

INQUIRY LEGAL TEAM NOTE

(CLOSED MATERIAL RESTRICTION ORDERS: SUPPLEMENTARY DIRECTIONS)

Introduction

1. This Note is provided further to the Inquiry Legal Team (ILT) Note of 14 January 2026 on the same topic. In that Note at paragraph 20, Stage 1 of the CMRO process was described. The ILT stated it would identify a provisional list of closed CMRO Categories over which the sample CMRO applications would be invited by an amended date of 6 February 2026.¹
2. By a closed Note, the ILT has provided HMG and PSNI with a provisional list of closed CMRO Categories. These two organisations hold a volume of provisionally closed material of potential relevance to the Inquiry's Terms of Reference. In respect of this material they will each need to make CMRO applications, adopting the process set out in ILT's Note of 14 January 2026 by making applications in tranches, following the establishing of categories based on sample documents.
3. In contrast, the ILT presently anticipates that the volume of provisionally closed material which other organisations hold will be smaller than that held by HMG and PSNI. It is, therefore, the Inquiry's intention to ask organisations (and, if relevant, individuals) other than HMG and PSNI (with the exception of PONI, which is dealt with separately below) to each make a single CMRO application. The purpose of this open Note is to describe the first stage of this process for all organisations other than HMG and PSNI.
4. It remains the Chairman's intention to hear CMRO applications as set out at Stage 9 of ILT's 14 January 2026 Note, with an open hearing listed w/c 7

¹ Separately, by the same date, the ILT stated it would publish an open note setting out the relevant legal principles. That is in a separate Note.

September 2026 and a closed hearing the following week. For organisations other than PSNI and HMG, this will be the time at which they will be required to make an application over all documents which they have provided and/or have equity in.

Process

5. The following paragraphs of this Note (§§6 to 12) do not apply to PSNI, HMG or PONI.
6. They supplement Stages 1 to 4 of the stages set out in the ILT Note of 14 January 2026.
7. By **20 February 2026**, any organisation (or individual) which anticipates making a CMRO application in the course of the Inquiry shall respond in writing to the ILT in response to the following questions:
 - a. Do any of the provisionally closed documents which you have disclosed to the Inquiry, or which you reasonably anticipate disclosing, contain your equity? If so, which documents and/or which parts of those documents reflect your equity?
 - b. Do you suspect or believe that any other person or organisation has a sensitive equity in documents which you have disclosed, or reasonably anticipate disclosing, to the Inquiry? If so, who owns that equity? What is the equity? In what document(s) do you suspect or believe this will arise?
 - c. Do you suspect or believe that any person or organisation, other than your own, has disclosed, or could reasonably be anticipated to disclose, documents to the Inquiry which contain your sensitive equities? If so, who do you suspect or believe will disclose those documents? What is the equity? In what document(s) do you suspect or believe this will arise?

8. Answers to the above questions are to be provided on the Inquiry's closed IT system.
9. Any Core Participant or Material Provider who does not respond by the deadline set out at §7 will be presumed not to intend to make any CMRO applications.
10. The answers to these questions will enable the ILT to assess the scope of the applications which each organisation may make, and any overlap between those applications.
11. Upon receipt of those answers, the ILT will engage with those organisations or individuals which answered the above questions or which are identified in the answers of others, with a view to ensuring (a) that any application which is to be made in relation to any of that organisation or individual's equities is as focussed and comprehensive as possible and (b) ensure that it is aware of the existence of the equities of others in any document it disclosed, or which it is anticipated it will disclose, to the Inquiry.
12. It is intended that the timetable for these applications will rejoin the timetable set out in ILT's Note of 14 January 2026 at Stage 5 (i.e. by submitting open and closed CMRO applications by 4pm on 29 May 2026).

PONI

13. The ILT is aware that PONI holds a volume of provisionally closed material which it considers is potentially relevant to the Inquiry's Terms of Reference. The ILT anticipates that much of this material will be material which was provided to it by other organisations (including PSNI and HMG) and therefore will be duplicated in disclosure which those organisations are providing to the Inquiry directly.
14. The ILT is grateful for the opportunity to inspect PONI's schedule of closed material.

