

Protocol on the Publication of Witness Statements

Purpose

1. This Protocol explains the approach the Andrew Malkinson Inquiry will take to the publication of witness statements obtained during the Inquiry.
2. The Inquiry is committed to conducting its work in a manner that is transparent, fair and proportionate. The publication of witness statements can assist public understanding of the Inquiry's findings, but publication must also take account of the rights and interests of witnesses and others whose information may be contained within those statements.
3. As a non-statutory inquiry, decisions about publication are a matter for the Chair.

General Approach

4. The Chair will decide on a case-by-case basis whether it is appropriate to publish any, all or part of a witness statement.
5. Each decision will be made having regard to the particular circumstances of the case and the factors set out in this Protocol.

Factors Relevant to Publication

6. When deciding whether to publish a witness statement, or any part of it, the Chair may take into account:
 - the extent to which publication would assist public understanding of the Inquiry's findings and recommendations;
 - whether the evidence is relied upon in the Inquiry's Report or otherwise materially supports its conclusions;
 - the public interest in transparency and openness;
 - the need to ensure procedural fairness to witnesses and other affected persons;
 - any legitimate expectations of confidentiality arising from the circumstances in which the statement was provided;

- the privacy rights of individuals, including rights protected by Article 8 of the European Convention on Human Rights;
- the public interest in freedom of expression and open justice, including Article 10 rights;
- applicable data protection legislation, including the UK General Data Protection Regulation and the Data Protection Act 2018; and
- any other matter the Chair considers relevant.

Publication of Extracts

7. Where the Chair relies upon evidence contained in a witness statement in explaining or supporting the Inquiry's findings, she may decide to publish relevant extracts from that statement.
8. Where necessary to ensure that evidence is presented fairly and in its proper context, the Chair may decide to publish a larger section of the statement or the statement in full.
9. Publication may occur within the Inquiry's Report, in footnotes or annexes to the Report, or as a separate document published alongside the Report.

Review Before Publication

10. Before any witness statement, or extract from a witness statement, is published, the Inquiry will undertake an appropriate review to identify whether:
 - personal data should be redacted;
 - redactions necessary as part of the Inquiry's redaction protocol are made;
 - legally privileged or otherwise protected material should be withheld;
 - publication could unfairly prejudice an individual or another legal process;
 - any confidentiality considerations require modification of the proposed publication; or
 - any other legal or procedural issue should be addressed before publication.
11. Where appropriate, the Inquiry may make redactions before publication.

Representations

12. Where the Chair considers it appropriate, the Inquiry may invite representations from:

- the person or organisation that provided the statement or underlying material;
- the witness concerned; or
- any other person who may be materially affected by publication.

13. Whether to seek representations, and from whom, is a matter for the Chair's discretion.

Disclosure During the Inquiry

14. This Protocol relates only to the publication of witness statements submitted to the Andrew Malkinson Inquiry.
15. It does not affect any disclosure of material that may be required during the course of the Inquiry in accordance with the Inquiry's procedures or applicable legal obligations.

Chair's Discretion

16. Nothing in this Protocol limits the Chair's discretion to determine whether publication is appropriate in any individual case.
17. The Chair may depart from this Protocol where she considers it necessary to do so in the interests of justice, fairness or the proper discharge of the Inquiry's Terms of Reference.

Review of this Protocol

18. The Chair may amend this Protocol at any time if she considers it appropriate to do so. Any revised version will be published on the Inquiry's website.

Issued under the authority of the Chair on 12 August 2026