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# Introduction

Published with the Interim Report on 25 April 2018

This Record of Evidence and Analysis has not been updated for the purposes of preparing the Final Report. In the event of any conflict, the Final Report reflects the most contemporaneous record and therefore prevails over this chapter.

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**Independent  
Review  
of Integrity  
in Tennis**

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### A INTERIM REPORT AND RECORD OF EVIDENCE AND ANALYSIS

1. This Record of Evidence and Analysis (“REA”) accompanies the Interim Report of the Independent Review of Integrity in Tennis (“Interim Report”). It further describes the evidence and analysis on which the Interim Report is based. The two documents should be read together.
2. This REA sets out, based on the evidence gathered in relation to the areas of inquiry that fall within the scope of this Review, the provisional findings of fact and evaluative conclusions of the Independent Review Panel (the “Panel”). Based on the Panel’s provisional findings of fact and evaluative conclusions, this REA also sets out the Panel’s proposed recommendations for change.
3. As further explained in paragraphs 60 and 61, the Panel submits these findings of fact, evaluative conclusions, and proposed recommendations stated in the Interim Report and this REA for consultation. Interested parties are invited to provide written submissions by 25 July 2018.
4. This REA is broken down into the following chapters:
  - 4.1 Chapter 1 sets out the introduction, background and process of the Independent Review of Integrity in Tennis (the “Review”).
  - 4.2 Chapter 2 sets out the relevant facts in relation to the sport.
  - 4.3 Chapter 3 sets out the relevant facts in relation to betting on the sport.
  - 4.4 Chapter 4 addresses the different types of consequent breaches of integrity that may arise in the sport.
  - 4.5 Chapter 5 addresses methods for protecting integrity in the sport by punishing breaches of integrity.
  - 4.6 Chapter 6 addresses methods for protecting integrity in the sport by preventing breaches from occurring in the first place.
  - 4.7 Chapter 7 assesses the historical approach of the International Governing Bodies of professional tennis (the “International Governing Bodies”) to the protection of integrity in the sport between 2003 and 2008, before the current system was introduced.
  - 4.8 Chapter 8 addresses the investigation into a match played in August 2007 between Martin Vassallo Arguello and Nikolay Davydenko, the subsequent Environmental Review commissioned by the International Governing Bodies, and the development of the uniform Tennis Anti-Corruption Programme (“TACP”) and creation of the Tennis Integrity Unit (“TIU”).
  - 4.9 Chapter 9 assesses the handover of responsibility for integrity matters from the International Governing Bodies to the TIU.
  - 4.10 Chapter 10 assesses the system in place for the protection of integrity in tennis and the TIU’s operation of that system from 2009.
  - 4.11 Chapter 11 describes the media coverage in 2016 that provided the catalyst for the establishment of the Review.
  - 4.12 Chapter 12 sets out the subsequent proposals made by the International Governing Bodies and developments following the announcement of the Review in 2016.
  - 4.13 Chapter 13 sets out the nature and extent of the problem now faced by tennis.
  - 4.14 Chapter 14 evaluates the adequacy of the current system operated by the sport for protecting integrity in tennis, and recommends improvements to that system.

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<sup>1</sup> The International Tennis Federation (“ITF”), the Association of Tennis Professionals (“ATP”), the Women’s Tennis Association (“WTA”) and at that time the Grand Slam Committee (later to become the Grand Slam Board) made up of the four Grand Slams.

