

Redaction Protocol

Introduction

1. This Protocol sets out the approach that will be taken by the Patrick Finucane Inquiry (the Inquiry) to the redaction of documents. Redaction is the removal of information from a document by obscuring text. The main purpose of redaction is to protect sensitive and personal data.
2. This Protocol should be read together with the [Inquiries Act 2005](#) (the Act), the [Inquiries Rules 2006](#) (the Rules) and other protocols which have been published on the Inquiry's website.
3. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional circumstances, 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.
4. The Inquiry is committed to being as open and transparent as it can be. 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 and as provided for below.

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 has provided documents to the Inquiry.

“Core Participant” means a person, organisation or entity designated as a Core Participant by the Chair in accordance with the Core Participant Protocol.

Process

6. The Inquiry will operate a three-stage disclosure process:

First stage

7. The Inquiry will make requests from Core Participants and/or Material Providers for documents which are considered to be of potential relevance to its [Terms of Reference](#). The scope and timing of each request will be determined by the Inquiry Legal Team.
8. Documents must be provided to the Inquiry in clean, unredacted form. Provision of documents must not be delayed on the basis of requests for redactions (such requests will be considered under the second stage).
9. Unless otherwise agreed with the Inquiry Legal Team, all documents must be provided in electronic form where possible, with the electronic version retaining all original features and data associated with the original document. Where a document cannot be provided in electronic form, the document provided should be the original or, where the original is not available, the best available copy.
10. Material Providers are reminded that under section 35(3) of the Act, it is an offence to intentionally suppress or conceal a document which the Inquiry is likely to wish to obtain, or to alter or destroy such a document.

Second stage

11. The Inquiry Legal Team will review the documents provided to identify those which are relevant to its Terms of Reference. It is for the Inquiry Legal Team alone to determine relevance. In accordance with its [Receipt and Handling of Documents Protocol](#), the Inquiry expects to disclose to Core Participants documents which are identified as relevant, subject to:
 - a) the statutory requirements of the Act and any other restrictions imposed by rule of law;

- b) redactions that are applied to the documents, as set out in this protocol;
- c) the Inquiry's other protocols, which should be read alongside this protocol.

Third stage

12. Before documents are disclosed to Core Participants, the Inquiry will share these 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".) Any representations in respect of redactions should be made to the Inquiry via the Inquiry's e-Disclosure platform.
13. The Inquiry Legal Team will consider each request for redactions and will either:
 - a. Agree the redaction request, apply the redaction and then disclose the document(s) to Core Participants;
 - b. Reject the redaction request, in whole or in part. In such circumstances, the Material Provider will be given a short opportunity to discuss matters further with the Inquiry Legal Team, and, if the matter cannot be resolved, to apply for a [Restriction Order](#) to prevent disclosure of the information which it seeks to redact. Documents subject to such an application may be disclosed to Core Participants with provisional redactions applied, pending the outcome of the application. Please refer to the Inquiry's Restriction Orders Protocol for further information.
14. The Inquiry will only allow a short period for Material Providers to approve or make any further redaction requests under paragraph 11. They must therefore resource those working on the Inquiry accordingly. The Inquiry will only agree redaction requests where the case for redaction is properly made out. Material Providers should therefore provide full and clear reasoning for any redactions sought under this protocol and take a measured approach in respect of any redactions sought.

Redactions

15. 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 anonymity orders made under the Inquiry's [Anonymity Protocol](#);
 - 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 a pending application for a Restriction Order made under section 19(2)(b) of the Act.
16. Where the Inquiry decides to redact 'irrelevant and sensitive' information (paragraph 15(b) above) or personal data (paragraph 15(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.
17. The Inquiry is a data controller with obligations under the 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 including but not limited to:
 - a. Dates of birth;
 - b. Personal addresses and other contact details such as telephone numbers, but not professional contact details; and
 - c. Signatures.

18. 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.
19. If there are any questions about this protocol, the Inquiry can be contacted at solicitor@finucane.independent-inquiry.uk. Other ways to contact the Inquiry can be found on the Inquiry's website (see [Contact Us](#)).