

**THE NOTTINGHAM INQUIRY**

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**OPENING STATEMENT ON BEHALF OF THE MINISTRY OF JUSTICE**

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Introduction

1. The Ministry of Justice ('MoJ') offers its profound condolences and deepest sympathies to the families of those who were tragically killed, and those who were injured, by Valdo Calocane ('VC') on 13 June 2023. The MoJ appreciates and recognises the understandable strength of feeling held by those impacted by the issues concerning access to confidential and sensitive data. The MoJ offers sincere apologies for the incidents of unauthorised access, and the manner in which this was communicated to those affected.
2. The MoJ welcomes the opportunity to provide this opening statement, and does so as the parent government department representing the interests of its executive agencies, His Majesty's Courts and Tribunals Service ('HMCTS') and His Majesty's Prison and Probation Service ('HMPPS').
3. The department has disclosed relevant material to support the Inquiry's investigations and has also provided a corporate witness statement signed by Amy Holmes (the Interim Director General for the Chief Operating Group of the MoJ).
4. It is accepted that access occurred in circumstances that have given rise to legitimate concern and careful scrutiny. The department recognises the seriousness of the issues under consideration, and the importance of the Inquiry's task in establishing a clear and accurate account of relevant events.

5. There is and will remain an ongoing commitment to assisting the Inquiry in its important work, and the department will continue to cooperate fully with the Inquiry's disclosure process.
  
6. This brief opening statement aims to assist the Inquiry by explaining the role of the MoJ, HMCTS, and HMPPS, and their structures. It also aims to address important issues relating to the unauthorised access to confidential and sensitive data, specifically case files and evidence accessed by HMCTS and HMPPS staff following VC's arrest on 13 June 2023.
  
7. The MoJ is committed to listening, learning and minimising the likelihood of unauthorised access being repeated, and looks forward to the Inquiry's recommendations in due course.

#### The role of the MoJ (HMCTS and HMPPS)

8. HMCTS is responsible for providing the system of support, including infrastructure and resources, for the administration of business in the courts of England and Wales, providing the support necessary to enable the judiciary and magistracy to exercise their judicial functions independently. HMPPS is comprised of HM Prison Service, the Probation Service, the Youth Custody Service, and a headquarters, which is focused on supporting frontline operations, including running prisons and Probation services. The MoJ's Data Protection Team ('DPT') supports the entire MoJ family, including HMCTS and HMPPS, driving the department's data protection strategy and providing training and support.
  
9. With reference to point three within the Inquiry's Terms of Reference, the department accepts that some HMCTS and HMPPS staff were involved in the unauthorised access of case files after VC's arrest. Subsequently the department and both executive agencies have had a direct and significant role in subsequent investigations, reviews, fact-finding exercises, inter-agency communication, approach to policies and procedures (including disciplinary procedures, police referrals, and policy change,

following these events) and, where appropriate, communication with those impacted by the incidents of unauthorised access.

10. Police investigations remain ongoing; the department and its executive agencies are co-operating as required with those processes.
11. Considerable learning has taken place so far and this continues to be built upon. More information regarding this can be found at paragraphs 14-17 of this statement.

#### Key issues

12. In addition to the facts surrounding unauthorised access by HMCTS and HMPPS staff, it is acknowledged that there are a number of key issues to be considered, including:
  - a. The difference between the approach taken by HMCTS and HMPPS in respect of the unauthorised access of material by their respective staff members, including consideration of the application, efficacy, and interoperability of relevant MoJ, HMCTS, and HMPPS policies, guidance, and procedures. An independent review was commissioned to look into these issues, as discussed more at paragraphs 15-17.
  - b. The available guidance and mandatory training of HMCTS and HMPPS staff regarding appropriate use of the Crown Court Digital Case System ('DCS').
  - c. The department's consideration whether to inform those impacted by the unauthorised access, even though the threshold, from a data protection perspective, had not been reached and then subsequently, the manner in which those impacted were communicated with, and the extent of that communication.
  - d. The decision not to restrict access at the point at which VC's case was uploaded to DCS, and regarding procedures adopted to protect access to case

information. Whilst robust controls to protect access to case information are needed, it is necessary to undertake a risk-based balancing exercise to protect access to case information but also support efficient business processes, both of which are of significant public interest.

13. In relation to the unauthorised access of court records by HMCTS and HMPPS staff, Parliamentary Under-Secretary of State, Alex Davies-Jones MP, communicated with the bereaved families on 23 December 2024, and on 7 and 15 April 2025. The HMCTS Chief Executive Officer, Nick Goodwin, wrote to the solicitor for the bereaved families in May 2025, and Minister Davies-Jones has been in contact with surviving victims and bereaved families to discuss relevant matters, such as the launching of the Inquiry.

#### Acknowledgments and improvements

14. A number of steps have been taken since these incidents were discovered, and improvements continue to be made. There is an ongoing commitment to identifying any shortcomings in systems, processes, or organisational responses, and the department and its executive agencies will listen carefully to the Inquiry's recommendations. The evidence MoJ has provided to the Inquiry sets out those considerable changes made, and to the extent that there may be any further updates in this regard, then Amy Holmes will assist the Inquiry accordingly when she comes to give oral evidence at the public hearings.

15. In particular, an independent review was commissioned on 20 January 2025 by the Permanent Secretary into the efficacy and interoperability of relevant policies entitled: 'An independent review into the efficacy and interoperability of MoJ, HMPPS and HMCTS policies in high profile, criminal and contentious cases', concluded that the guidance for staff in relation to disciplinary action was not aligned within the agencies. This led to inconsistent approaches between agencies when dealing with issues of a similar nature. Work is currently underway to implement the recommendations of this review, including harmonising conduct policies, with one overarching policy intended to ensure consistency in approach across the MoJ.

16. The review made 14 recommendations for improvements, with 12 now completed, and the two remaining recommendations due to be completed in April 2026.
17. The MoJ can confirm that work is well underway to adopt a single Code of Conduct and Disciplinary Policy for the whole of the department.

Conclusion

18. The department is confident that many of the problems identified to date have either been addressed and corrected, or are in the process of being so. Where we identify further opportunities to reduce the likelihood of similar incidents of unauthorised access in the future we will continue to take them.
19. Any future cases of unauthorised access that result in a referral to the police will be considered on a case-by-case basis, and those affected will be notified where appropriate.
20. The department wishes to end by repeating the condolences and apologies offered at the start of this statement, and by repeating the commitment to candour, as well as listening and learning, and looks forward to the Inquiry's recommendations in due course.

**Emma Zeb KC (Gatehouse Chambers)**

**Tomas McGarvey (2BR Chambers)**

**19 February 2026**