

Receipt & Handling of Documents Protocol

Introduction

1. This protocol sets out the approach that will be taken by the Patrick Finucane Inquiry (the Inquiry) to the receipt and handling of documents. It is to be read together with the [Inquiries Act 2005](#) (the Act), the [Inquiry Rules 2006](#) (the Rules) and the other protocols which have been published on the Inquiry's website.
2. This protocol relates to:
 - a. The holding of potentially relevant documents by Core Participants, Material Providers and the public;
 - b. The provision of such documents to the Inquiry; and
 - c. The receipt and handling of such documents by the Inquiry.
3. The purpose of this protocol is to ensure that documents are provided to the Inquiry promptly. This protocol should be read in conjunction with the Inquiry's protocols on [Redaction](#), [Anonymity](#) and [Restriction Protocols](#).
4. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this protocol. Further, this protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.

Definitions

5. In this protocol:

“Material Provider” means any person, institution or organisation, which has been asked to provide documents to the Inquiry or which provided documents to the Inquiry.

“Document” means information recorded in any form of any description, this includes paper, analogue and digital materials.

“Potentially relevant documents” are documents which, having regard to the Terms of Reference, it is likely that the Chair would wish to be provided with.

Background

6. It is an offence under section 35(2) of the Act to do anything which is intended to have the effect of:
 - a. Distorting or otherwise altering any evidence, document or other things that is given, produced or provided to the Inquiry; or
 - b. Preventing any evidence, document or thing from being given, produced or provided to the Inquiry, or to do anything that the person knows or believes is likely to have that effect.
7. It is an offence under section 35(3) of the Act for a person:
 - a. Intentionally to suppress or conceal a document that is, and that he knows or believes to be a relevant document; or
 - b. Intentionally alter or destroy that document.
8. Holders of Relevant or Potentially Relevant Documents should take a risk-based approach to the handling and retention of material they hold, ensuring that its ongoing management throughout the duration of the Inquiry does not constitute an offence under section 35 of the Act.

Provision of documents to the Inquiry

9. Generally, the Inquiry will approach Material Providers with a request for documents and/or witness statements pursuant to Rule 9 of the Inquiry Rules 2006 (a Rule 9 Request).
10. If any person is in possession of documents which they consider may be relevant to the work of the Inquiry but have not received a Rule 9 Request from the Inquiry, they should contact solicitor@finucane.independent-inquiry.uk, providing a description of the relevant documents. Other ways to contact the Inquiry can be found on the Inquiry’s website (see [Contact Us](#)).

11. The Chair expects that any person to whom a Rule 9 request is addressed will cooperate with the Inquiry and provide all potentially relevant material without the need for him to exercise his powers of compulsion of documents or evidence. However, the Chair will consider exercising his powers under section 21 of the Act, requiring the production of evidence, if the response to such a request is refused, incomplete, or not provided by the stated deadline.
12. In the event that the Material Provider is concerned that there might be a legal obligation which prohibits the voluntary provision of documents to the Inquiry, Material Providers may request a section 21 notice, which may be issued with the Chair's agreement.

Document searches

13. Material Providers are expected to undertake comprehensive, thorough and rigorous searches in response to a request for documents. A response to a Rule 9 request may include documents which the Material Provider has identified as being relevant to the Terms of Reference but not requested in the Rule 9 request. The Material Provider should identify any such documents in their response to the Rule 9 request.
14. Once a Material Provider has identified potentially relevant documents, every care must be taken to ensure that all such documents are preserved in accordance with paragraphs 6 to 8 above.
15. The Inquiry may request that a Material Provider supplies a witness statement setting out the searches undertaken to identify all potentially relevant documents.

Timings

16. Rule 9 requests will specify a date by which any potentially relevant documents should be provided to the Inquiry. Material Providers are expected to provide their response and potentially relevant documents to all parts of the Rule 9 request no later than the specified date.
17. If a Material Provider is unable to complete the necessary searches and provide documents to the Inquiry by the specified date, an application for an extension of time should be made to the Chair as soon as possible. The application should set out the relevant part of

the Rule 9 request that may be delayed; the reasons that the documents cannot be provided to the Inquiry by the specified date and; the number of additional days sought. Any part of the response that can be provided by the specified date should be provided to the Inquiry.

The response

18. Material Providers should provide a response to the Rule 9 request at the same time as the documents. The response should include the following:

- a. An Index to the documents provided, identifying which documents answer each part of the Rule 9 Request;
- b. Any relevant commentary in relation to the searches that were completed; and
- c. An explanation where any part of the request has not been answered.

The documents

19. The Inquiry will put in place arrangements for the secure transfer of documents with Material Providers. Material Providers should provide documents to the Inquiry as follows:

- a. All documents should be provided electronically where possible with original filenames. Scanned documents should be renamed appropriately by the Material Provider;
- b. Documents should be provided in their native format (e.g. Microsoft Word, Microsoft Excel, email files (e.g. msg, eml) with their attachments together with underlying metadata. The Inquiry may provide a template setting out the required metadata fields;
- c. Documents should be submitted at “document level”. This means multiple documents should not be grouped into one large PDF. Similarly, a document should not be scanned as individual pages, but as a single PDF;
- d. Hard copy documents should be digitised as a PDF;
- e. Scanning of documents should be undertaken at a standard of 300dpi;

- f. Scanned documents should show all the information of the paper, including corners, both sides and annotations. No data should be cut off during the scanning process. If the document being scanned has any attachment (e.g. a sticky note), it should be scanned twice, both with and without the attachment and;
 - g. Documents should be provided in an unredacted format, unless agreed with the Inquiry in advance.
- 20. Original copies of documents provided electronically should not be destroyed during the life of the Inquiry.
- 21. Material Providers will need to consider their own obligations under the Public Records Act 1958 regarding documents provided to the Inquiry and other potentially relevant document they hold.

Disclosure and Handling of Documents

- 22. The Inquiry is committed to being as open and transparent as possible. In accordance with section 18 of the Act, the Chair will take reasonable steps to ensure that members of the public are able to view documents provided to the Inquiry and attend hearings, subject to the restrictions in the Act.
- 23. Prior to the disclosure of a document, the Material Provider will be given an opportunity to review and comment on redactions in accordance with the Inquiry's **Redactions Protocol**.
- 24. If a Material Provider wishes to object to the disclosure of a document or part thereof, an application for a restriction order should be made in accordance with the Inquiry's Restriction Orders Protocol.
- 25. Core Participants and their Recognised Legal Representatives (RLR) will be required to sign confidentiality undertakings before any disclosure is made to them. The undertaking will apply until such time that a document is made public. The Chair may also require confidentiality undertakings to be signed by others to whom documents are disclosed, including witnesses who are not Core Participants and their RLRs.
- 26. The Inquiry processes personal data in accordance with its obligations under the Data Protection Act 2018 and UK GDPR.

Further information can be found in the Inquiry's [Privacy Notice](#) [and [Appropriate Policy](#)].

27. The Inquiry is not a public authority for the purposes of the Freedom of Information Act 2000 ("FOIA") and will not disclose material in response to requests made pursuant to FOIA.
28. The Copyright, Designs and Patents Act 1988, section 46, provides that copyright is not infringed by anything done for the purposes of the proceedings of a statutory inquiry.
29. At the conclusion of the Inquiry, information will be handled in one or more of the following ways, as directed by the Inquiry:
 - a. Transferred to The National Archives and/or the government sponsoring department;
 - b. Returned to original provider(s)
 - c. Disposed of under the terms of the Public Records Act 1958.