



Decision on the application for a Restriction Order by UKHSA/01 and UKHSA/02

1. Under section 19(2)(b) of the Inquiries Act 2005 (“the Act”), I may grant or refuse a restriction order in the case of an individual’s identity. The UK Covid-19 Inquiry Protocol on Applications for Restriction Orders sets out the process following receipt of a restriction order application.
2. On 16 September 2024 I received an application for a restriction order concerning the decision to publish the minutes of the meetings of the UK Infection Prevention Control (“IPC”) Cell which name the applicants referred to by the UK Health Security Agency (“UKHSA”) as UKHSA/01 and UKHSA/02. The applicants are employed by the UKHSA, previously Public Health England. I invited submissions from the Core Participants and representatives of the media.
3. I have considered the application for a restriction order submitted by the applicants’ representatives. In summary, the two applicants are involved in infection prevention and control and attended the UK IPC Cell during the relevant period being considered in Module 3 of the Inquiry.
4. I did not receive any submissions from the Core Participants in relation to the UKHSA’s application, although NHS England submitted that I should take the same approach in relation to junior officials employed by NHS England, who are named in the minutes of the meetings of the UK IPC Cell, as I do in relation to UKHSA/01 and UKHSA/02.
5. Guardian News & Media Limited provided submissions on behalf of eight media organisations. The submissions stated that the evidence presented in support of the application did not demonstrate that the two applicants were likely to come to any harm should their identities be made public and that there is a public interest in knowing who was involved in the decision-making process regarding the management of the risks of Covid-19. They invited the application to be refused.
6. The applicants have provided some evidence which they say supports their assertion that they have established an objective risk of harm or damage should their identities be made public. They say that there is a high likelihood that were their names published, they would be subject to abuse and harassment via social media and in person. They rely on what they call a “heated and aggressive” public discourse on the guidance produced by the UK IPC Cell and have provided an example of a post on X (formerly Twitter) which referred specifically to “the IPC cell” and others and accused

them of having “blood on their hands”. They refer to the death threats made against Professor Sir Jonathan Van-Tam.

7. Much as I deprecate attacks and abuse of this kind on any public servant doing their job and appreciate how distressing it must be for an individual, I remind myself that the posts relied upon do not seem to be recent and fortunately, nothing came of them. Further, Professor Sir Van-Tam and Dr Lisa Ritchie as chair of the UK IPC Cell had, and have, a significantly higher profile than the applicants, who were described by the UKHSA as “junior officials”. There is, therefore, insufficient evidence before me to support a claim of a real risk to their personal safety and on balance, I am not persuaded that there is an objective risk of harm or damage to the applicants should their identities be published.
8. The applicants have provided some evidence in support of their claim that there is a subjective risk of harm or damage should their identity be made public. They have concerns that their future career options and perceived credibility in the healthcare industry could be damaged. The applicants say that the decisions taken by the UK IPC Cell were made as a part of a group, by consensus, and that they attended to represent the position of the UKHSA, not to provide their personal opinions. They did not verify the minutes and due to the passage of time, cannot comment on their accuracy. I have taken into account that they work in the same organisation as they did during the pandemic and that they were provided with a confidentiality assurance by their employer. I also note their identities have been disclosed to the Core Participants.
9. In considering whether restrictions on publishing UKHSA/01 and UKHSA/02’s names are justified, I must balance the interests and wishes of an individual seeking anonymity with the requirement of openness set out in section 18 of the Act and the fact that it may be important to the public to know the identity of an individual when considering and assessing the evidence. The work of the UK IPC Cell is important to my investigation in Module 3. The UK IPC Cell considered the IPC measures that were required to prevent the spread of Covid-19 within healthcare settings and made important recommendations that underpinned/were incorporated into the UK IPC Covid-19 guidance. I consider it is necessary for the public to know the identity of UKHSA/01 and UKHSA/02 to assess the evidence, which includes the discussion and process by which IPC decisions were made by the UK IPC Cell including the names, fields of expertise and experience of the members of the Cell.
10. Accordingly, I am not satisfied that the applicants have demonstrated an objective risk of harm should their identities be published in the UK IPC Cell meeting minutes. While some evidence of a subjective risk was provided, I consider that any subjective risk is

outweighed by the public interest in examining and assessing the work of the UK IPC Cell and its respective contributors and I consider the publication of their identity is necessary in the public interest.

11. I decline to grant the application.

The Right Honourable Baroness Hallett
Chair of the Covid-19 UK Inquiry
18 September 2024