

Tuesday, 14 April 2026

1
 2 (10.00 am)
 3 **THE CHAIR:** Yes, Mr Ivory.
 4 **MR IVORY:** Good morning, Chair. May I call Superintendent
 5 Kathryn Craner, please?
 6 **SUPERINTENDENT KATHRYN CRANER (affirmed)**
 7 **Questioned by MR IVORY**
 8 **MR IVORY:** Superintendent Craner, you've provided a witness
 9 statement to the Inquiry dated 5 December 2025.
 10 I understand there's a correction you wish to make to
 11 that statement at paragraph 118 on page 35. What is
 12 that correction?
 13 **A.** Yes, thank you. Apologies, I obviously believed it was
 14 accurate at the time, but when I reviewed some material,
 15 an officer that's named in that paragraph, I said that
 16 it had been decided that the access that they had had to
 17 systems had been appropriate and that wasn't the case.
 18 It was deemed inappropriate and they were given
 19 management advice.
 20 **Q.** Having made that correction, can you confirm the
 21 contents of your statement are true and accurate to the
 22 best of your belief and knowledge?
 23 **A.** Yes, they are.
 24 **Q.** On 1 March 2024 you became the head of the Professional
 25 Standards Directorate at Nottinghamshire Police. Can

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1 **A.** Yes, so it is a corruption category, so it did fall
 2 under the corruption team. All the teams work very
 3 closely together and sometimes we do have to make
 4 decisions about who was best to investigate a matter,
 5 sometimes based on capacity.
 6 **Q.** Could we have on the screen, please, NGPF0007438. We
 7 can start with page 1, please. This is the Acceptable
 8 Use Policy and Generic Security Operating Policy for all
 9 police information systems, and it essentially sets out
 10 how police systems should be used when you can access
 11 them and what you shouldn't do, doesn't it?
 12 **A.** Yes.
 13 **Q.** On page 3 of that document, at 2.1 and again at 2.3, it
 14 sets out that police officers and staffing should only:
 15 "... access, browse, use, or disclose Police
 16 information in the course of ... official duties and for
 17 policing/business purpose only".
 18 **A.** Yes.
 19 **Q.** It's perhaps a commonsense proposition, isn't it?
 20 **A.** Yes.
 21 **Q.** Is it something which officers receive training on
 22 specifically?
 23 **A.** Yes, they do. So everyone who joins Nottinghamshire
 24 Police receives training on this, face-to-face training.
 25 We have in the corruption team a Prevention Officer,

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1 you just explain what the Professional Standards
 2 Directorate does and what's your role as head?
 3 **A.** Yes, so the department is made up of four separate
 4 teams, so one of them's the vetting team, which
 5 obviously isn't touched upon in this Inquiry but is
 6 a big part of Professional Standards in Nottinghamshire.
 7 There's a Counter-Corruption Unit. It's a very small
 8 team. They should primarily focus on the corruption
 9 categories as set through the NPCC, do proactive work
 10 and investigate breaches or potential breaches of
 11 corruption.
 12 There's a complaints team who will deal with the
 13 significant volume of complaints that are received. So
 14 we receive about 1,800 complaints every year, and their
 15 role is to review those complaints and make decisions in
 16 line with the regulatory framework about how they should
 17 be handled.
 18 Then I have a Complaints and Conduct Team and they
 19 will do the majority of the investigations, whether that
 20 be conduct investigations, complaint investigations, or
 21 death and serious injury investigations.
 22 **Q.** Concerns/complaints about unauthorised access to police
 23 systems, would that fall possibly under the misconduct
 24 team but also the Counter-Corruption Unit in terms of
 25 remit?

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1 they deliver that training and it touches upon this and
 2 the importance of understanding it. So that's anyone
 3 who joined as a police officer, staff member, special
 4 constables, will receive that training.
 5 That's supplemented by e-learning, so that is
 6 learning that is an individual will work through on
 7 a package often designed by the College of Policing, and
 8 there's various packages that have touched upon this
 9 that have been put out over recent years, and often
 10 there will be a requirement for an individual to then
 11 repeat that package two years, three years later, for
 12 example. So they include misuse of systems, there's a
 13 PSD package and various up the matters around data
 14 handling, for example, was another such package.
 15 **Q.** One of the issues that's arisen specifically in this
 16 case is self-briefing, and the extent of information
 17 which should be accessed as part of self-briefing. Is
 18 that something which is specifically covered in
 19 training?
 20 **A.** So I obviously touched upon self-briefing in my
 21 statement, and the reason that I did that is because,
 22 having reviewed the material that some of the decisions
 23 had been based upon, it was mentioned in an email that
 24 individuals would have been self-briefing in relation to
 25 this incident and I was concerned that -- and I could

