



## **Protocol on Redaction, Anonymity and Restriction Orders**

*This protocol sets out the Inquiry's processes and procedures  
for restrictions on disclosure and publication*

### **Introduction**

1. This protocol sets out the approach that will be taken by the Nottingham Inquiry (“the Inquiry”) to:
  - a. Redaction of information from documents before they are disclosed or published by the Inquiry.
  - b. Anonymity.
  - c. Restriction Orders.
2. This protocol should be read in conjunction with the protocol on the disclosure of documents (the “Disclosure Protocol”), which sets out the Inquiry's approach to the receipt and handling of information.
3. Pursuant to section 18 of the Inquiries Act 2005 (“the Act”), the Chair is obliged to take reasonable steps to ensure that members of the public can view a record of evidence and documents provided to the Inquiry subject to any restrictions imposed under section 19 of the Act.
4. The Inquiry regards it as important that its proceedings are conducted in as open and transparent a manner as is possible. This means that the Inquiry intends to publish certain information or evidence where the Chair considers it appropriate. In addition, relevant material (including written statements and material which is likely to be relied on by the Inquiry in making its report) will be disclosed to core participants and (in some instances) witnesses, by making it available on the

Inquiry's database and through other means as directed by the Chair at her discretion. In both instances this is subject to the provisions set out in this protocol.

## **Redaction**

5. Redaction is the removal of information from a document by obscuring text in that document. The main purpose of redaction is to protect sensitive and personal data.
6. Documents provided to the Inquiry can contain large amounts of personal information, some of which will require careful handling. The purpose of redaction therefore is to protect that personal information, where it is appropriate to do so. Redaction may also be used to exclude information not relevant to the Inquiry's Terms of Reference.
7. As set out in the Disclosure Protocol, the Inquiry expects documents to be provided to the Inquiry in their original and unredacted form.
8. The Inquiry when redacting documents will follow the procedure set out below, but this Protocol does not cover every eventuality. Where the interests of justice and fairness require it, the Inquiry may depart from the below process but will provide prior notice to any concerned party to provide them with an opportunity to make representations.
9. On receipt of the documents, the Inquiry will review all documents before disclosure to ensure it complies with its own obligations under the UK General Data Protection Regulation and Data Protection Act 2018. The Inquiry's approach to redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure.
10. The Inquiry will normally redact private addresses, private email addresses, private telephone numbers, dates of birth and signatures. Such information will be redacted without the need for any Restriction Order or order for anonymity (save where the particular information is relevant to the Inquiry's Terms of Reference).
11. The Inquiry will decide whether any other information needs to be redacted on a case-by-case basis.
12. When the Inquiry has decided which documents it intends to disclose to core participants with a view to putting them in evidence, it will inform the Material Providers ("MP") so that those MPs may indicate which part or parts of the document (if any) they seek to have redacted on the grounds that its disclosure is not relevant and necessary for the purposes of the Inquiry. Reasons must be given by MPs for each proposed redaction.

13. The Inquiry will consider all requests for redaction. MPs will be notified before the document in question is disclosed to the core participants.

14. The Inquiry expects MPs to adopt a measured approach when seeking redactions and will redact documents only where there is a good reason to do so. It is anticipated that most redaction requests can be resolved through this 'common sense' process without the need for formal document-specific Restriction Orders.

### **Restriction Orders**

15. As set out in the introduction to this Protocol, the Inquiry's starting point is section 18 of the Inquiries Act 2005 and the need to ensure appropriate transparency and public scrutiny. The Chair may however sometimes make orders when it is necessary to keep information private. Such orders are known as Restriction Orders and are made in accordance with section 19 of the Act. These orders restrict disclosure or publication of information.

16. A Restriction Order made by the Chair must only specify such restrictions as:

- are required by law (section 19(3)(a)); or
- the Chair considers to be conducive to the Inquiry fulfilling its Terms of Reference (section 19(3)(b)); or
- the Chair considers to be necessary in the public interest (section 19(3)(b)).

