

Mr [REDACTED]  
Sent via email only: [REDACTED]

Ref: FOI-453a

28 February 2025

Dear [REDACTED]

1. We write further to our email dated 12 February 2025.
2. This letter forms UKAD's response to the amended request for information on 6 February 2025, which has been given reference FOI-453a.

### Background

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3. By email dated 12 October 2024, you requested information from UK Anti-Doping ('UKAD') under the Freedom of Information Act 2000 ('the Act'). Your request was given reference FOI-453 and included the following:

*I would like to request the following under FOI from years 2014-2024 (or else whichever years during that period UKAD holds data). And, if possible, I would like all the below broken down on a sport-by-sport basis.*

1. *Number of TUE applications made to UKAD by those diagnosed with ADHD.*
2. *Number of TUE applications made to UKAD by those diagnosed with asthma.*
3. *The respective numbers granted by UKAD for both of the above.*

[...]

4. In UKAD's response (dated 8 November 2024), we disclosed information relevant to points 1 – 3 of your request. We did not, however, provide this information "broken down on a sport-by-sport basis" pursuant to section 40 of the Act. As explained in UKAD's response, this was because:

*[...] in view of the number of TUE applications received in certain sports, there is a genuine risk that disclosure of the information requested may identify an individual making a TUE application if UKAD were to provide the requested information on that sport-by-sport basis.*

5. By email dated 20 November 2024, you challenged UKAD's refusal to provide a sport-by-sport breakdown of the information requested "*on the basis that it has not been properly explained how this would lead to a risk of an individual athlete being identified.*"
6. By email dated 13 December 2024, UKAD provided the following explanation:

*Simply put, due to the very small number of TUE applications received in certain sports, there is a genuine risk that disclosure of the information requested may identify an individual making the TUE application. The National TUE Pool sets out which athletes are required to apply for and obtain a TUE in advance of starting treatment with a prohibited medication or method and the criteria for each sport is set out on UKAD's website, which can be accessed here: [National TUE Pool | UK Anti-Doping](#). You will note that some sports require only those athletes who are in elite or Olympic squads to apply for a TUE as part of the National TUE Pool. For some smaller sports, there is only one elite or Olympic athlete competing. There is therefore only one individual in that sport who fits the criteria to be part of the National TUE Pool. It is clear, therefore, that there is a genuine risk that disclosure of the information requested, i.e. the number of TUE applications for ADHD and/or asthma in specific sports, would lead to the identification of the individual athlete who has made a TUE application in that sport.*
7. In response that same day, you requested "*a sport-by-sport breakdown for those sports with sufficiently high numbers of applications that would not risk identifying individuals.*"
8. By email dated 16 December 2024, UKAD explained that a full response to your request had been provided, and that if you remained unsatisfied with UKAD's response it was open to you to request an internal review.
9. By email dated 19 December 2024, you requested an internal review of UKAD's response to your request.
10. In the course of their review, the Internal Reviewer asked the FOI team at UKAD to review your original request once again and ascertain whether any additional information could be provided to you. By email dated 6 February 2025, UKAD confirmed that it remains of the view that the exemption applied under section 40 of the Act (in respect of providing a sport-by-sport breakdown of the information requested) is valid. However, noting your amended request for "*a sport-by-sport breakdown for those sports with sufficiently high numbers of applications that would not risk identifying individuals*", UKAD informed you that it may be possible to disclose:

1. *The total number of sports from which TUE applications relating to a diagnosis of ADHD were submitted/approved between 2019 to 2024 (inclusive).*
2. *The four (4) particular sports from which the most TUE applications relating to a diagnosis of ADHD were submitted/approved across the period between 2019 to 2024 (inclusive).*
3. *The total number of sports from which TUE applications relating to a diagnosis of asthma were submitted and granted between 2019 to 2024 (inclusive).*
4. *The four (4) particular sports from which the most TUE applications relating to a diagnosis of asthma were submitted/approved across the period between 2019 to 2024 (inclusive).*

11. In response that same day, you said:

*That amended request is fine with two clarifications.*

1. *Can I please get the data for the whole of 2024 (2024 had not concluded when the previous response was provided).*
2. *Ignore the request for asthma data. I'm only interested in ADHD now.*

12. In a separate email later that same day, you asked “will I be provided with the top 4 sports year on year between 2019 and 2024?”

13. By email dated 12 February 2025, UKAD responded:

*In response to your subsequent email [...], UKAD will not disclose the four (4) particular sports in each year from which the most TUE applications relating to a diagnosis of ADHD were submitted/approved across the period 2019 to 2024 (inclusive). The reason for this is because in one or more years a ‘smaller’ sport (which therefore has a smaller TUE Pool) may fall within the ‘top 4’. This would engage s.40 of the FOI Act for the same reasons as previously stated (i.e. there is a genuine risk that disclosure of the information requested on a year-by-year basis may identify (or alternatively, lead to the erroneous identification of) an individual making a TUE application).*

*UKAD is, however, prepared to disclose an aggregate of the ‘top 4’ sports across the period 2019 to 2024 (inclusive).*

*[...]*

*To assist your understanding of the matter, UKAD is also prepared to disclose the total number of TUE applications relating to a diagnosis of ADHD that were*

*submitted/approved across the period 2019 to 2024 (inclusive) against the total number of sports those TUE applications relate to.*