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1 see that that is no excuse, obviously, for people
2 looking at things that they shouldn't be looking at --
3 but if individuals had been told to self-brief due to
4 the scale of this incident and the impact it was having
5 on Nottinghamshire Police, I felt that it was something
6 which we should address, so that line managers gave very
7 clear parameters to the individuals that were told to
8 review information themselves, to ensure that that met
9 with what they were being asked to do.

10 So I've addressed that through a vlog that's gone
11 out internally where I've really just clarified to the
12 workforce, and line managers in particular, that if
13 there is a requirement to tell a staff member to
14 self-brief, that they're given clear parameters.

15 **Q.** That was after you became head of the PSD, was it?

16 **A.** Yes.

17 **Q.** Are you aware of anything similar which went out before
18 your time?

19 **A.** I'm not aware. But I don't believe that this is
20 a significant problem for Nottinghamshire Police. It
21 was just because it had been referenced in some of the
22 decision making. I felt it was important that we
23 address it.

24 **Q.** It did seem to be a particular problem in relation to
25 this case, in respect of the response to these attacks

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1 obviously if that raises any issues, they would be
2 looked into.

3 **Q.** Are these spot audits or random audits, or is it only
4 when a specific issue is identified that an audit is
5 carried out?

6 **A.** So they're random audits, but based on a certain number
7 of views of a system or access to a system, I can't
8 remember the specifics, but every X number of checks
9 that are conducted on NICHE will result in a prompt
10 within the system to request the individual, explain
11 their policing purpose.

12 **Q.** Is that, in terms of number of accesses on NICHE, is
13 that once a person, an individual person, has triggered
14 so many access requests --

15 **A.** No.

16 **Q.** -- or is it across -- is it for a particular NICHE
17 occurrence?

18 **A.** It isn't about a specific NICHE occurrence; it's about
19 a number of, I suppose, system checks. So we actually
20 have NICHE across a number of forces in the region and
21 the City of London. So it isn't a Nottinghamshire
22 specific, it's a NICHE specific built into their system
23 that every X number of checks on the system or access to
24 that system would then trigger a prompt which causes the
25 individual to explain and justify their policing

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1 and the investigation of them.

2 **A.** So the correspondence that resulted in an action that
3 Mr Griffin set at one of the Gold Group meetings touched
4 upon the number of people who would have looked at the
5 incident, for example, and that's where the reference
6 came to self-briefing.

7 **Q.** Yes.

8 **A.** And people, the huge volume of individuals that were
9 required, for example, to staff scenes. So I don't
10 believe it's a significant problem, I just felt it was
11 a gap that should be addressed and it has been.

12 **Q.** In terms of monitoring and enforcing compliance with
13 this policy and with making sure police officers only
14 access information when they're supposed to, how is that
15 done? How is the monitoring part of that done?

16 **A.** So there are audits that are undertaken, some within
17 the Counter-Corruption Unit and PSD, and others within
18 an audit team which sits separately within
19 Nottinghamshire Police, not under my command. So
20 various systems are audited, so that includes PNC, PND
21 and NICHE, which is our crime recording intelligence and
22 recording system.

23 So those systems have audits built into them. The
24 individual is required to explain and justify what their
25 policing purpose was for accessing that information, and

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1 purpose, and that would then come back to the relevant
2 force for which that individual worked.

3 **Q.** If we could have on screen, please, NGPF0007447, so
4 Lawful Business Monitoring Policy, and if we could turn
5 to page 5, please. At 2.12 at the bottom it sets out
6 the circumstances of the restrictions when audit data
7 can be accessed; is that right?

8 **A.** Yes.

9 **Q.** The third dash there states:

10 "PSD will only access data as part of intelligence
11 development supporting either a disciplinary or
12 a criminal investigation. All access must be justified
13 and approved through a PSD line manager."

14 That seems to suggest that the PSD will only access
15 this audit data once they've got an indication or
16 a disciplinary or criminal investigation has commenced;
17 is that right?