17. Restriction Orders made by the Chair normally continue in force unless and until they are changed or cancelled. They will usually remain in force at least until the Inquiry has ended and often beyond that. You can ask the Chair to change or cancel an existing Restriction Order which affects you. The Chair can decide to change or cancel a Restriction Order without an application having been made if she considers it necessary to do so.

18. Everyone must obey a Restriction Order. That includes the media, members of the public, witnesses, core participants, legal representatives and all members of the Inquiry team.

### **Anonymity**

19. Anonymity is the protection of a person's identity from disclosure. It is not to be confused with special measures, which are aimed at assisting vulnerable or intimidated witnesses and which may include the use of screens or the giving of evidence in private or via a live link. It is anticipated that special measures, rather than anonymity, will likely address most concerns arising from witnesses in the Inquiry.

20. Where the Inquiry makes a request to any person from whom the Inquiry proposes to take evidence under Rule 9 of the Inquiry Rules 2006 and that person wishes to have their identity protected from disclosure (or in any other circumstances where an individual seeks anonymity), the Inquiry expects that person to apply for a Restriction Order.
21. Any person who wishes to request anonymity in the circumstances set out in paragraph 20 should do so by written request when submitting their written statement (see paragraph 24 below for the procedure to follow).
22. If a written statement contains criticism of another person or organisation, it may be appropriate to disclose the identity of a witness who has been granted anonymity to the person or organisation criticised and their legal representative (where instructed), in order that they are afforded a fair opportunity to respond to the criticism. However, anyone to whom information is disclosed in this way must keep it confidential and it will not be disclosed to any other person. The Inquiry will provide at least 14 days' notice if it intends to disclose the identity of a witness who has been granted anonymity so as to allow that witness an opportunity to make an application requesting that the Inquiry considers not disclosing this information.
23. Written statements will generally be disclosed to core participants in redacted form to remove the identity of a witness who has been granted anonymity in the circumstances of paragraph 21 above and redacted to remove irrelevant information including irrelevant personal information. Written statements by witnesses who have been granted anonymity in the circumstances of paragraph 21 above will (unless there is a compelling reason not to publish the statement) be published in redacted form to remove the witness's identity and irrelevant information.

### **Procedure for applying for a Restriction Order**

24. Applications for a Restriction Order (including in respect of anonymity) should be made in writing to the Solicitor to the Inquiry. Any such application should include:
  - a. An open section that identifies the restriction sought and provides as much detail about the application and the grounds on which it is made as is possible without defeating the purpose of the application;
  - b. A closed section that provides all remaining information about the application and grounds on which it is made. (Information set out in the closed section will amount to 'potentially restricted evidence' within the meaning of Rule 12(1) of the Inquiry Rules 2006); and

- c. Supporting evidence, which, if necessary, may also be provided in open and closed form.

25. Upon receipt of an application, 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 open sections of the application may also be published on the Inquiry's website. The Chair may issue a 'minded to' decision when circulating the application.
- c. The closed sections of the application and any evidence in support may 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). These submissions may be published on the Inquiry's website.

26. The Chair may thereafter:

- 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.

27. 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.
28. Applications for Restriction Orders should be made when individuals are submitting their written statement to the Inquiry or on receipt of confirmation from the Inquiry that it wishes to disclose the document (or within 7 days of the Inquiry confirming that it will not be making the redaction on relevance grounds, if later).
29. In the case of applications for anonymity which are made prior to the submission of written statements (or where there is no written statement), applications should be made within 7 days of any confirmation from the Inquiry that it intends to publish the identity of the individual(s).

### **Additional Restrictions and Variation**

30. The Chair is mindful in this Inquiry that additional restrictions on public access not set out in this Protocol may become necessary in order to ensure all witnesses are able to give their best evidence to the Inquiry. Such decisions will be taken at the appropriate time.
31. The Chair may vary the procedure set out above as appropriate.

**APPROVED BY THE CHAIR**

**25.04.25**