

Ref: FOI-456

Sent via email only: [REDACTED]

18 November 2024

Dear [REDACTED]

1. Thank you for your email of 21 October 2024 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:

1. *How many footballers at clubs playing in the Scottish Football Pyramid (Premiership, Championship, League One, League Two) were tested and returned an Adverse Analytical Finding (AAF) from seasons 2016/17, 2017/18, 2018/19, 2019/20, 2020/21, 2021/22, 2022/23, and 2023/24.*

Please could the information be broken down by year (football season).

In each case, please could it be specified which of the four leagues the footballer played in at the time, the type of substance which they returned an AAF for, what the conclusion of the case was (i.e. whether there was a sanction), and – where applicable – what the length of the sanction was.

2. *How many footballers at clubs playing in the Scottish Premiership, Championship, League One and League Two were granted Therapeutic Use Exemptions (TUE) between 2016/17, 2017/18, 2018/19, 2019/20, 2020/21, 2021/22, 2022/23, and 2023/24?*

Please could the information be broken down by year (football season). In each case, please could it be specified which of the four leagues the footballer played in at the time."

Summary of response

2. UKAD confirms that, subject to the clarifications explained below, it holds material relevant to Part 1 of your request, which has been disclosed in a table below. As more particularly explained below, certain information is not being disclosed in accordance with Section 31 of the Act.

3. With regard to Part 2 of your request, UKAD is disclosing information relating to TUEs granted by UKAD from the 2019/20 season onwards. This is because UKAD only holds TUE data for a maximum of five years.

Part 1 - Adverse Analytical Findings returned by football players

4. UKAD does not “hold” the specific information at Part 1 of your request. This is because UKAD does not record Adverse Analytical Findings (‘AAFs’) by reference to the league a football player participates in.
5. The above notwithstanding, UKAD has cross-referenced the data it holds with publicly available (not UKAD-specific) information in good faith, to try to discern the league a player participated in at the time they returned an AAF, in order to respond to your request.
6. The table below represents the number of AAFs returned by football players participating at clubs in the ‘Scottish Football Pyramid’ between the 2016/17 and 2023/24 seasons:

Season	Substances	League	Sanction
2016/17	benzoylecgonine	League 1	2-year period of Ineligibility
2016/17	benzoylecgonine	League 1	2-year period of Ineligibility
2016/17	metandienone	League 1	4-year period of Ineligibility
2016/17	metandienone	League 1	4-year period of Ineligibility
2018/19	Carboxy-THC	League 1	2-year period of Ineligibility

7. Please note that UKAD may collect multiple samples (blood and/or urine) from a football player during a single testing occasion. This means that multiple AAFs can therefore be reported in relation to a single player, arising from a single testing occasion. UKAD confirms that, in relation to the table above, the two AAFs for benzoylecgonine in 2016/17 relate to a single player and arose from a single testing occasion where the player provided multiple samples. Likewise, the two metandienone AAFs in 2016/17 relate to a single player and arose from a single testing occasion where the player provided multiple samples.
8. Separately, UKAD confirms that it holds other information relevant to Part 1 of your request that it is not disclosing. This information is not already in the public domain for good (albeit exceptional) reasons.
9. UKAD considers Section 31 of the Act to be engaged in this context because it must be in a position to make determinations about the applicability of the UK Anti-Doping Rules relevant to Public Disclosure in each case (without disclosures

or prospective disclosures under the Act or otherwise potentially compromising this function or the considerations behind the exercise of it).

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 ...

10. 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.
11. The considerations behind UKAD's decisions of the kind discussed here are a crucial part of UKAD's regulatory functions. Releasing information which has been protected from disclosure for appropriate and important reasons in this context may prejudice these functions.
12. Having determined that there is a risk of prejudice on this basis, UKAD has considered the public interest arguments in favour of disclosure. UKAD recognises the importance of transparency and accountability in general and specifically in relation to the progress of matters from AAF to ADRV and relevant substances. However, UKAD considers the more important public interest lies in the maintenance of effective investigation and prosecution processes, engagement with stakeholders, and maintenance of UKAD's position on non-disclosure. All of these factors are vital in connection with UKAD's public policy objective of eliminating doping in sport. Disclosing the relevant information here would likely harm or undermine the relevant processes connected to this objective.

Part 2 - TUEs granted by UKAD to football players

13. The number of TUEs granted by UKAD to players per your request at Part 2 above is as follows:

Competition	2019/20	2020/21	2021/22	2022/23	2023/24
Premiership	0	1	2	2	0
Championship	0	0	0	1	4*
League One	0	0	0	0	0
League Two	0	0	0	0	0

*One player was granted two separate TUEs at different time points during the 2023/24 season. As a result, four TUEs were granted to three different Championship players in 2023/24.

Considerations

14. For the purposes of these statistics, each season is defined as starting on 01 July and ending on 30 June in the following year.
15. The data does not include information on TUEs granted to international-level players who are required to obtain TUEs through UEFA and/or FIFA. International-level players are typically players competing within UEFA (e.g. Champions League) or FIFA (e.g. World Cup) sanctioned competitions. These players are international level until their team is eliminated from the competition.
16. The timing of when a player needs to apply for a TUE and who they need to apply to is based on their competition level. Only players 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). Players who are not included within the National TUE Pool nor are defined as being international level do not need to obtain a TUE in advance of starting treatment but are instead required to apply for a retroactive TUE if they are subject to Doping Control. During the reporting period, the National TUE Pool included players affiliated to Scottish Professional Football League clubs in the Premiership and Championship only.
17. 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 be valid across multiple seasons or need renewing on more than one occasion during a season depending on the timing of when the TUE was granted and duration of approval. As a result, the dataset may count the same player on more than one occasion within a given year or over multiple years for the same diagnosed medical condition.

18. The competition level of each player was assigned at the point that they applied for a TUE. This means that TUEs granted to players whilst affiliated to clubs outside of the Scottish Professional Football League are not counted in this dataset.
19. UKAD only holds TUE data for five years. Therefore, the number of TUEs granted by UKAD to players affiliated to football clubs playing in the Scottish Professional Football League has been provided from the 2019/20 season onwards.

Conclusion

20. 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.
21. 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

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