18 **A.** So this is -- lawful business monitoring is about almost
19 doing a deep dive on an individual, so it isn't a dip
20 test. We do that, as I say, as a matter of course, and
21 there are other proactive checks that will be undertaken
22 across the board, and that's set out as part of the --
23 that last policy that you just brought up. This is
24 where we have something specific, maybe a specific
25 concern or a piece of intelligence, this gives us then

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1 the authority and the basis to then set some parameters
2 over additional work that will be undertaken.

3 **Q.** If we could turn to the immediate aftermath of the
4 attacks, 14 June, and could we have on screen
5 NGPF0007863, page 3, please. Then if we start at the
6 bottom there, an email from the District Commander for
7 Newark and Sherwood reporting:

8 "[An officer] ... has viewed the incident log ...
9 [without] a legitimate policing purpose."

10 They sent that email to the Professional Standards
11 Directorate, so it's plainly something that the District
12 Commander thought was sufficiently serious to report to
13 PSD.

14 **A.** Yes.

15 **Q.** The first reply at the top is from Louise Bradford,
16 a Detective Sergeant within PSD:

17 "Please can I ... check with the below that we don't
18 want to do anything with it -- my opinion is that the
19 inspector simply has a word with the officer and
20 discusses the policing purpose.

21 "This case is such that it is imperative on the
22 whole force and therefore I think if we did an audit
23 this officer wouldn't be the only one.

24 "I don't feel, unless I am told different, that we
25 should be formally disciplining officers for looking at

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1 **Q.** It's quite unsatisfactory, isn't it, that the PSD are
2 reluctant, it seems, to commence investigations or even
3 deal with reports of misconduct simply because the scale
4 of misconduct might be so vast?

5 **A.** I agree that the way that that has been set out gives an
6 impression that it's too big a problem for us to
7 resolve.

8 **Q.** For good measure, could we have on screen NGPF0007865,
9 please. This is the reply that is shortly sent
10 thereafter to the District Commander. These matters
11 were raised in the Gold Group, you've already referred
12 to, later that day. That's NGPF0004863, please.

13 We see that you in are, in fact, an attendee at this
14 meeting, albeit in a different capacity. You weren't in
15 the PSD then, were you?

16 **A.** Correct.

17 **Q.** If we turn then, please, to page 7, and item 13, "HW" is
18 referring to Detective Superintendent Hayley Williams
19 who was then head of the PSD; is that right?

20 **A.** Yes.

21 **Q.** She states that:

22 "... the PSD had been receiving referrals from
23 departments saying that members of staff not involved in
24 the incident have been reading the incident on the
25 system. There is no time to audit all checks on the

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1 this case."

2 Then if we go to page 2, another Detective Sergeant
3 in the Counter-Corruption Unit says:

4 "[They'll] ... defer for a decision from the bosses,
5 but I agree ... I think if we start looking, there will
6 be countless Officers that have looked without
7 a policing purpose."

8 Then finally, page 1, and this is from Detective
9 Inspector Gareth Harding, he says he "100% agree[s]",
10 and refers to "a lot of self-briefing going on".

11 The concern here appears to be about the sheer
12 number of officers who might have accessed some
13 information without a proper policing purpose. That
14 seems to be the concern, doesn't it?

15 **A.** I agree that that's how it has been raised. I think
16 there's two concerns. The first is the size, the scale
17 of -- sorry, the volume of people who will have been --
18 had a policing purpose to access that incident, due to
19 the scale of that, would be significant. The number of
20 scenes, for example, where we would expect someone to
21 view an incident to understand where they were required
22 to go to take over, for example, from somebody else.
23 But it does touch upon, as you point out, concern that
24 others will have viewed this incident without a policing
25 purpose.

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1 system, therefore she asked that Heads of Department
2 remind staff and officers that they must have a policing
3 purpose for looking at the incident/CCTV and must not do
4 so if they do not have one."

5 So it's reflecting similar concerns again about the
6 scale of access, isn't it?

7 **A.** Yes, it's taking the PSD internal discussion to the Gold
8 Group for some either ratification or a different
9 direction.

10 **Q.** Do you recall this being discussed at the meeting?

11 **A.** I do actually, yes.

12 **Q.** Then Detective Superintendent Williams goes on to say:

13 "... Inspectors will be asked to deal with it if it
14 is a one off and that if there is anything more
15 intrusive it will be dealt with by PSD."

16 Now, from the perspective of inspectors, would they
17 be able to conduct their own audit or access to NICHE?

18 **A.** No.

19 **Q.** So how would they determine whether it's a one-off,
20 whether it's anything more intrusive, whether such
21 access has taken place at all?

