

Protocol on Documents

Introduction

1. This Protocol relates to:
 - a. The holding of potentially relevant documents by Core Participants, Material Providers and the public;
 - b. The provision of such documents to the Inquiry; and
 - c. The receipt and handling of such documents.

It should be read in conjunction with the Inquiry's [Protocol on the Redaction of Documents](#), which details the Inquiry's approach to the redaction of documents for the purposes of disclosure to Core Participants and publication by the Inquiry.

Aim

2. This protocol is designed to facilitate the prompt delivery of documents to the Inquiry by ensuring that all Core Participants, Material Providers and the public are aware of and understand the Inquiry's procedures for the provision of documents to the Inquiry and how the Inquiry will treat such documents.

Definitions

3. In this Protocol:
 - a. "Material Provider ("MP")" means any person, institution or organisation, which has been asked to provide documents to the Inquiry or which has provided documents to the Inquiry. For the avoidance of doubt, it includes departments of Her Majesty's Government ("HMG").
 - b. "Document" means anything in which information of any description is recorded, whether in paper or electronic form, and includes, but is not limited to, reports, reviews, board/committee minutes, meeting/attendance notes, manuscript notes, memoranda, circulars, governing/constitutional documents, contract documents, legislation, letters/emails (internal and external), WhatsApp messages, information from websites, guides/codes of conduct, policy documents/statements, articles, photographs, video and audio recordings, physical evidence, witness statements and their exhibits.
 - c. "Relevant documents" are those which, having regard to the Inquiry's Terms of Reference, it is likely that the Chair (if aware of their existence) would wish to be provided with. They include, but are not limited to, documents relating to issues raised in the [Chair's opening statement](#), and each [Module's Outline of Scope](#).

Background

4. The procedure and conduct of the Inquiry are to be such as the Chair of the Inquiry may direct (s.17(1) Inquiries Act 2005 ('the Act')), and are subject to the provisions of the Inquiries Act and the Inquiry Rules 2006 ('the Rules').

It is an offence under s.35 of the Act to do anything which is intended to have the effect of:

- a. distorting or otherwise altering any evidence, document or other thing that is given, produced or provided to the Inquiry panel, or
- b. preventing any evidence, document or other thing from being given, produced or provided to the Inquiry panel, or to do anything that the person knows or believes is likely to have that effect.

It is also an offence for a person:

- a. intentionally to suppress or conceal a document that is, and that he knows or believes to be, a relevant document, or
 - b. intentionally to alter or destroy such a document.
5. Holders of potentially relevant documents should take a risk-based approach to the handling and retention of material they hold, ensuring that its ongoing management throughout the duration of the Inquiry does not constitute an offence under s.35 of the Act.
 6. The procedures set out in this Protocol are not intended to cover every eventuality, and where the Chair needs to make a decision as to the procedure or conduct of the Inquiry not covered by this Protocol, she will, in accordance with her obligations under the Act, act fairly and with regard to the need to avoid unnecessary cost.

Provision of documents to the Inquiry

7. Generally, the Inquiry will approach Material Providers with a request for documents or witness statements pursuant to Rule 9 of the Inquiry Rules 2006 (a 'Rule 9 request').
8. However, if any person thinks that they have relevant documents then they should please contact the Solicitor to the Inquiry's team by email via solicitors@coronavirus.inquiry.gov.uk identifying the material that they have so that the Inquiry can consider whether to make such a request.
9. The Chair expects that any person to whom a Rule 9 request is addressed will cooperate with the Inquiry and provide all relevant material without the need for her to exercise her powers of compulsion of documents or evidence. However, the Chair will consider exercising her powers under section 21 of the Inquiries Act 2005 if the response to such a request is refused, incomplete, or not provided by the deadline.
10. Material Providers may on occasion have concerns regarding the sharing of special category personal data, or other information which they consider to be particularly sensitive. In such

circumstances, they may wish to request a section 21 notice, which may be issued with the Chair's agreement.