### B BACKGROUND

5. A decade ago, in 2008, the International Governing Bodies of tennis undertook a review of their approach to match-fixing and related breaches of integrity by participants in the sport. This was in response to a perception that the sport faced a growing problem in light of the rapid development of internet betting, and coincided with the investigation into suspicious betting on a match in August 2007 between Martin Vassallo Arguello and Nikolay Davydenko<sup>2</sup>. Independent experts appointed by the International Governing Bodies conducted an environmental review<sup>3</sup>, which addressed the nature and extent of the problem faced, and the structures and mechanisms to be put in place to enforce and encourage compliance with new uniform rules to apply across the sport. At the same time, the International Governing Bodies and legal advisers addressed the development of those uniform rules. The International Governing Bodies implemented the principal recommendations of the Review, creating in 2008 the TIU and the first set of uniform anti-corruption rules that are now called the TACP<sup>4</sup>. These have been in operation since 1 January 2009. The 2008 review contemplated that as matters developed, so too must and would the rules, structures and mechanisms.
6. In early 2016, media reports criticised the sport's handling of the problem of match-fixing and other breaches of integrity<sup>5</sup>. The principal criticism fell into broadly four areas, although other specific points were made. First, there was criticism of the historical approach of the International Governing Bodies to breaches of integrity that took place before 2009: the suggestion was that, at that time, there should have been additional disciplinary action or investigation. Second, the choices made in implementing the recommendations of the 2008 review were criticised: in particular, the suggestion was that the International Governing Bodies should have opted for a larger and better resourced TIU rather than the smaller and less costly alternative that they chose. Third, there was criticism of the handling of the transition of responsibility for integrity matters from the International Governing Bodies to the TIU in January 2009: the media suggested that intelligence in relation to events before 2009 was not properly acted upon by either the International Governing Bodies or the TIU. Fourth, the performance of the TIU in respect of match-fixing and other breaches of integrity since the beginning of 2009 was criticised: the media suggested that the large number of unusual or suspicious betting patterns reported by betting operators to the TIU reflected a high incidence of match-fixing in the sport, and that the TIU, by failing to deal properly with unusual or suspicious betting patterns had failed adequately to detect and discipline cheats. It was also suggested that the TIU's relationships with national federations and governmental entities are not productive and that it (i) is insufficiently independent of the International Governing Bodies; (ii) is insufficiently resourced; and (iii) acts in an insufficiently transparent manner.
7. In their criticism the media invited the public to draw certain conclusions, including that: (a) the sport has inadvertently put in place and operated an inadequate system; (b) the sport has failed to take sufficient steps because it lacks a sufficient appetite to tackle the problem; and (c) the sport has deliberately sought to avoid exposing and addressing match-fixing and other breaches of integrity because it would be harmful to the sport to do so. Each conclusion suggests that there is a substantial incidence of match-fixing in tennis, which is being inadequately addressed.
8. In early 2016, the International Governing Bodies, who are principally responsible for governing professional tennis at the international level, appointed the Panel to address betting-related and other integrity issues facing the sport. Pursuant to its Terms of Reference, as described below, the Panel has conducted the Review, addressing, amongst other things, the nature and extent of the problem over time; the effectiveness and appropriateness of the sport's historical and present approach to addressing it; and proposed changes to improve how the sport addresses it in the future.

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<sup>2</sup> The match took place on 2 August 2007 at Sopot in Poland. The investigation commenced immediately afterwards, and resulted in the "Sopot Report" see Chapter 8, Section A. The Sopot Report concluded that there was no evidence of a breach of the then rules by either player.

<sup>3</sup> Ben Gunn and Jeff Rees, 'Environmental Review of Integrity in Professional Tennis' (May 2008), Appendix: Key Documents; see Chapter 8, Section B. There was an earlier report to the ATP in 2005: Richard Ings, 'Report on Corruption Allegations in Men's Professional Tennis' (June 2005), Appendix: Key Documents; see Chapter 7, Section A(1).

<sup>4</sup> Chapter 10, Section A(2).

<sup>5</sup> Chapter 11 summarises the chief articles and transcripts.