### **The amended request**

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14. UKAD confirms that it holds TUE data for five (5) years and therefore the information requested in your email dated 6 February 2025, specifically the total number of TUE applications submitted to/approved by UKAD between the years of 2019 to 2024 by athletes diagnosed with ADHD, and the 'top 4' sports in each year.
15. However, as explained in our email dated 12 February 2025, UKAD is withholding from disclosure a sport-by-sport breakdown of the 'top 4' sports in each year from which the most TUE applications relating to a diagnosis of ADHD were submitted to/approved by UKAD across the period 2019 to 2024 (inclusive). This is because in one or more years a 'smaller' sport (which therefore has a smaller TUE Pool) falls within the 'top 4'.
16. UKAD has concluded that section 40 of the Act is engaged for the same reasons as stated in our response to your original request, reference FOI-453 (i.e. there is a genuine risk that disclosure of the information requested on a year-by-year basis may identify (or alternatively, lead to the erroneous identification of) an individual making a TUE application).
17. Nevertheless, as also explained in our email dated 12 February 2025, UKAD is prepared to disclose an aggregate of the 'top 4' sports across the period 2019 to 2024 (inclusive) from which the most TUE applications relating to a diagnosis of ADHD were approved.
18. Across the period 2019 to 2024 (inclusive), the 'top 4' sports from which the most TUE applications relating to a diagnosis of ADHD were approved were (in alphabetical order):
  1. Cricket
  2. Football
  3. Rugby League
  4. Rugby Union
19. UKAD is also prepared to disclose the total number of TUE applications relating to a diagnosis of ADHD that were submitted to/approved by UKAD across the period 2019 to 2024 (inclusive) against the total number of sports those TUE applications relate to. This information is detailed in the updated table below:

**Table 1: Overview of TUE applications submitted to UKAD since 2019 that are related to the diagnosis of ADHD**

<b>Year</b>	<b>Total Submitted ^</b>	<b>From Total Number of Sports</b>	<b>Total Approved</b>	<b>From Total Number of Sports</b>
2019	24	16	19	12
2020	19	12	12	7
2021	29	16	15	9
2022	60*	24	36	13
2023	95*	27	56	16
2024	88#	24	52	13

^ Submitted applications include 'Reviewed', 'Non-Reviewed', 'International', and 'Fairness' applications.

#### **TUE Application – Reviewed**

An application which is sent to the UKAD TUE Committee for review following an initial assessment by UKAD which identified that the Athlete is required to obtain a TUE.

#### **TUE Application – Non-Reviewed**

An application which following an initial assessment does not require processing further due to one of the following reasons: i. the medication is permitted at all times; ii. the medication is permitted at the prescribed dose; iii. the medication is prohibited In-Competition only and the Athlete is not competing whilst using the medication (or during a defined washout period); or iv. the Athlete is competing at a level whereby they are not required to obtain a TUE in advance but are instead required to submit a retroactive TUE application following Doping Control.

#### **TUE Application – International**

An application which is incorrectly submitted to UKAD by an Athlete that is International Level requiring their respective International Federation to consider the request.

#### **TUE Application – Fairness**

An application which is sent onto the UKAD TUE Fairness Review Panel for review following an initial assessment by UKAD that has concluded that the application does not satisfy either (or both) of the criteria set out in Articles 4.1 and 4.2 of the International Standard for TUEs ('ISTUE').

\* These figures differ from the original data set shared on 8 November 2024 as one TUE application submitted in 2022 and one in 2023 were inadvertently missed when collating the data.

# A further 18 TUE applications were submitted in 2024 after disclosure of the original dataset; 11 of the 18 applications were approved.

NB. To avoid double counting of the data, the count of total applications submitted within this table excludes appeal applications submitted after the original request for a TUE was rejected. In these instances, the application is counted by its final outcome only.

NB. TUEs that were granted, but subsequently cancelled or withdrawn due to the Athlete retiring from sport, the Athlete ceasing treatment, or the Athlete failing to fulfil the conditions under which their TUE was granted, are counted in this table as approved rather than their final outcome.

NB. Pending applications that were submitted in 2024 but were not concluded by 31 December 2024 have been excluded.

## Considerations

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20. For the purposes of the TUE statistics disclosed (above), an approved TUE is an application which fulfils the conditions for granting a TUE as outlined in the ISTUE. In order for a TUE to be granted, the UKAD TUE Committee must be unanimous in their decision that the application fulfils these conditions.
21. The data does not include information on TUE applications submitted by International-Level athletes to their International Federation. Each International Federation defines which athletes they consider to be International Level. This typically includes Athletes either selected to be within the International Federation's Registered Testing Pool and/or competing at an international event.
22. The timing of when an Athlete needs to apply for a TUE and who they need to apply to is based on their sport and competition level. Only Athletes in the National TUE Pool are required to apply for and obtain a TUE with UKAD in advance of starting treatment with a prohibited medication or method (unless exceptional circumstances apply). Athletes who are not included within the National TUE Pool nor are defined as being an International-Level Athlete do not need to obtain a TUE in advance of starting treatment but instead are required to apply for a retroactive TUE if they are subject to Doping Control. As a result, the dataset on TUE approvals may only be representative of Athletes included within the National TUE Pool. Prospective TUE applications submitted by Athletes who are not included within the National TUE Pool for their respective sport are not processed by UKAD.

23. TUEs are granted for specific time periods (e.g. one-off, seven days, three months, six months, one year, two years, etc). This means that some TUEs may need renewing on more than one occasion during a year or each year depending on the timing of when the TUE was granted and duration of approval. As a result, the dataset may count the same Athlete on more than one occasion within a given year or over multiple years for the same diagnosed medical condition.

## **Conclusion**

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24. 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 this response and should be addressed via email to [foi@ukad.org.uk](mailto:foi@ukad.org.uk). Please remember to quote the reference number above in any further communications.
25. 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**