11. Material Providers, including legal representatives, should provide documents requested by the Inquiry, together with any other documents they consider relevant, within the time limits specified by the Inquiry.
12. Material Providers are requested, and HMG Material Providers are required, to undertake comprehensive, thorough and rigorous searches in response to a request for documents.
13. In the event that an extension of time is sought, an application to the Chair in writing, through the Solicitor to the Inquiry, should be made as soon as possible.
14. The Inquiry expects that once a Material Provider has identified relevant documents in response to a Rule 9 request or a section 21 notice, every care is taken to ensure that all such documents are preserved in their original form, in accordance with paragraphs 4-5 above. Original copies of documents provided electronically should not be destroyed during the life of the Inquiry.
15. Material Providers should note the following standards for submitting evidence to the Inquiry:
 - a. All documents should be provided with an accompanying index listing them, along with their locations on any systems or folders.
 - b. All documents should be provided electronically where possible, with their original filenames; where scanned, they should be named appropriately.
 - c. Documents should be provided in their native format (e.g. Microsoft Word, Microsoft Excel, email files (e.g. msg, eml) with their attachments).
 - d. Documents should be submitted at document level i.e. multiple documents should not be grouped into one large PDF. Similarly, a document should not be scanned as individual pages, but as a single PDF.
 - e. Hard copy documents should be digitised to multipage PDF format.
 - f. Scanning of paper documents should be undertaken at a standard of 300dpi.
 - g. Scanned (PDF) images of paper should show all information on the paper, including all corners and both sides of the paper (where information is contained on two sides) and any annotations. No data should be cut off during the scanning process. If the paper that is being scanned has any attachment (e.g. a sticky paper note) or cover sheet, it should be scanned twice, both with and without the attached note.
 - h. All documents should be provided in unredacted format, unless agreed with the Inquiry beforehand.

16. The Inquiry will arrange for the secure transfer of documents with Material Providers. Documents will be held securely when in the custody of the Inquiry.
17. Material Providers will need to consider their own obligations under the Public Records Act 1958 regarding documents provided to the Inquiry and other potentially relevant documents they hold.

Disclosure and handling of documents by the Inquiry

18. The Inquiry will seek to be as transparent as possible. This means it expects to disclose material to Core Participants and may (regardless of disclosure) use material as part of its body of documentary evidence to which reference may be made in its reports and as such may form part of the Inquiry record.
19. Prior to the disclosure and publication of documents by the Inquiry, Material Providers will be given an opportunity to review and comment on redactions proposed by the Inquiry, but the Inquiry will work on the assumption that any material in its possession may be disclosed and published to its website, or used in the ways set out in this document. Should a Material Provider seek to object to disclosure or use by the Inquiry, it should identify its objection by reference to specific documents or categories of documents and support it by legal submission in any covering letter accompanying the material explaining why this course should not be followed in the specific circumstances. A separate [Protocol on Applications for Restriction Orders](#) applies.
20. Core Participants will be required to sign confidentiality undertakings and any disclosure made to them by the Inquiry will be subject to the undertaking until such time as the document is made public by the Inquiry
21. The Inquiry processes personal data in accordance with its obligations under the Data Protection Act 2018 and UK GDPR. In the event that this regime applies to a Material Provider, that Material Provider will be expected to comply with its own obligations when sharing information and documents with the Inquiry and to take such advice as is necessary to ensure its compliance.
22. The Inquiry is not a public authority for the purposes of the Freedom of Information Act 2000 ("FOIA"), and will not disclose material in response to requests made pursuant to the FOIA. Arrangements will be made for the Inquiry to assist with responses to any requests made to Material Providers under the Act.
23. The Copyright, Designs and Patents Act 1988, section 46, provides that copyright is not infringed by anything done for the purposes of the proceedings of a statutory inquiry.
24. At the conclusion of the Inquiry information will be handled in one or more of the following ways, as directed by the Inquiry:
 - a. transferred to The National Archives and/or the government sponsoring department;
 - b. returned to original provider(s);
 - c. disposed of under the terms of the Public Records Act 1958.