### C SCOPE AND FACTUAL AMBIT OF THE REVIEW

9. The Terms of Reference dated 12 February 2016 set out the aims and remit of the Review<sup>6</sup>:
  - 9.1 The Panel is established to consider the effectiveness and appropriateness of the TACP, TIU, and Tennis Integrity Protection Programme (“TIPP”) and to recommend any suggested changes<sup>7</sup>. This is to be measured in light of the nature and extent of the problem now faced by tennis.
  - 9.2 In conducting the Review, the Panel will take into account, among other things, public commentary regarding the processes, procedures, performance and resources of the TIU and the actions of the International Governing Bodies<sup>8</sup>.
  - 9.3 The issues to be addressed by the Panel shall be: (a) the rules governing and protecting the integrity of the actions of participants in tennis, including the rules of the TACP; (b) the mechanisms for investigation and the enforcement of those rules, including through the TIU; (c) whether investigation and the enforcement of the rules through those mechanisms has been carried out appropriately; (d) the relationships with law enforcement agencies, betting operators and other relevant bodies; (e) the level of independence of the TIU; (f) the level of resources allocated to the TIU; (g) the level of transparency in investigation and the enforcement of the rules; and (h) the approach to the education of participants in tennis, including through the TIPP<sup>9</sup>.
  - 9.4 Finally, in conducting the Review, the Panel is entitled to review and report on relevant matters that occurred before the creation and adoption of the TACP and the creation of the TIU<sup>10</sup>; on the significance of the roles of the bodies outside of tennis, including international and state bodies and law enforcement agencies, betting operators and other relevant bodies<sup>11</sup>; and on any other matter that it considers to be relevant arising out of its review<sup>12</sup>.
10. The International Governing Bodies have committed to implementing and funding the recommendations made by the Panel<sup>13</sup>.
11. The factual ambit of this Review covers behaviour that throws into doubt the genuineness of the result in a match because a professional tennis player has not tried to win the match, or part of it. The circumstances where this happens, and the player’s motivation, vary significantly:
  - 11.1 While some circumstances do involve a breach of integrity that falls (or should fall) to be dealt with by the TIU under the TACP, some do not.
  - 11.2 Those that do, involve breaches of integrity of varying seriousness.
  - 11.3 Those that do not, may still constitute breaches of the obligation to use “*best efforts*” contained in the sport’s Codes of Conduct, or may equally involve legitimate tactical decisions within the context of a match that do not constitute such breaches.
  - 11.4 At one end of the spectrum of circumstances, a player may on his own or with the encouragement of others make a decision in advance to lose deliberately, in order to fix the match for betting purposes or for some other corrupt purpose such as an agreement to share prize money.
  - 11.5 At the other end of the spectrum, a player may legitimately decide to ease off in a set that is likely to be lost, in order to conserve their energy and increase the chances of ultimate success.
  - 11.6 Between each end of the spectrum, a player may, for a variety of reasons (such as tiredness, disillusion, form or injury) cease during the course of a match to try to win, which may or may not constitute a failure to use “*best efforts*” contrary to the sport’s Codes of Conduct. Alternatively, a player may make and act on a decision in advance to lose a match deliberately, not for strictly corrupt purposes, but for other reasons such as the player’s perception that to do so will, as a function of the player incentive structure of the sport, maximise the prize money and ranking

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<sup>6</sup> The Terms of Reference, Appendix: Key Documents.

<sup>7</sup> Terms of Reference, paragraph 2.

<sup>8</sup> Terms of Reference, paragraph 3.

<sup>9</sup> Terms of Reference, paragraph 7.

<sup>10</sup> Terms of Reference, paragraph 8.

<sup>11</sup> Terms of Reference, paragraph 9.

<sup>12</sup> Terms of Reference, paragraph 10.

<sup>13</sup> Terms of Reference, paragraph 16.

points won over a period, as opposed to simply at the current event. In the further alternative, a player may take to the court in the knowledge that he or she is too injured to compete or even play. Again, the circumstances will vary significantly, from a player who is battling against injury and trying to win, to a player who has taken a prior decision to retire, again in part due to the player incentive structure, which is similar in quality to a prior decision to lose.

