

Omagh Bombing Inquiry: Anonymity Protocol

Introduction

1. This Protocol sets out the approach that will be taken by the Omagh Bombing Inquiry to the determination of an application for anonymity by any person.
2. The purpose of the Protocol is to ensure that everyone who is involved in the Inquiry understands the procedural approach and the steps which need to be taken if they wish to request anonymity from the Chairman.
3. In this Protocol, “anonymity” means the protection of a person’s identity, or anything which may tend to identify them, from disclosure to those who are (a) designated as Core Participants and/or (b) the wider public.
4. A person’s identity may be protected from disclosure from Core Participants and/or the wider public by:
 - a) the application of redactions to documents to remove information that may tend to identify them;
 - b) by the application of a cipher (e.g. A1, B2 etc.) in place of their name; and
 - c) by measures to protect how the witness gives evidence so they cannot be identified and/or their identity public reported.
5. Anonymity is not to be confused with special measures, which are aimed at assisting vulnerable witnesses to give best evidence. Special measures may include the use of screens or the giving of evidence in private or via a live link. The assistance available to assist a vulnerable witness is explained in the Inquiry’s Vulnerable Witness Protocol.
6. This Protocol should also be read in conjunction with the Inquiry’s Protocol on the Redaction of Documents¹, Protocol on Documents², and Restriction Order Protocol³.

¹ <https://omagh.independent-inquiry.uk/document/protocol-on-redaction-of-documents/>

² <https://omagh.independent-inquiry.uk/document/protocol-on-documents/>

³ <https://omagh.independent-inquiry.uk/document/protocol-on-applications-for-restriction-orders/>

Legal Framework

7. The Inquiries Act 2005 (the Inquiries Act) and the Inquiry Rules 2006 (the Inquiry Rules) set out how the Inquiry should approach the handling and publication of any information it obtains.
8. Section 18 of the Inquiries Act states that the Chair must take reasonable steps to ensure the public are able to:
 - a) attend or see and hear a simultaneous transmission of Inquiry proceedings; and
 - b) obtain or view a record of the evidence and documents given, produced or provided to the Inquiry.
9. As a general rule, the Inquiry will disclose to Core Participants those witness statements and documents it considers relevant (and to which restrictions do not apply) prior to the Inquiry's public hearings.
10. Documents used in the Inquiry's public hearings or otherwise referred to as evidence will also be published on the Inquiry's website. Personal and sensitive information provided to the Inquiry will be appropriately handled. It will only be shared or made public as is necessary and proportionate for the Inquiry to fulfil its Terms of Reference, and in accordance with any rulings made by the Chairman.
11. Section 19 of the Inquiries Act 2005 recognises that restrictions may be imposed on the disclosure or publication of any evidence or documents given, produced or provided to an inquiry. The restriction order process applies to applications for anonymity and shall be referred to as an 'Anonymity Restriction Order'.
12. Restrictions may be imposed if the Chairman considers those restrictions are conducive to the Inquiry fulfilling its terms of reference or to be necessary in the public interest, having regard to the relevant factors in section 19(4) of the 2005 Act. These factors are:
 - a) the extent to which any restriction on attendance, disclosure or publication might inhibit the allaying of public concern;
 - b) any risk of harm or damage that could be avoided or reduced by any such restriction;
 - c) any conditions as to confidentiality subject to which a person acquired information that he is to give, or has given, to the inquiry;
 - d) the extent to which not imposing any particular restriction would be likely:

1. to cause delay or to impair the efficiency or effectiveness of the inquiry, or
2. otherwise to result in additional cost (whether to public funds or to witnesses or others).

13. In this context, risk of damage or harm includes:

- a) death or injury;
- b) damage to national security or international relations;
- c) damage to the economic interests of the United Kingdom or of any part of the United Kingdom;
- d) damage caused by disclosure of commercially sensitive information.

14. The Inquiry is also mindful of respecting a person's data protection and privacy rights in a manner which fulfils its obligations as a Data Controller under the UK General Data Protection Regulation and the Data Protection Act 2018.

Requests for anonymity

15. All applications for an Anonymity Restriction Order under section 19 of the Inquiries Act must be made in writing.
16. Applications for Anonymity Restriction Orders can be made at any time during the course of the Inquiry, but there will be a strong presumption that applications are to be made at the earliest opportunity. This is to ensure fairness to the applicant, Core Participants and the media.
17. If the application for an Anonymity Restriction Order is made in response to a request for a witness statement, the application should be made when submitting a witness statement or otherwise in accordance with the timetable and directions made by the Chairman.
18. An application for an Anonymity Restriction Order must be set out in the following form.
 - a) An open application:
 1. It must include the subjective assessment by the applicant of the risk of harm or damage if their identity is disclosed.
 2. It must state from whom it is proposed the identity of the applicant is to be withheld (whether just the public or whether it is proposed it

applies to Core Participants also).

3. It must identify the restriction(s) sought to provide appropriate protection to the applicant.
4. It must provide as much detail as is possible without defeating the purpose of the application.
5. It must be drafted in expectation that it will be published.

b) A closed application

1. It must provide all remaining information about the application and grounds on which it is made;
2. In the event it is proposed that the application is withheld from Core Participants, as well as the public, it must give justification for this and for why the confidentiality undertaking signed by Core Participants is said to be insufficient.

c) Supporting evidence, which, if necessary, may also be provided in open and closed form. The supporting evidence should include an objective assessment of the risk posed to the individual if they are not granted anonymity.

19. If the identity of the applicant is publicly known, for example through press reporting or media interviews, that information should be identified in the closed application and an explanation provided why that information does not support the presumption that the identity of the witness should be disclosed.

20. Upon receipt of an application in the above form, the Inquiry will follow the general process set out below:

- a) The Inquiry's legal team will discuss with the applicant whether any more of the information contained in the closed section of the application and any evidence provided in closed form can be moved into the open version. If there is a dispute, the Chair will be asked to decide.
- b) The open sections of the application and any evidence in support will be served on Core Participants to which the application relates (and potentially on representatives of the media, where appropriate) subject to confidentiality undertakings. The Chair may issue a 'mind to' decision when circulating the application.

- c) The closed sections of the application and any evidence in support may, if appropriate to do so, be served on Core Participants (and potentially on representatives of the media) subject to confidentiality undertakings. The Inquiry legal team will consult with the applicant as to whether such disclosure should be permitted. The Chair will decide whether, and on whom, to serve this material in the light of all the circumstances, including any representations made by the applicant, the sensitivity of the material and the importance of the material to the issues in the application. Consideration will be given as part of this process to the possibility of serving redacted versions and/or gists of the closed sections of the application and supporting evidence.
- d) The Chair may invite Core Participants (and, where appropriate, representatives of the media) to file written submissions in response to the application (and 'minded to' decision if applicable).

21. In response to an application for an Anonymity Restriction Order the Chair may:

- a) Invite Counsel to the Inquiry to file written submissions in response to the application (and 'minded to' decision if applicable); and/or
- b) Hear oral submissions on the application at a hearing, including if necessary in private session in the absence of the public and/or members of the press and/or some or all Core Participants.

22. The Chair will determine the application and give a written ruling, which will be published on the Inquiry's website. The ruling may contain a closed addendum, which will not be made public. If the application is successful a restriction order will be made setting out the basis on which the anonymity is granted.

9 July 2025