

Mr [REDACTED]

Ref: FOI-465

Sent via email only: [REDACTED]

18 February 2025

Dear [REDACTED]

1. Thank you for your email of 21 January 2025 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:

"Under FOIA, please provide the following information in relation to anti-doping whereabouts failures:

1/ The number of missed tests broken down per sport for each of the last 5 calendar years.

2/ The number of instances that there have been 3 missed tests in relation to an individual athlete within 12 months, broken down per sport for each of the last 5 calendar years."

Summary of Response

2. For the purposes of providing a response to your request, UKAD has interpreted your reference to 'missed tests' in line with the applicable definition in the World Anti-Doping Agency's International Standard for Results Management ('ISRM'), which is as follows:

'Missed Test: *A failure by the Athlete to be available for Testing at the location and time specified in the 60-minute time slot identified in their Whereabouts Filing for the day in question, in accordance with Article 4.8 of the International Standard for Testing and Investigations and Annex B.2 of the International Standard for Results Management.'*

3. UKAD confirms that, subject to the clarifications explained below, it holds the information requested.

4. As more particularly explained below, certain information is not being disclosed. We are withholding certain information pursuant to section 31 of the Act on the basis that disclosure of this information would likely to prejudice the exercise by UKAD of its regulatory function.
5. UKAD discloses some of the data at part 1 of your request being the number Missed Tests over the last five (5) calendar years. We have set this out at paragraph 7 below.
6. In relation to part 1 of your request, UKAD withholds the breakdown of Missed Tests by sport. We have set out the reasoning for this at paragraph 8 onwards.

Part 1 of your request

7. UKAD confirms that it holds the information requested. However, UKAD is only disclosing to you the total number of Missed Tests for each calendar year, which is as follows:

	2020	2021	2022	2023	2024	2025
Total	4	23	19	19	24	1

8. UKAD is withholding the specific breakdown of sports under the exemption provided for in section 31 of the Act on the grounds that releasing the information would be likely to prejudice the exercise by UKAD of its regulatory functions.
9. Section 31 provides as follows:

Section 31 Law Enforcement

(1) Information which is not exempt by virtue of section 30 is exempt information if its disclosure under the Act would, or would be likely to, prejudice –

...

(g) the exercise by any public authority of its functions for any of the purposes identified 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.

10. UKAD's core functions as a regulator include maintaining an effective Testing programme, as well as the investigation and prosecution of Anti-Doping Rule Violations. These functions fall within section 31(1)(g) of the Act, as they are exercised for the purpose set out in section 31(2)(b) of the Act.
11. UKAD considers section 31 of the Act to be engaged in this context because if UKAD were to disclose the sport in which Missed Tests were recorded, then this could lead to the identification, or misidentification, of Athletes in sports where there are few Athletes included in the National Registered Testing Pool.
12. In carrying out its regulatory function, UKAD must be in a position to confidentially process and investigate instances where Athletes have Missed Tests. If UKAD were to disclose the information requested, it would undermine the confidentiality associated with UKAD's Testing programme.
13. In addition to these considerations, the UK Anti-Doping Rules (the 'ADR') require that any investigation into a Missed Test be conducted in accordance with strict requirements of confidentiality, so that all facts and information pertaining to such cases remain confidential, except in very limited circumstances as provided for in the ADR. If UKAD were to disclose information which relates to any such investigation (such as the sports in which Athletes have Missed Tests), this would undermine the confidentiality of the investigative process. Confidentiality is a key principle enshrined within the ADR and UKAD's stakeholders, including sports, Athletes, and the public, expect and require UKAD to be compliant with the ADR.
14. Having determined to withhold the information pursuant to section 31 of the Act, UKAD has considered the public interest arguments in favour of releasing the information. UKAD recognises the importance of transparency and accountability in general, and specifically in providing the public with more understanding of its Testing process.
15. Conversely, UKAD considers that the more important public interest lies in the effective and confidential management of its Testing, investigation and prosecution processes, and compliance with its confidentiality obligations as provided for by the ADR, so that UKAD can work towards its public policy objective of eliminating doping in sport.

16. UKAD has concluded that the public interest in disclosing the information requested is outweighed by the public interest in ensuring the effectiveness of its Testing, investigation and prosecution processes, and compliance with its confidentiality obligations. UKAD therefore withholds this information under section 31 of the Act.

Part 2 of your request

17. In respect of part 2 of your request, UKAD confirms that it holds the requested information. The number of instances of three (3) Missed Tests, in relation to an individual Athlete within a 12-month period, is as follows:

	2020	2021	2022	2023	2024	2025
Total	0	0	0	0	0	0

18. As there were no instances of three (3) Missed Tests, in relation to an individual Athlete over a 12-month period, in the last five (5) years, UKAD holds no information that is capable of being broken down by sport.

Conclusion

19. 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. Please remember to quote the reference number above in any further communications.

20. 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



UK Anti-Doping