

31 March 2023

Ref: FOI-369

Sent via email only: [REDACTED]

Dear [REDACTED]

1. Thank you for your email of 23 February 2022 in which you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act'). Specifically your request was as follows:

a. *How many athletes have been cleared of ADRV's (Anti-Doping Rule Violation has not been committed) by the NADP in 2017, 2018, 2019, 2020, 2021, 2022 and 2023 to present. Please provide a break down by year.*

b. *Please can UKAD provide a break of which sport each athlete above competed in.*

c. *Please can UKAD list which ADRV each athlete was initially charged with. In the cases which involved a positive drug test/AAF (presence of a prohibited substance) please can UKAD list the substance.*

d. *Please can UKAD also clarify whether these athletes were cleared of an ADRV in a first instance decision or on appeal.*

2. You requested that this information be provided in the following 'hypothetical' form:

| Athlete Number | Case year | Sport | ADRV (which athlete was cleared of) | Substance | First Instance Decision | Appeal Decision |
|----------------|-----------|----------|-------------------------------------|-------------|-------------------------|-----------------|
| Athlete 1 | 2017 | Canoeing | Presence of a prohibited substance | Oxandrolone | Yes | - |
| Athlete 2 | 2017 | Archery | Presence of a prohibited substance | Furosemide | No | Yes |
| Athlete 3 | 2018 | Cycling | Whereabouts | - | Yes | No |
| Athlete 4 | 2019 | Bowling | Possession | - | No | Yes |

Response

3. UKAD confirms that it holds material relevant to your request. Accordingly, it has completed a table as follows:

| Athlete Number | Year | Sport | Type of Violation | Substance | First Instance Decision | Appeal Decision |
|----------------|------|-------------------|---|------------------------|-------------------------|-----------------|
| 1 | 2017 | Athletics | Attempted Use of a Prohibited Substance | - | Yes | - |
| 2 | 2019 | Weightlifting | Evading, refusing or failing to submit to Sample collection | - | Yes | - |
| 3 | 2019 | Rugby Union | 1. Possession of a Prohibited Substance 2. Use or Attempted Use of a Prohibited Substance | - | Yes | - |
| 4 | 2019 | Athletics | Tampering or Attempted Tampering with any part of Doping Control | - | Yes | - |
| 5 | 2020 | Welsh Rugby Union | Evading Sample collection | - | Yes | - |
| 6 | 2020 | Welsh Rugby Union | 1. Refusing or failing to submit to Sample collection 2. Tampering with any part of Doping Control | - | Yes | - |
| 7 | 2021 | Rugby League | Presence of a Prohibited Substance or its Metabolites or Markers | oxandrolone metabolite | Yes | - |
| 8 | 2022 | Rugby League | Evading Sample collection | - | Yes | - |

4. With regards to the table above, please note the following:

a. The 'Year' column indicates the year the decision was handed down by an independent tribunal of the National Anti-Doping Panel ('NADP'); and

b. The table reflects decisions where the NADP has concluded that the Anti-Doping Rule Violation(s) ('ADRVs') charged were not proven to the 'comfortable satisfaction' standard of the hearing panel. This standard of proof is greater than a mere balance of probability but less than proof beyond a reasonable doubt, as set out in Article 8.4.1 of the UK Anti-Doping Rules¹.

¹ Available at: <https://www.ukad.org.uk/sites/default/files/2020-11/2021%20UK%20Anti-Doping%20Rules%20v1.0%20FINAL.pdf>

Conclusion

5. 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 further communications.

6. 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". The signature is written in a cursive, slightly stylized font.

UK Anti-Doping