22 **A.** Yes, that is a very valid point.

23 **Q.** That they'd be relying on self-reports, wouldn't they?

24 **A.** They would.

25 **Q.** Is that a satisfactory actual way to deal with potential

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1 misconduct?

2 **A.** I think that, as you read the message there, it combines

3 looking at the incident slash with the CCTV. I think

4 that they were two separate things and they should have

5 been considered separately. I think that there was

6 a proportionate approach being taken or proposed in

7 relation to looking at the incident, and that if line

8 managers did become aware that someone had looked at the

9 incident, that they would be given the authority to give

10 words of advice and document those words of advice.

11 **Q.** There's quite a big difference between the CCTV footage

12 and the incident log in terms of what they show --

13 **A.** *(The witness nodded).*

14 **Q.** -- how graphic they are, isn't there?

15 **A.** I agree.

16 **Q.** If we could turn next, please, to NGPF0004635. This is

17 another Gold Group meeting on 20 June 2023. Again, we

18 see you are in attendance, and on page 3 we have a PSD

19 update. That's at item 7:

20 "[Hayley Williams] ... reiterated that people should

21 not look at incidents/CCTV on systems if they are not

22 directly connected to the job. She asked that this be

23 reinforced to staff forcewide as curiosity is not

24 an excuse and the family trust/confidence must be

25 maintained. [Rob Griffin] ... stated that he had hoped

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1 an incident with viewing CCTV and offering an amnesty.

2 **Q.** Would you agree it was inappropriate to talk about

3 amnesty in this context?

4 **A.** In relation to the CCTV, yes.

5 **Q.** There's three things which these minutes refer to and

6 I'll set those out and then take them in turn. The

7 first thing is this reference to wording going out to

8 police officers and staff. The second, underneath the

9 black bold text, is a discussion regarding whether

10 restrictions should be placed on these systems and on

11 this case, and the decision taken is not to place

12 restrictions.

13 The third, if we go over the page, the bullet point

14 at the top, it notes that:

15 "... some newcomers to EMSOU had been saving things

16 on the Big Job Drive, and anyone working on CID for

17 numerous years has access to this. LS stated that this

18 was partly due to necessity ..."

19 That will be Detective Superintendent Sanders, won't

20 it?

21 **A.** Yes.

22 **Q.** "... and that this would be discussed further to the

23 meeting."

24 So we will deal with the message that was sent out

25 first. That's at NGPF0007866. It starts at the bottom

15

1 that this was clear to people from the outset and the

2 message does not appear to have been adhered to."

3 So the previous approach of communicating this to

4 officers, it cascading down, doesn't seem to have worked

5 by this point, does it?

6 **A.** So what I've not been able to find is what additional

7 information had been reported into PSD between that

8 first direction from Gold that it should be cascaded,

9 and this update, maybe six days later, that this message

10 needed reiterating. I don't know what the prompt for

11 that was and what concerns were being raised.

12 **Q.** Hayley Williams goes on to say -- she talks about

13 putting out a reminder in relation to people who have

14 accessed information, refers to people who have watched

15 the CCTV without a legitimate purpose and it says:

16 "She went on to say that a form of words would be

17 developed around amnesty of responsibility in this

18 case."

19 These are police officers and staff who should know

20 better, who, if they've accessed this without proper

21 purpose, have breached policy, may have committed

22 misconduct, gross misconduct. Why is there talk about

23 amnesty?

24 **A.** I am not in agreement that that was the right path to

25 take at this time. Again, it's combining viewing

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1 of the page. This is the message, isn't it?

2 **A.** Yes.

3 **Q.** If we just take a read of that, and then turn over the

4 next page, please, for the rest of the message. You say

5 in your statement that this message was unclear and

6 lacked sufficient impact. Can you explain why you say

7 that, please?

8 **A.** Yes, I mean start by saying I understand the -- what the

9 message was designed to achieve, and it had been given

10 the green light by Mr Griffin as Gold that this was

11 a message to be shared. I found, when I was asked to

12 review, that firstly the authors of the message were

13 probably not the right author. So it's signed by the

14 Police Federation, GMB and UNISON as our staff

15 associations, and PSD. I believe this should have come

16 from someone in the Chief Officer Team.

17 **Q.** These are the unions for police officers and staff,

18 isn't it?

19 **A.** Correct, yes.

20 **Q.** So it would be a bit peculiar for them to, for example,

21 emphasise the possibility of disciplinary action, the

22 consequences of that if there was a legitimate access?