12. Also covered in the factual ambit of the behaviour to be examined are participants in tennis using or providing inside information as to the likely performance of a player; betting by participants; encouraging or facilitating betting by others; delay in entering or manipulation of the score by officials; sponsorship of players and others by betting operators; inappropriate provision of accreditation; sale of wildcards; failure to report third-party approaches to match-fix or to provide inside information; failure to report breaches of integrity by others; failure to cooperate and assist in investigations; and association with gamblers.
13. The factual ambit of this review does not, on the other hand, extend to players using prohibited substances to enhance performance and so increase the chances of winning, or to the content or operation of the Tennis Anti-Doping Programme (the "TADP"), which deals with such behaviour, although in the wider sense of the word doing so can be seen as an issue of 'integrity'. At present the TADP is administered by the ITF in accordance with the World Anti-Doping Code. The sport is however considering the possibility that integrity and anti-doping should both be dealt with by the same independent body, and this possibility is addressed.
14. Nor does the Review cover other player behaviour aimed at increasing the chances of winning that reveals a lack of 'integrity' in the wider sense, such as impermissible on-court coaching or breach of the rules on equipment or on player analysis technology. Such conduct is governed by the Rules of Tennis and the International Governing Bodies' Player Codes of Conduct and falls to be dealt with under them. The same applies to player conduct that brings the sport into disrepute and in that sense threatens its integrity, such as dress code violations, abusive behaviour on the court, or unsportsmanlike conduct including unjustified statements in the media. Withdrawal offences under the International Governing Bodies' Player Codes of Conduct are also not covered by this Review, but are touched on in so far as they have an impact on other player conduct that is covered.
15. Further, the scope of the Review does not extend to governance issues that relate to the integrity of the actions of those involved in the running of the sport or issues that are not focused on competition itself.
16. The Panel's task is to assess the integrity system in place and its operation. It is not, and could not be, the task of the Panel to evaluate whether there have been specific breaches of integrity by particular individuals. That can only be determined by a disciplinary process. Nothing in the Interim Report or in this REA is or should be taken as concluding or suggesting that there has been such a breach of integrity, in the absence of a disciplinary decision that has already reached this conclusion.
17. Nor is it the task of the Panel to determine whether any past decision or action of any person or organisation satisfied any public law or private law legality standard or test, or was tortious or in breach of contract. The Panel is not a court or arbitration charged with resolving a legal dispute as to such legality. The Panel is charged with assessing what happened in the past, based on the available information, and whether in the Panel's opinion it was appropriate and effective. The Panel bears in mind the environmental and factual circumstances at the time, that it necessarily has the benefit of hindsight, that matters may appear different now to how they did at the time, and that points of view as to what may be the right decision or action to take may vary. This does not mean however, that the Panel is assessing the legality of any decision or action by reference to any standard or test of contract, tort, irrationality or unreasonableness. Nothing in the Interim Report or in this REA is or should be taken as concluding or suggesting that any decision or action satisfied, or failed to satisfy, any such public law or private law legality standard or test, or was or was not tortious or in breach of contract.
18. The Panel further notes that faded, or hardened, witness recollection and the nature of the Review (which does not involve an adversarial process) means that on occasion it is not possible or appropriate to seek to resolve direct conflicts in the evidence.

### D APPOINTMENT OF THE PANEL

19. The International Governing Bodies appointed Adam Lewis QC as Chair of the Panel<sup>14</sup>.
20. In accordance with paragraph 6 of the Terms of Reference, Adam Lewis QC appointed Beth Wilkinson<sup>15</sup> and Marc Henzelin<sup>16</sup> as members of the Panel. The members of the Panel were selected both for their appropriateness and for their independence.
21. The Panel accepted and pursued its mandate from the International Governing Bodies without pre-determined conclusions. Its findings and recommendations are based entirely on the Panel's review of the evidence.
22. Jonathan Ellis of Northridge Law LLP was appointed by the International Governing Bodies as the Solicitor and Secretary to the Panel and he heads up the Panel's Secretariat<sup>17</sup>. The Secretariat is distinct from and independent of the Panel.
23. In accordance with paragraph 11 of the Terms of Reference Adam Lewis QC, as Chair of the Panel, has directed the work of the Panel.
24. Although the Panel has received substantial assistance from the Secretariat and from attorneys at Wilkinson Walsh + Eskovitz LLP, especially Sean Eskovitz, and Lalive SA, especially Giulio Palermo, in conducting the Review, the Panel is solely responsible for the findings and recommendations contained in the Interim Report and REA.

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<sup>14</sup> Adam Lewis QC is leading counsel specialising in Public Law, EU Law and Sports Law, appearing before the English and European courts and in arbitral tribunals including the Court of Arbitration for Sport in Lausanne. He also sits as an arbitrator in sports disputes. He has previously worked for a firm in Washington DC, for a firm in Brussels, and in the cabinet of a European Commissioner in Brussels. Blackstone Chambers, London: <http://www.blackstonechambers.com/> [accessed 9 April 2018].

