

Official

Ref: FOI-447

[REDACTED]  
Sent via email only: [REDACTED]

29 October 2024

Dear [REDACTED]

### FOI Request (FOI 447) – Internal Review

1. Thank you for your email of 3 October 2024 requesting an Internal Review of UKAD's response to your FOI request dated 2 October 2024, reference FOI-447. I have been asked to undertake the Internal Review and have outlined my findings in this letter.

#### Your original request

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2. Specifically, your original request was as follows:

*"One bike shop owned by Dennis Lightfoot (Glen Parker) is often loved or hated as there are some rumors he was cheating when competing and even that he got caught and got banned for a period of time. I'd like to know if these rumors are either the truth or if they are diffamation".  
(sic)*

#### Your request for an Internal Review

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3. Your request for an Internal Review stated as follows:

*"You are denying the right to know the truth about a person who has probably committed doping during his career to a member of the public. This information should always be available to the public. The offender should always be liable for his actions and bear the consequences until his last breath.*

*"I'm a strong advocate for a clean sport and your "neither confirm or deny" response is irresponsible and disrespectful.*

*“Your argumentation about confidentiality is so wrong especially when you mentioned it'd undermine UKAD's ability to investigate and eliminate doping in sport.”*

## **Outcome of my internal review**

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4. In conducting this internal review, I have considered your original FOI request afresh, as well as your email of 3 October 2024. In that email you argue that UKAD's refusal to neither confirm nor deny ('NCND') whether the information you requested was held was unsustainable, and moreover that there was a strong public interest in disclosing the information sought by this request.
5. Having carried out the internal review, I have concluded that the exemption originally cited in UKAD's response, i.e. section 31(3) of the Freedom of Information Act 2000 ('the Act') – was correctly relied upon for the reasons given in the original response.
6. The term 'neither confirm nor deny' that you called *“irresponsible and disrespectful”* is an established legal principle from the Act itself, and necessarily used here to protect the confidentiality of investigations that may or may not have taken place, an essential component of an anti-doping organisation's work.
7. UKAD argued that confirming whether or not it held information falling within the scope of your request would prejudice its ability to ascertain whether a person has committed an Anti-Doping Rule Violation ('ADRV') contrary to the UK Anti-Doping Rules ('ADR'). It explained that this purpose falls within section 31(2)(b) of the Act.
8. UKAD further argued that if it were to confirm, on request, that it held such information in any case where it did so, this would enable people (other than those who were party to that information) to discover the existence or otherwise of confidential investigations.
9. Confidentiality is also necessary so that individuals are not discouraged from assisting UKAD with the exercise of its functions for the purpose identified in section 31(2)(b), for fear that such assistance may become public and that they may be subject to reprisals. Without confidentiality, anybody who did assist would be inhibited from being fully frank, for the same reasons.

10. There is a causal link between UKAD confirming whether or not it holds the information pursuant to section 31(3) of the Act and the prejudice which the exemption is designed to protect.

11. For these reasons, along with the details set out in the original response from UKAD, section 31(3) of the Act is therefore engaged.

### **Public interest test**

12. However, section 31(3) is a qualified exemption so I have considered the public interest test contained in section 2 of the Act and whether the public interest in maintaining the exemption outweighs the public interest in confirming whether or not the requested information is held.

13. Under the public interest section of the original response, UKAD acknowledged the importance of transparency and accountability in general, both in terms of the public confidence that this inspires and in providing the public with the ability to examine decisions taken in particular cases. It also clearly stated its responsibilities regarding the public interest inherent in a public body maintaining confidentiality in respect of the purposes it explained.

14. UKAD's refusal to confirm or deny whether it holds the information pursuant to your request is because any other disclosure would prejudice UKAD's ability to exercise its functions for the purposes of ascertaining whether any person is responsible for any conduct which is improper. The exercise of such functions is done in the context of its regulatory framework and rules.

15. UKAD refused to confirm or deny whether it held information which falls within the scope of your request on the basis of section 31(3) (law enforcement) of the Act.

16. UKAD's response was in keeping with the parameters of its obligations and as such UKAD was right to neither confirm nor deny whether it holds any information which confirms whether Mr Dennis Lightfoot has been caught, or suspected of doping, or been subject to a period of Ineligibility. The reasoning for this response was set out in UKAD's original response and I have reiterated the key components in this letter. In my review I conclude that section 31(3) of the Act is engaged and that the public interest favours maintaining the exemption.

17. After conducting my review I therefore uphold UKAD's decision to neither confirm nor deny whether it holds the information requested by you.

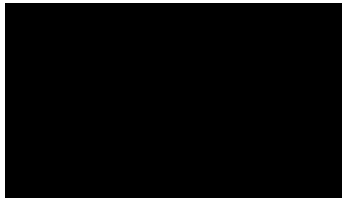
## Conclusion

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18. This letter concludes UKAD's Internal Review. As set out in UKAD's publication scheme, if you remain dissatisfied after the Internal Review and feel we have not complied with our obligations under the Act, you may complain to the Information Commissioner. You can contact the Information Commissioner at:

The Information Commissioner's Office  
Wycliff House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,



Kirsty Cockburn  
Director of Communications