23 **A.** Yes. It wouldn't necessarily be unusual for that, but

24 I think that that's maybe why the start of the message

25 was focusing on welfare and the impact that this

16

1 investigation was having.

2 But really the point of the message was about
3 accessing of police systems, and it talks on there about
4 doing so out of curiosity, and again it talks and
5 combines accessing information with the viewing of
6 footage. It tells them that they will be held to
7 account, but I believe then maybe contradicts itself by
8 offering a variety of routes to self-refer which include
9 the Federation, the staff associations, their line
10 manager, or PSD.

11 **Q.** It talks about referring to PSD for advice.

12 **A.** Yes.

13 **Q.** That's not what the PSD would be doing, would it?
14 They'd be assessing and investigating those actions as
15 potential misconduct or even criminal offences.

16 **A.** So the first role of PSD would be to do that assessment.
17 Whether that then led on to an investigation would be
18 a separate consideration.

19 **Q.** If we move on to our second matter -- and that can come
20 down now -- that was raised by the minutes, which was
21 the decision not to restrict access, the only data which
22 was restricted was the incident log for the attack on
23 Wayne, Sharon and Marcin; is that right?

24 **A.** Yes, that's right.

25 **Q.** That was because post-incident management had been

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1 second bullet point on the second list:

2 "Live on-going incidents of a sensitive nature
3 (restriction to be lifted once the initial incident is
4 closed) ..."

5 Would that apply to this case here, that criteria?

6 **A.** I don't believe so, obviously it's not my policy, but my
7 interpretation of that would be sensitive perhaps in
8 terms of maybe a dignitary or an individual where there
9 was some sensitivities around maybe a visit to
10 Nottinghamshire, for example.

11 **Q.** There was a sense in which this incident was sensitive
12 as well, though, I mean for many reasons, but one of
13 them was how high profile it was?

14 **A.** Yes.

15 **Q.** Would you describe that as going to a sensitive nature?

16 **A.** Yes, it could have done.

17 **Q.** Because from the very morning of the attacks, it
18 attracted significant amounts of media and public
19 attention, didn't it?

20 **A.** It did.

21 **Q.** This was one of the most high-profile responses and
22 investigations in Nottinghamshire Police's history?

23 **A.** Yes.

24 **Q.** It's also something which evidently captured a lot of
25 attention within the force, wasn't it?

19

1 commenced in respect of that incident.

2 **A.** That's right.

3 **Q.** So it wasn't anything about these wider concerns of
4 reports of access to these data systems, was it?

5 **A.** No, that's correct.

6 **Q.** So nothing on NICHE was restricted.

7 **A.** No.

8 **Q.** Nothing on NICE Investigate which holds the digital
9 exhibits and evidence; nothing on that was restricted,
10 was it?

11 **A.** It wasn't restricted. I'm aware, having seen Leigh
12 Sanders's evidence, that he talks about removing an item
13 from NICE and placing that somewhere else. I hadn't
14 been aware of that. Yes.

15 **Q.** Yes, he refers to it being in a separate cell under lock
16 and key. Do you know anything about that? Can you
17 explain what that is?

18 **A.** I don't know where that would be. No, I don't know
19 where that was.

20 **Q.** If we could have on screen, please, NGPF0007442, and
21 this is a policy in respect of Restricted Incidents and
22 Unauthorised Access.

23 If we turn over the page, please. Section 4 sets
24 out criteria for restricting incidents and sets out
25 incident types and then a second list, it includes, the

18

1 **A.** Well, it required a lot of the force's resources.

2 **Q.** By the morning of 14 June, as we've seen, senior
3 leadership in the PSD and then in the force as a whole
4 in that Gold Group meeting, were aware of reports of
5 illegitimate access, weren't they?

6 **A.** Yes.

7 **Q.** They were of course aware, by the very nature of these
8 attacks and investigation, that this had generated video
9 and photographic evidence which was of a very explicit
10 nature, graphic, sensitive nature?

11 **A.** Yes.

12 **Q.** There were concerns by this point of potential leaking
13 of information to the media, wasn't there?

14 **A.** Yes. I can't remember what date that was specifically
15 or when you were referring to, but yes, there came to be
16 concerns about that.

17 **Q.** So at the latest, once that initial police response to
18 the incident had ended, where officers were being sent
19 out across the streets of Nottingham, was this not
20 a case crying out for restricted access on NICHE and
21 NICE Investigate?

