g) of the Act, as it is exercised for the purpose set out in section 31(2)(b) of the Act.
9. It is UKAD's view that disclosing the Prohibited Substance that caused the one (1) Cricket/The Hundred Adverse/Atypical Finding disclosed at parts a. to d. of your request (the 'Cricket Finding') would be likely to prejudice this function. This is because the Cricket Finding is still a pending matter, in accordance with the applicable anti-doping rules. Releasing any information in respect of it at this stage may therefore prejudice its investigation and/or prosecution in accordance with the applicable anti-doping rules.
10. Releasing the requested information relating to the Cricket Finding would also be likely to prejudice UKAD's investigation and prosecution function more generally. The applicable anti-doping rules require that any investigation and subsequent prosecution of a potential ADRV be conducted in accordance with strict requirements of confidentiality, so that all facts and information pertaining to a case remain confidential, (save for very limited and particular circumstances, and more generally) save to the extent that they are ultimately included in any decision published at the end of the process.
11. If UKAD were to disclose information which remains relevant to any pending matters, this would undermine the confidentiality of that anti-doping process. To do so would jeopardise UKAD's relationship with the sporting community to such an extent that it would be likely to lead to a lack of co-operation by sports, teams or athletes in the testing programme and any subsequent investigations or prosecutions, if not a refusal to participate at all.
12. Having determined that disclosure of the information relating to the Cricket Finding would be likely to prejudice the effective investigation and prosecution of ADRVs, UKAD has considered the public interest arguments in favour of disclosure. UKAD recognises the importance of transparency and accountability in general, and specifically in providing the public with more understanding of how it investigates and prosecutes potential ADRVs.
13. However, UKAD considers that the more important public interest lies in the maintenance of an effective investigation and prosecution process, so that UKAD can work towards its public policy objective of eliminating doping in sport. Disclosing the information requested in relation to Prohibited Substance that caused the Cricket Finding would be likely to harm those processes.

14. UKAD therefore withholds this information under section 31 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 request and should be addressed via email to: foi@ukad.org.uk. Please remember to quote the reference number above in any future communications.
16. 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".

UK Anti-Doping