<sup>15</sup> Beth Wilkinson is lead trial counsel in federal and state cases involving, among other things, white collar crime, antitrust, sports and entertainment, mass tort and product liability, and class action litigation. She also represents clients in front of the Department of Justice, Congress and other government agencies. She is a former Assistant US Attorney and Counsel to the Deputy Attorney General. Wilkinson, Walsh & Eskovitz, Washington DC: <http://wilkinsonwalsh.com/> [accessed 9 April 2018].

<sup>16</sup> Marc Henzelin is lead counsel in transnational and domestic litigation, involving amongst other things international and economic criminal law, commercial and banking litigation, asset recovery, mutual legal assistance in criminal matters and extradition, and public international law. He also leads private investigations. He was previously an acting Judge at the Cour de Cassation of Geneva and of the criminal and commercial sections of the Court of Appeal. Lalive, Geneva: <http://www.lalive.ch/en/index.php> [accessed 9 April 2018].

<sup>17</sup> Jonathan Ellis is a partner at Northridge Law LLP. The Secretariat comprises a number of solicitors who are specialists in sports law. Northridge Law LLP, London: <http://www.northridgelaw.com> [accessed 9 April 2018]. Any questions in relation to the Review should be addressed to Jonathan Ellis at [tennisirp@northridgelaw.com](mailto:tennisirp@northridgelaw.com).

**E PROCESS**

25. The Panel has taken or will take the following steps in the process of undertaking this Review.

**1. Evidence Gathering**

26. The Panel, assisted by the Secretariat, has conducted an extensive evidence gathering exercise.

**Interviews**

27. The evidence gathering exercise involved approximately 250 interviews with players, other stakeholders in professional tennis, and others.

28. Representatives of the Panel interviewed approximately 115 current male and female tennis players at tournaments around the world, including Chile, China, Egypt, France, Italy, Spain, Turkey, the United States, the United Kingdom and Uruguay. Those representatives interviewed, and prepared attendance notes of their interviews with, players at tournaments ranging from the lowest level ITF men's \$15k and \$25k Pro Circuit events (known as "Futures") and women's \$15k and \$25k Pro Circuit events, to ATP and WTA World Tour events and the Grand Slams, and all levels in between.

29. Approximately 70 interviews with other tennis stakeholders were conducted, including:

29.1 current and former representatives of the International Governing Bodies with responsibility for all the diverse elements of the regulation of tennis related to integrity;

29.2 current representatives of national tennis federations, including the USTA, the Lawn Tennis Association, Tennis Australia, the French Tennis Federation, the Italian Tennis Federation, the Spanish Tennis Federation, and the Uruguayan Tennis Federation. In addition, the Panel gave national federations the opportunity to provide input at the ITF AGM in 2016 and invited comment from the national federations regarding integrity in tennis and their relationship with the TIU. In total, the Panel received responses or input from a diverse group of 25 national federations, including at least one federation from each of the six continents;

29.3 tournament organisers and directors, including officials from Egypt, Germany, Turkey, Uruguay and the United States;

29.4 professional referees and umpires, including officials at tournaments in Egypt, Italy, Spain, Turkey, the United States, and Uruguay;

29.5 current and former TIU employees, including the past Director of Integrity, Jeff Rees; the current Director of Integrity, Nigel Willerton; the TIU's current investigators, Dee Bain, Jose De Freitas, Michael Mahon Daly, and Simon Cowell; the TIU's Information Manager, Phil Suddick; and the TIU's Education and Training Manager, Matthew Perry; and

29.6 agents of current professional players.

30. Approximately 60 interviews were conducted with stakeholders from outside the sport, including:

30.1 a number of betting companies. The Panel also invited comment from every betting operator with which the TIU has a Memorandum of Understanding requiring notification of suspicious or unusual betting on tennis;

30.2 companies that collect and sell match data to betting companies, including Sportradar, IMG, and Perform Group;

30.3 officials, experts and investigators involved in previous reviews of integrity in tennis or investigations, including Richard Ings, Albert Kirby, Ben Gunn, Paul Scotney, Paul Beeby, Mark Phillips and John Gardner;

30.4 betting oversight and enforcement units for other sports including the Hong Kong Jockey Club and UEFA;

- 30.5 betting regulators in several countries, including the UK Gambling Commission, the Victoria Commission for Gambling and Liquor, and ARJEL;
- 30.6 the European Commission;
- 30.7 law enforcement in several countries, including the Victoria Police, the Office of the Racing Integrity Commissioner, the Australian National Integrity of Sports Unit, the Australian Crime Commission, the French Police, Italian prosecutors, and others;
- 30.8 journalists, including authors of *"The Tennis Racket"*; and
- 30.9 the social media platform, Facebook.