22 **A.** Well, that discussion took place in that Gold Group, and
23 the direction from the Chair of the Gold Group was that
24 it wouldn't be restricted because they recognised the
25 significant impact that would have on proceeding with

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1 the criminal investigation.

2 **Q.** If we could just turn back, please, to NGPF0004635,
3 page 3, that's page 3 where this issue is discussed at
4 the bottom, the reasoning doesn't appear to be about
5 practicalities, how this might affect the investigation,
6 it appears to be almost a point of principle, that
7 "We're the police and we don't want to stray down this
8 path of restricting access". That appears to be the
9 reasoning, doesn't it?

10 **A.** I suppose that because the position of Notts Police has
11 been that we won't and we don't restrict, because --
12 I accept that it's not made clear on there, but that
13 because of the impact that that has, and then the
14 additional resource that would then be required to allow
15 people access as and when it was required.

16 **Q.** In terms of the practicalities, NICE Investigate, this
17 repository for digital evidence, surely only those
18 involved in the investigation itself needed access to
19 that?

20 **A.** Yes.

21 **Q.** Was it really so difficult, at least for that database
22 where the most sensitive and graphic evidence is stored,
23 for that to be subject to restricted access?

24 **A.** I do think it would have inhibited the investigation
25 when we are working to a PACE clock, for example. On

21

1 statement. Have you seen her evidence on that?

2 **A.** Yes.

3 **Q.** She describes it as a legacy system, a shared storage
4 drive for officers to store their work. Do you know
5 what information from this case was stored on the Big
6 Job Drive?

7 **A.** So I have asked that. So the work to remove shared
8 drives started last year and started with Operation
9 Hendrix, as this operation was called, to make sure
10 because, as former Detective Superintendent Williams
11 points out, there are issues in storing matters on
12 a shared drive. Not only access of those information,
13 but disclosure issues, MOPI issues. So that work has
14 commenced to clear those shared drives.

15 They were brought in at a time when we didn't have
16 things like Sharepoint, for example, that will allow
17 multiple people to work on documents at the same time
18 and individuals, I believe, were using them so that they
19 didn't store material on their personal drive, which
20 would mean that if they weren't available, for example,
21 then others couldn't see it. But it is recognised that
22 -- and work has been undertaken to remove the material
23 from those shared drives, once it's been confirmed that
24 it is held somewhere else in the most appropriate place.

25 **Q.** Are you aware of the specific files or information from

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1 NICE, my understanding is that if it's restricted, then
2 individuals cannot add things to it. So whilst it
3 contained the graphic footage, as you describe, it also
4 contains photographs, for example, crime scene
5 photographs, any other digital evidence that might be
6 generated and continued to be generated. So, for
7 example, individuals who would have been doing wider
8 CCTV trawls would have provided a link for a download of
9 footage onto that system, and every time anyone needed
10 to add something to that, they would have had to request
11 that an individual provide them with access to be able
12 to do that.

13 **Q.** Do you know whether any inquiries have been made of the
14 providers of NICHE or NICE as to the possibility of
15 updating the system to restrict specific case files,
16 specific exhibits which are the most sensitive?

17 **A.** I'm not aware, but I agree -- and I think Mr Griffin
18 touched upon it -- that if there is a better system to
19 enable us to do that then absolutely that should be
20 explored.

21 **Q.** Thank you. That can come down now.

22 The third and final matter that was referred to in
23 those minutes of the Gold Group meeting was this use of
24 the Big Job Drive, and that's a matter which former
25 Detective Superintendent Williams has addressed in her

22

1 this case which were stored on the Big Job Drive or are
2 you not aware?

3 **A.** I'm not aware.

4 **Q.** Do you know how many people had access to the Big Job
5 Drive?

6 **A.** I don't, I'm afraid. I agree that the sentiment that
7 I've certainly picked up is echoed in this statement,
8 that to gain access to that drive, you just need someone
9 else who had access to allow access, and no one had
10 responsibility for removing access when somebody left
11 CID.

12 **Q.** Once you had access to the entire Big Job Drive you had
13 access to everything on there?

14 **A.** That's right.

15 **Q.** Is it correct that in relation to this drive it is
16 virtually impossible to know and audit the access?

17 **A.** I think if you had an awareness of what it was that you
18 wanted to audit, then you would be able to audit who had
19 viewed a document, for example, in there, but yes,
20 auditing general access to that drive I don't believe
21 was possible.

