



## **Inquiry Protocol on the Redaction of Documents**

### **Introduction**

1. This Protocol sets out the approach that will be taken by the Inquiry to the redaction of documents. Its purpose is to ensure that Material Providers and Core Participants understand how the Inquiry will prepare documents for disclosure and publication during the course of the Inquiry.
2. This Protocol should be read in conjunction with the Inquiry's [Protocol on Documents](#).
3. The Inquiry will operate a three-stage disclosure process. First, it will make requests from Material Providers for documents which are considered to be of potential relevance to its Terms of Reference. The scope of each request will be set by the Inquiry's legal team and may relate to one or more of the Inquiry's modules. It is important that the Inquiry receives documents from Material Providers in clean, unredacted form. Any departure from this approach must be discussed with the Inquiry's legal team before materials are provided. The provision of documents must not be delayed on grounds that the Material Provider seeks redactions to the material.
4. Material providers are reminded that section 35(3) of the Inquiries Act 2005 makes it an offence intentionally to suppress or conceal a document which the Inquiry is likely to wish to obtain, or to alter or destroy such a document.
5. Second, the Inquiry legal team will review the documents to identify those which are relevant to the scope of any Module. It is for the Inquiry legal team alone to determine relevance of any particular document. Any document which is identified as relevant will be disclosed to Core Participants, subject to the application of redactions which will be made by the Inquiry. The Inquiry's approach to making such redactions is set out at paragraphs 12-17 below.
6. Third, before documents are disclosed to Core Participants, the Inquiry will share such documents with the Material Provider in question who will be given an opportunity to review and approve the redactions applied and identify any further redactions it seeks (the "Material Provider Review"). The Inquiry legal team will consider each request for further redactions and will either:
  - a. agree the request for further redactions and apply them. Such documents will then be disclosed to Core Participants; or
  - b. reject the request for further redactions. In such circumstances, the Material Provider will be given a short opportunity to apply for a Restriction Order to prevent disclosure of the information which it seeks to redact. Documents

subject to such an application will be disclosed to Core Participants with provisional redactions applied, pending the outcome of the application. Please refer to the Inquiry's [Restriction Order Protocol](#) for further information.

### Definitions

7. In this Protocol, any references to 'document(s)' means anything in which information of any description is recorded, whether in paper or electronic form.
8. 'Redaction' is the removal of information from a document, usually by obscuring the text in a way that makes clear that the information has been redacted. Redactions will be embedded in the disclosed document in such a way to ensure that it is not technically possible to see the text beneath it.
9. 'Disclosure' is the process of making relevant documents available to Core Participants and (if required) to persons from whom the Inquiry proposes to take evidence. Material is disclosed to Core Participants subject to a strict undertaking to the Inquiry of confidentiality by the recipient (and their legal representative) not to reveal the contents to third parties who have not signed undertakings unless and until the material is published during the course of Inquiry hearings.
10. 'Material Provider' is the name given to any body, organisation or individual who provides documents to the Inquiry.
11. 'Restriction Order' is the name given to an order made under section 19 of the Inquiries Act 2005 which restricts disclosure or publication of information.

### Redactions

12. Documents or parts of documents provided to the Inquiry may need to be withheld from wider dissemination and/or redacted prior to disclosure to Core Participants. This may include content within documents which:
  - a. is considered to be both irrelevant to the Inquiry's Terms of Reference *and* sensitive;
  - b. constitutes personal data within the meaning of UK data protection legislation, further disclosure of which is prohibited by that legislation;
  - c. is subject to a Restriction Order made under section 19(2)(b) of the Inquiries Act 2005; or
  - d. is subject to the determination of an application for a Restriction Order made under section 19(2)(b) of the Inquiries Act 2005.
13. Where the Inquiry decides to redact 'irrelevant and sensitive' information (category 12(a) above) or personal data (category 12(b)), it will do so without the need for any application or request. The Inquiry will decide whether any redaction is required on a case by case basis.
14. The Inquiry is a data controller with obligations under the UK GDPR and the Data Protection Act 2018. It will review all documents prior to their disclosure to ensure

compliance with this legislation, and aim to ensure that a consistent approach to the redaction of personal data is applied. The Inquiry's approach to the redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure. The Inquiry proposes to remove the following categories of personal data from all materials disclosed to Core Participants:

- Dates of birth;
- Personal addresses and other contact details, but not professional contact details; and
- Signatures.

15. The Inquiry will also provisionally redact the names of junior officials and staff members where the Material Provider can demonstrate that, by virtue of their junior position, the official or staff member has a reasonable expectation of privacy. Such redactions will not be applied where the Inquiry Legal Team consider disclosure of that person's identity to Core Participants is necessary, for example because the involvement of a particular individual in events is relevant and cannot be explained by reference to their post only, or because it is necessary in order to allow the Inquiry, Core Participants and the public properly to follow the narrative of events. All redactions of this type will be marked as 'Irrelevant and Sensitive' and will be provisional, subject to change. No redactions to the names of individuals should be applied by Material Providers before disclosure of documents to the Inquiry, nor should the identification of such individuals delay the provision of documents to the Inquiry. Such requests for redaction will need to be made during the Material Provider Review stage and the Inquiry legal team will need to be satisfied that the basis for the redaction is properly made out.

16. The basis for all redactions applied by the Inquiry will be identified on the face of the redaction itself to ensure all Core Participants are aware of the reason for it having been applied. For example, the Inquiry intends that redactions applied to personal data will have the text "Personal Data", or "PD" where there is space for only limited text.

17. The procedures outlined above are not intended to cover every eventuality nor every procedural issue that will arise. The Inquiry may need to depart from this Protocol in exceptional cases in compliance with the Chair's statutory obligation to act fairly. This Protocol may be amended as necessary. If so, the revised version will be published on the website.