### **Interview Process**

- 31. The interviews conducted by the Panel were designed to determine the factual basis on which the issues fall to be examined.
- 32. A number of core interviewees were subject to more than one interview. These further interviews allowed more targeted discussions relating to specific issues of interest.
- 33. Where possible, the Panel has endeavoured to corroborate witness accounts, through its questioning of other witnesses and its review of documents. As the Panel questioned more witnesses and reviewed additional documents, the Panel's understanding of the facts evolved.
- 34. The Panel's questioning of witnesses was often robust, particularly in the context of the Panel's examination of past conduct. Though some interviewees may have found the process difficult all have been treated fairly. In particular, following each interview, the interviewee was given the opportunity to amend their statement in any way that they saw fit.
- 35. The Panel is grateful to each of the interviewees who set aside time to provide evidence.

### **Statements**

- 36. From the approximately 250 interviews conducted, the Panel was provided with over 90 written statements containing evidence that could be referred to by the Panel, including from the International Governing Bodies, the TIU, tournament organisers, national federations, governmental regulators and betting operators. The Panel has been able to use and to refer expressly to these written statements in carrying out its Review and in producing this REA and the Interim Report.
- 37. In addition, the Panel has been provided with a considerable amount of information in the interviews, to which the relevant interviewee does not wish reference to be made. The Panel has respected that wish, but it has had the benefit of this evidence in its evaluation.

### **Player Survey**

- 38. With the assistance of Westat, Inc., a statistical survey research firm, the Panel administered an online survey to players in March 2017. Informed by its in-person player interviews, the Panel drafted the survey questions with the assistance of Dr Nancy Mathiowetz, an expert in survey design and methodology. The online, confidential, and anonymous survey included questions about, among other things, players' first-hand knowledge of betting, match-fixing, and sharing of "inside information" for betting purposes. Invitations to take the survey were sent by email to all active ITF, WTA, and ATP players, and a link to the survey was posted on those organisations' respective player portals. In early 2017, the survey was also administered in-person at the BNP Paribas Open in Indian Wells, California and at the Delray Beach Open in Florida; at these events, players were approached by Westat interviewers in the player lounge area or by tour officials in the locker rooms, handed an iPad, and asked to complete the survey. The survey permitted an analysis of 3,218 responses, from 1,981 players on the men's circuit and 1,237 players on the women's circuit.



**Corporate evidentiary submissions and proposals**

39. In light of and as a result of the questions put to the International Governing Bodies and the TIU by the Panel, the International Governing Bodies and the TIU provided corporate evidentiary submissions and advanced proposals for changes to the organisation of the sport and to the system for the protection of integrity. Whilst more limited than the Panel's provisional recommendations, the proposals have formed a useful indication of the sport's own evaluation of the extent of the difficulties faced and what might be done to tackle them.

**Documentary evidence**

40. In addition, pursuant to its authority under the Terms of Reference to require production of documents from the International Governing Bodies and the TIU, the Panel has requested and been provided with extensive collections of contemporaneous documents from each. In particular, the TIU has provided its entire database since its inception and relevant hard copy documents relating to the period before its inception. As set out further in Chapter 10, the TIU has provided the Panel with access throughout the duration of the review to all of the TIU's investigative documents.
41. The International Governing Bodies provided the Panel with approximately 115,000 documents, totalling an estimated 1.5 million pages. These documents predominantly covered the period from 2003 through the announcement of the Review in January 2016.
42. The Panel also reviewed approximately 66,000 documents from the TIU, totalling an estimated 1.2 million pages. Additional documents were provided to the Panel on an ad hoc basis or by the International Governing Bodies upon request, such as, for example, when a document was referenced during an interview and later disclosed or when a document was supplied to support a witness statement. Other documents were provided by other interviewees.
43. The Panel also engaged two former sports disciplinary officers, qualified criminal barristers specialising in such investigations and prosecutions, to examine the contents of, and to report to the Panel on, the approach taken in the TIU's case files from 2009 through 2016. During this period, the TIU generated over 1,300 new matters, either as 'packages' (for further investigation) or as 'intelligence'. All 1,300 new matters were reviewed.