22 **Q.** Does it follow that no investigation or audit has been
23 carried out in relation to access of the case files on
24 the Big Job Drive in relation to this case?

25 **A.** That's right.

24

1 Q. We've already touched upon it, but in the aftermath of
 2 this attack there were concerns from the police side
 3 about leakage of information to the media, wasn't there?
 4 A. Yes.
 5 Q. That was the reason that Operation Glint, the
 6 counter-corruption investigation, was started, wasn't
 7 it?
 8 A. Yes.
 9 Q. That resulted in the commencement of lawful business
 10 monitoring.
 11 A. Yes.
 12 Q. That was restricted to an audit of access to the NICHE
 13 nominal audit of VC, wasn't it?
 14 A. Correct.
 15 Q. Would that have captured all access to the NICHE
 16 occurrences relating to the events of 13 June 2023?
 17 A. No, I don't believe so.
 18 Q. Would it only capture if someone had accessed VC's own
 19 record and then perhaps jumped from there to different
 20 occurrences?
 21 A. Yes.
 22 Q. It was a very restricted audit, wasn't it?
 23 A. Well, it was -- it was trying to achieve the object --
 24 objective that had been set, which was to try and
 25 establish, if there had been a media leak, where that

25

1 statement.
 2 Why has it taken until March 2026 for this decision
 3 to be made? And for a public complaint to have been
 4 made for this decision to be made?
 5 A. So it was something I raised with the Chief Constable
 6 and the Deputy Chief Constable at the point I became
 7 aware of that, and I agree, again, having read former
 8 Detective Superintendent Williams's statement, she
 9 touches upon this too, around the number of exhibits and
 10 items that are held within that, and the size of a CCU
 11 team to be able to audit that. And in hindsight, what
 12 I should have done is approached my line manager to ask
 13 for resource to undertake that audit.
 14 Q. Would you accept the delay in audit is unacceptable?
 15 A. Yes, I believe the audit should have been done, or
 16 certainly considered, in 2023.
 17 Q. Because the inevitable result is that until this audit
 18 is completed, and any requisite disciplinary action
 19 taken, there could be officers or police staff who
 20 viewed this footage illegitimately, still serving,
 21 couldn't there?
 22 A. Yes.
 23 Q. Do you know when the audit is expected to conclude?
 24 A. I don't, sorry.
 25 Q. At the same time that the police had their concerns

27

1 might have come from.
 2 Q. There was no audit conducted of the NICE Investigate
 3 system, so no audit of who accessed body-worn video
 4 footage, CCTV footage, dash cam, other evidence and
 5 photographs, was there, at that time?
 6 A. Correct.
 7 Q. You state in your witness statement that you were unable
 8 to find a policy decision for this.
 9 A. Yes.
 10 Q. Is it right that an audit of footage was finally
 11 commenced last month as a result of a complaint?
 12 A. It hasn't yet commenced, but certainly the decision has
 13 been made that a resource will be found. The direction
 14 that I was given was that we wouldn't conduct that audit
 15 ourselves. So we've approached NICE themselves to find
 16 out if they can conduct that audit on our behalf, and
 17 those discussions are continuing.
 18 Q. In terms of the history we've looked at so far, there
 19 was knowledge of illegitimate access since 14 June 2023.
 20 In September 2023, as we'll come on to, Nottinghamshire
 21 Police was aware that an officer had watched video
 22 footage from the attacks without legitimate purpose. In
 23 your own witness statement, you identified the lack of
 24 audit and stated you cannot find a policy decision for
 25 this. That was back in 5 December 2025, your witness

26

1 about leakage of information to the media, so did Elias
 2 and Celeste Calocane, and they communicated this to the
 3 police. But no mention of that is made, it seems, in
 4 the operations records, its logs. Do you know if the
 5 PSD were aware of these concerns at the time?
 6 A. So I believe that further enquiries and questions have
 7 been asked to try to get to that point, and it's my
 8 understanding that a Detective Sergeant within major
 9 crime had brought that to the attention of PSD.
 10 Q. Okay. If we could turn on to WhatsApp messages, please,
 11 and have on screen IOPC0000207, please. This is an IOPC
 12 report, an "Independent Review into the use of WhatsApp
 13 and other instant messaging applications ..."
 14 It is dated, for your reference, June 2021. So it
 15 pre-dated the attacks by two years and it's now nearly
 16 five years ago. At page 5 there's a list of
 17 recommendations in bold. 1, 2 and 4 are -- and 3
 18 indeed, are explicitly aimed at police forces. Do you
 19 know whether Nottinghamshire Police took any action to
 20 implement these recommendations?
 21 A. I believe that they are in place in terms of the
 22 policies that we have. I think that the report touches
 23 on the fact that some police forces have WhatsApp on
 24 police-issued phones.
 25 Q. Yes.

