

RESTRICTION ORDER PURSUANT TO SECTION 19 OF THE INQUIRIES ACT 2005 RELATING TO MATERIAL OF THE GOVERNMENT OF IRELAND AND ITS AGENCIES

The Chairman has the power under section 19 of the Inquiries Act 2005 (“the Act”) to make orders restricting disclosure or publication of evidence and documents given, produced or provided to the Inquiry.

In exercise of the power, **IT IS ORDERED THAT:**

1. To avoid harm to international relations, any potentially relevant material touching upon matters within the Terms of Reference which is disclosed to the Inquiry by the Government of Ireland and its agencies (‘Irish State Material’) shall be held in confidence by the Inquiry pending an assessment of the relevance of the material to the Inquiry. This shall include material that is provided by An Garda Síochána and the Irish Defence Forces.
2. Potentially relevant Irish State Material disclosed to the Inquiry will only be available to the Inquiry Chairman, named members of the Inquiry Team and only for the strict purpose of assessing the material for relevance to the Inquiry. The names of the individuals who shall be permitted access to potentially relevant Irish State Material shall be agreed with the Government of Ireland before any disclosure takes place to the Inquiry and a list of names of those permitted access will be kept up-to-date.
3. The potentially relevant Irish State Material shall not be made available to any Core Participant, or any other third party, until such time, if at all, that notice is given by the Inquiry to the Government of Ireland to confirm the material is relevant, in whole or part, to an aspect of the Terms of Reference.
4. Where Irish State Material is assessed as relevant by the Inquiry, it shall continue to be held in confidence by the Inquiry until such time as the Government of Ireland has had a reasonable opportunity to review and provide its observations to the Inquiry on proposed redactions to its Material to remove information that falls into the following categories –
 - i. information that is personal data or special category data that is subject to data protection legislation in the United Kingdom or Ireland and is not relevant to the Terms of Reference;
 - ii. matters that are irrelevant and sensitive to the Inquiry’s Terms of Reference, such as financial matters, content relating to sensitive and irrelevant personal circumstances;

- iii. matters that attract legal professional privilege or another legal duty of confidence;
- iv. matters that are assessed to be operationally sensitive, such as specific details about police tactics or the tactics of other agencies or organisations;
- v. matters that are relevant to the Inquiry but are sensitive, for example because they may be capable of causing damage to national security in Ireland or the United Kingdom, may damage the international relations of Ireland or the United Kingdom or, may damage the economic interests of Ireland or the United Kingdom; or
- vi. matters that, if disclosed, may cause a real and immediate risk of harm to an individual.

5. The redactions which may be applied for include:

- i. The obscuring of particular words or phrases;
- ii. The obscuring of passages;
- iii. The obscuring or removal of a page or pages from a document;
- iv. Non-disclosure of the existence of the document.

6. Where there is agreement between the Inquiry and the Government of Ireland on the scope of redactions to be applied to relevant material the unique references for that material shall be added to **Annex A** to this order. Any material added to Annex A will be permitted for disclosure to Core Participants in the Inquiry. Any such disclosure shall be subject to the terms of a Confidentiality Undertaking and must be held by each Core Participant pursuant to the restrictions and penal notice in this Order.

7. Where there is no agreement between the Inquiry and the Government of Ireland on the scope of redactions to be applied to relevant material, the unique reference for that material shall be added to **Annex B** to this order. Annex B shall not be disclosed to Core Participants or otherwise made public. Any material listed on Annex B shall continue to be held in confidence by the Inquiry and not disclosed to Core Participants or any other party, pending the process set out in paragraph 8 of this order.

8. Any Irish Government Material listed in Annex B shall be subject to a further restriction order application to the Inquiry by the Government of Ireland and its

agencies to set out in writing the risk of harm or damage which it is said would occur if the Material is disclosed to Core Participants. If, having considered written submissions from the Irish Government, the Chairman continues to be minded to disclose the Material to Core Participants, a hearing will be convened so as to permit oral submissions to be made to the Chairman by the Irish Government as to why the material should be redacted. No Material listed on Annex B shall be disclosed until the Chairman has ruled on any application that is made and the period for a judicial review challenge of that decision has passed. It is acknowledged that the Irish Government would have standing to make any such challenge.

9. Any relevant Irish State Material that is disclosed in confidence to Core Participants shall, before it is used in a hearing or otherwise adduced in evidence, be included in a hearing bundle that is provided to the Government of Ireland. Subject to the consideration of any further requests for the redaction of information, that Material shall then be added to **Annex C** of the order and authorised for use in the Inquiry's oral hearings. This means that it may be displayed publicly in the hearings, provided to witnesses and published on the Inquiry's website.
10. This Order remains in force for the duration of the Inquiry and at all times thereafter, unless otherwise ordered.
11. The Chairman of the Inquiry may vary or revoke this Order by making a further order during the course of the Inquiry. Nothing in this Order shall be varied or revoked without notice being given to all Core Participants and the Irish Government and an opportunity for submissions to be made.

Penal Notice

Any breach of this Order, failure to comply or threat to do so, by any means whatsoever, shall be notified in writing to the Solicitor to the Inquiry ("STI") immediately upon identification of the breach or other issue.

Any threat to break such an order, or any breach of it, can be certified to the High Court or Court of Session under section 36 of the Act, which will deal with it as though the

breach had occurred in proceedings before that court, and may be punishable by a fine or committal to prison.

Rt. Hon. Lord Turnbull
Inquiry Chairman
15 April 2025

Annex A – Documents Permitted for Disclosure to Core Participants

Annex C – Material Authorised for Use in the Public Hearings