**Cooperation received**

44. The Panel has been impressed with the level of assistance and cooperation provided to it throughout the Review. The TIU provided the Panel with full access to its documents. The Panel has been provided with all of the information it has requested from all the International Governing Bodies, in a form on which the Panel can rely, save for one instance, described in Chapter 7 Section A(2) where the ATP asserted confidentiality over material concerning the circumstances before 2005 in which a player who had been under investigation retired.

**Confidentiality of Information**

45. Pursuant to a Confidentiality Agreement with the Panel, the International Governing Bodies agreed to provide full cooperation in the disclosure of confidential information, but reserved the right to identify it as confidential. The Confidentiality Agreement permits the Panel to rely on and disclose, as the Panel considers appropriate in the conduct of this Review, any information that the International Governing Bodies designate as "*Confidential Information*," but provides greater protection for information that the International Governing Bodies designate as "*Restricted Confidential Information*." The Confidentiality Agreement precludes the Panel from disclosing such Restricted Confidential Information, but the Panel may refer to the fact that an International Governing Body has exercised its right to classify information as such. In the course of its Review, the Panel has collected written, oral, and electronic information that the International Governing Bodies have identified as confidential, as contemplated. In one instance, the ATP has asserted that information is Restricted Confidential Information.

46. The Panel has throughout borne in mind the need to protect the privacy and reputation of players and others who have not been the subject of completed disciplinary proceedings. As set out above, the task of the Panel is to examine the causes of the problem and the processes in place, rather than to determine individual culpability, and so the identity of players and others is rarely relevant. The Panel has consequently anonymised the cases described in the Interim Report and REA unless the case involved completed, successful disciplinary proceedings that have been reported, or the case has been extensively described in already published documents.
47. There are some individuals and entities, outside the International Governing Bodies and TIU, that have chosen either not to give formal evidence or have asked for some of their evidence not to be referred to. Where this request has been made, to facilitate the collection of relevant evidence and information, the Panel has respected the request and the evidence or information has not been referred to in this REA or in the Interim Report. The Panel has however had that evidence in mind in carrying out its Review, and in reaching its conclusions.
48. Similarly, there is some sensitive evidence to which the Panel does not refer, because, for example, it concerns ongoing investigations being carried out by the TIU or would reveal the TIU's tactics.

## 2. APPOINTMENT OF EXPERT CONSULTANTS

49. Pursuant to the Terms of Reference, the Panel consulted various experts to advise and assist in its consideration and evaluation of the evidence, including those set out below.
50. FTI Consulting (Betting Data Consultant). The Panel engaged FTI to review the data regarding all information reported to the TIU since 2009.<sup>18</sup> FTI analysed the data to identify trends in betting alerts over time and the frequency of betting alerts by tournament type, location, round, player ranking, age, gender, and nationality. The FTI team consisted of six individuals from the Data & Analytics practice, led by Nick Hourigan. FTI produced for the Panel a set of interactive graphs and tables that were searchable by reference to different criteria. These have informed the Panel's assessment.
51. Patrick Jay (Betting Expert). The Panel sought input from Patrick Jay, a former senior gaming executive for the Hong Kong Jockey Club, Ladbrokes, and IG Index, and a current consultant to the betting industry. Patrick Jay assisted in the Panel's appreciation of global betting markets, online betting on tennis, the various ways in which betting can present integrity issues for the sport, the nature of unusual and suspicious betting patterns, and the various indicia of match fixing.
52. Regulus Partners LLP (Betting Experts). The Panel sought input from Regulus Partners LLP, who are a strategic consultancy focused on international gambling and related industries. They assisted with the Panel's understanding of the size and value of global gambling markets and how they are regulated, with a particular focus on statutory regulation by national gambling regulators.
53. Nancy Mathiowetz (Survey Consultant). The Panel engaged Dr Nancy Mathiowetz for assistance in the design, implementation, and analysis of the player survey. Dr Mathiowetz is a former American Statistical Association/National Science Foundation Fellow at the Bureau of Labor Statistics and Special Assistant to the Associate Director, Statistical Design, Methodology, and Standards at the U.S. Census Bureau. She is currently a Professor Emerita at the University of Wisconsin-Milwaukee.
54. Westat, Inc. (Survey Data Administrator). The Panel engaged Westat, an independent survey research firm, to provide front-end data collection for the online and in-person player survey.

