

## **Protocol on the redaction of documents**

### **Introduction**

1. This Protocol sets out the approach the Inquiry will take 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'** and **'Protocol on applications for restriction orders'**.

### **Process**

3. The Inquiry will operate a three-stage disclosure process.

#### *First stage:*

4. 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.
5. It is important that the Inquiry receives documents from Material Providers in clean, unreacted form. Any departure from this approach must be discussed with the Inquiry's legal team before materials are provided.
6. The provision of documents must not be delayed on basis of Material Providers seeking redactions to material.
7. Material providers are reminded that section 35(3) of the Inquiries Act 2005 ('the Act') makes it an offence to intentionally suppress or conceal a document which the Inquiry is like to wish to obtain, or to alter or destroy such a document.

#### *Second stage:*

8. The Inquiry's legal team will review the documents provided to identify those which are relevant. It is for the Inquiry legal team alone to determine the relevance of any particular document. Any document which is identified as relevant will be disclosed to Core Participants, subject to the application of any redactions made by the Inquiry. The Inquiry's approach to making redactions is set out at paragraphs 12 – 17 below.

#### *Third stage:*

9. Before documents are disclosed to Core Participants, the Inquiry will share such documents with the relevant Material Provider who will be given an opportunity to review and approve any redactions applied and identify any further redactions sought. (Referred to in this Protocol as 'the Material Provider Review stage'.)
10. The Inquiry's legal team will consider each request for further redactions and will either:
  - a. agree the request for further redaction, apply such redaction and then disclose the document(s) to Core Participants;
  - b. reject the request for further redaction, in whole or in part. 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 **'Protocol on applications for restriction orders'** further information.

## Definitions

### 11. In this Protocol:

*"Document"* – means information recorded in any form of any description, this includes paper, analogue and digital materials;

*"Redaction"* – is the removal of information from a document, usually by obscuring text in a way that makes it 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 beneath it;

*"Disclosure"* – is the making of relevant documents available to Core Participants and (if required) to persons from whom the Inquiry proposes to take evidence. Material is disclosed to the Core Participants subject to a strict undertaking to the Inquiry of confidentiality by 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;

*"Material Provider"* – 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 His Majesty's Government ('HMG'); and

*"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 or redacted prior to disclosure to Core Participants. This may include content within documents which:

- a. require redaction to comply with orders made in the criminal proceedings;
- b. is considered to be both irrelevant to the Inquiry's Terms of Reference and sensitive;
- c. constitutes personal data within the meaning of UK data protection legislation, further disclosure of which is prohibited by that legislation;
- d. is subject to a Restriction Notice under section 19(2)(a) of the Act;
- e. is subject to a Restriction Order made under section 19(2)(b) of the Act; or
- f. is subject to the determination of an application for a Restriction Order made under section 19(2)(b) of the Act.

### 13. Where the Inquiry decides to redact 'irrelevant and sensitive' information (category 12(b) above) or personal data (category 12(c)), 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 provided to Core Participants:

- a. dates of birth;
- b. personal addresses and other contact details, but not professional contact details; and
- c. signatures.

15. 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.
16. 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 and, if so, a revised version will be published on the Inquiry’s website.