15. However, despite the Inquiry's engagement with PONI over many months, the Inquiry is still not clear: (a) how many of such documents contain PONI equity (as opposed to the equity of others); (b) and how much of its material is not duplicative of that which is held by others. The ILT understands and is grateful to PONI for working, together with PSNI and HMG, to bring greater clarity to these issues.
16. The Inquiry issued its first Rule 9 request to PONI on 25 March 2024. This was one of a series of requests issued at an early stage by the Inquiry to ensure that key material providers identified, catalogued and disclosed any materials in their possession potentially touching on the Terms of Reference as promptly as possible. The Rule 9 request required PONI to:
 - a. Review the Inquiry's Terms of Reference and identify any material which it holds (whether in hard-copy or electronic form) which it assesses to be of relevance to the Terms of Reference.
 - b. Ensure, if this has not already been done, that any such material is preserved for the duration of the Inquiry (and that all necessary staff within PONI are informed of this requirement).
 - c. Provide the Inquiry with an index summarising the material detailed above and, as far as necessary, separate indices should be prepared for open and closed materials.
17. Further guidance was given in the Rule 9 request to PONI about the content it would be helpful to include in any index prepared. A response was requested by no later than 4pm on 19 April 2024.
18. Until recently, the Inquiry had not received an index of any material, whether open or provisionally closed, that is held by PONI. It is important to emphasise that, while the lengthy delay is extremely regrettable, the ILT's current understanding is that this is a reflection of the resourcing constraints upon that

organisation rather than an unwillingness to co-operate or work with the Inquiry. PONI has, despite the disclosure delays, engaged positively with requests from the Inquiry to review materials on its premises, the ILT has had various meetings with PONI and has received an open corporate statement from PONI in response to a second Rule 9 request issued to it on 8 November 2024.

19. A copy of the open corporate statement from PONI was disclosed to all CPs in Tranche 7 on 23 May 2025. This is the only document from PONI that has so far been disclosed to CPs. In total, the Inquiry has received 3 documents from PONI. The other two documents are duplicates of INQ000275 disclosed to CPs in Tranche 1 on 13 November 2024. The Inquiry has also had access to a draft closed corporate statement from PONI.
20. The ILT wish to work collaboratively with PONI and, while it is important that CPs are made aware of the delays that have arisen and the seriousness with which they are taken, as outlined below, considerable steps have recently been taken by PONI to address these issues.
21. On 14 November 2025, the ILT received an update from PONI that it had scheduled all of its electronic material and that it has scheduled 75% of its hard copy material. The ILT was informed that PONI expected the scheduling and de-duplication exercise to be complete as at the date of this Note, and that scanning of PONI hard copy material was ongoing. On 27 January 2026, a further update was provided that the scheduling of all the PONI material (both open and provisionally closed) was complete. All the open material was transferred electronically to the Inquiry by 5 February 2026 and will now be reviewed for relevance in the usual way.
22. The position with transferring the provisionally closed material held by PONI is more complex. It is not possible to go into the specific details in this Note, but it can be said that the approach originally taken by PONI to scanning their

provisionally closed material was not sufficiently secure. The process was paused at the request of the Inquiry while PONI sought advice on the handling of its provisionally closed material. Those scanning issues have generally been resolved, save for some material which will need to be inspected by the Inquiry in hard copy. Arrangements now need to be made for the Inquiry to obtain a secure method for electronic transfer of the bulk of the provisionally closed material as PONI do not use, or have access to, the same secure system used by the Inquiry and other closed material providers. At present, the Inquiry does not have a time frame for when this will be resolved but hope that it will be possible for the bulk of the PONI provisionally closed material to be transferred to the Inquiry during February 2026.

23. In order to determine whether PONI should follow the tranche-based CMRO process set for PSNI or HMG, or the single application process set for all other organisations, the Inquiry needs to be clear about what PONI holds and what applications it will need to make (rather than what applications other organisations will need to make over its material). It is vital that these matters are understood soon or this will inhibit the progress of the Inquiry.
24. Therefore, the following directions are made:
 - a. All scanned PONI provisionally closed material to be electronically transferred to the Inquiry by no later than 4pm on 9 March 2026.
 - b. PONI to provide by 4pm on 9 March 2026 written responses to the questions set out at paragraph 7(a) to 7(c) above.
 - c. ILT to discuss those responses with PONI to enable agreement by 4pm on 31 March 2026 whether it will make stand-alone CMRO applications for any material disclose to the Inquiry.
 - d. Any CMRO applications, whether made by PONI or any other organisation, to be submitted by 4pm on 29 May 2026.

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6 February 2026