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<sup>18</sup> The Panel initially engaged a different expert to review the data but was required to replace that expert due to a conflict arising.

**3. EVALUATION OF EVIDENCE AND DRAFT OF INTERIM REPORT AND REA**

55. The Panel has evaluated the evidence with the assistance of its experts. It has discussed extensively, with the assistance of the Secretariat, what provisional factual findings, preliminary evaluative conclusions and proposed recommendations for change it should make. On the basis of its evaluation and discussions, the Panel produced the Interim Report and REA, for consultation.

**4. REPRESENTATIONS PROCESS**

56. Pursuant to paragraph 21 of the Terms of Reference, the Panel undertook a process to afford individuals and organisations potentially subject to criticism an opportunity to make representations before publication, providing them with details of the potential criticism and of its context. Those individuals and organisations were then provided the opportunity to respond to, and to make representations in respect of, the factual findings and evaluative conclusions that the Panel contemplated reaching, before it so reached them.

57. The representation process was extensive, resulting in a substantial delay in the publication of this Interim Report. The representation process began in July 2017. All responses, bar one, were received in August and September 2017. The final set of representations were received from Jeff Rees, the former Director of the TIU, in October 2017. Mr Rees then requested that he be provided with a revised notification setting out the Panel's analysis of matters relating to him, in light of the representations then received, and that he be given an opportunity to make further representations in response. The Panel agreed to Mr Rees' request and provided him with a further opportunity to make representations. As a consequence of the approach taken with Mr Rees, a number of other parties were offered the same opportunity to make further representations. These further representations were received in late February 2018.

58. In preparing this Interim Report and the REA, the Panel has fully considered all of the representations received. Due to the length of some of those representations, the Panel has endeavoured to summarise them in the REA, including often by quoting directly the key substantive points raised. Readers should refer to the REA for a more complete recitation of the representations provided to the Panel.

**5. PUBLICATION OF INTERIM REPORT AND REA**

59. The purpose behind the publication of the Interim Report and this REA is to give all those concerned an opportunity to make submissions as to why different final findings and conclusions should be reached, and as to the viability of the various proposed possible recommendations.

**6. CONSULTATION ON FACTUAL FINDINGS, EVALUATIVE CONCLUSIONS AND RECOMMENDATIONS**

60. Upon publication of this Interim Report with the REA, the Panel will engage in a consultation process on the factual findings, evaluative conclusions, and proposed recommendations contained in them. The consultation process provides an invaluable opportunity for all concerned to ensure that all relevant input is provided, including any evidence or reasoning that displaces the Panel's interim evaluative conclusions. In addition, there may be unanticipated consequences of the Panel's proposed recommendations for particular groups, and there may be alternative proposals for change that have not yet been drawn to the Panel's attention.

61. The Panel will receive input on consultation from any concerned individual or organisation. Interested parties are invited to provide written submissions by 25 June 2018. Submissions should be addressed to Jonathan Ellis, the Solicitor and Secretary to the Panel, at [tennisirp@northridgelaw.com](mailto:tennisirp@northridgelaw.com).

**7. FINAL REPORT**

62. Following its consideration of the submissions received on the consultation process, the Panel will produce a Final Report containing its final factual findings, evaluative conclusions and recommendations. The International Governing Bodies have committed to making the findings and conclusions of the Panel publicly available and to implement the final recommendations<sup>19</sup>.

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<sup>19</sup> Terms of Reference paragraph 16.