28

1 A. And so some of those recommendations would be in
2 relation to those. We don't have WhatsApp on
3 police-issued phones in Nottinghamshire Police.

4 Q. If we just turn to page 6, please, and we'll look at
5 a few findings from this report. So under "Background"
6 the first paragraph, it refers to the issue of police
7 officers using personal phones to discuss operational
8 information.

9 On to page 15, at the top there's a reference to
10 Home Office guidance dating back to May 2018. It's
11 a long-recognised issue, isn't it?

12 A. Yes.

13 Q. Those bullet points set out the risks of use and the
14 issues. So that's in terms of a lack of log of
15 messages.

16 The second bullet point, police information being
17 viewed by unauthorised individuals.

18 Then on page 16, we can see at the bottom half of
19 the page a survey was sent out to police forces, and
20 doesn't appear that Nottinghamshire Police responded to
21 the IOPC survey, does it?

22 A. No.

23 Q. If we look at Nottinghamshire Police's own social media
24 guidance, that's NGPF0011459, please, and if we turn to
25 page 14, at the end of the policy, it's annex A in

29

1 first policy that you showed, that PS163 policy, the
2 sharing of data and information is covered in that
3 policy. But yes, this maybe could be clearer.

4 Q. What's the position now on WhatsApp and the force? Are
5 officers allowed to use it on personal phones to discuss
6 policing matters?

7 A. No.

8 Q. The audit of VC's NICHE records identified illegitimate
9 access by PC Gell, an investigation followed which led
10 to seizure of PC Gell's personal mobile phone, didn't
11 it?

12 A. Yes.

13 Q. It was during the search of that device it was
14 discovered that PC Gell had forwarded a WhatsApp message
15 to his wife, and that message had been initially sent by
16 PC Ashleigh Small to a WhatsApp group called The
17 Section; is that right?

18 A. Yes.

19 Q. Are you familiar with the contents of that message?

20 A. Yes.

21 Q. It lacked any kind of empathy, didn't it, in its
22 description of the injuries to Grace and Barnaby?

23 A. Yes.

24 Q. It was degrading to those victims, wasn't it?

25 A. Yes.

31

1 respect of WhatsApp. Six paragraphs down:

2 "From a policing perspective the [NPCC] is clear
3 that personnel were strongly advised not to use WhatsApp
4 to exchange police information that would typically be
5 communicated via ... secure means".

6 Number of risks of using WhatsApp were sent out.
7 Then towards the bottom it refers to what should happen
8 if police personnel are found to be using WhatsApp, it
9 says:

10 "... [it] must be record as a security incident.

11 "Any corrective measures may ... be determined
12 locally within the Police Force or may require
13 escalation to Professional Standards."

14 It doesn't appear, the wording of this policy is not
15 worded specifically in terms of Nottinghamshire Police,
16 it seems to be taken from elsewhere, doesn't it, the
17 language used?

18 A. I've not considered that before. It's a communications
19 policy, not a PSD policy.

20 Q. Right. Looking at it now, it's not particularly
21 explicit in telling police officers what they are and
22 are not allowed to discuss on WhatsApp and when, what
23 devices they're allowed to use, is it?

24 A. No. I mean, I suppose the fact it's an annex is not
25 helpful, is it? It is covered in the -- again, that

30

1 Q. It was ultimately inappropriate and unprofessional.

2 A. Yes.

3 Q. That message also contained operational information,
4 didn't it?

5 A. Yes, some limited operational information, yes.

6 Q. It went beyond that necessary to tell colleagues about
7 a busy shift ahead, didn't it?

8 A. Yes.

9 Q. Indeed, that was the view of the disciplinary panel for
10 PC Gell. If we could have on screen NGPF0005538,
11 page 3, please. Paragraph 12, halfway down:

12 "The panel have looked at this message for ourselves
13 and have formed the view that it contains both
14 operational information and distressing and unnecessary
15 descriptions of injuries sustained by members of the
16 public. The panel accept that the message was extremely
17 distasteful ..."

18 Paragraph 13:

19 "The panel are therefore both critical of the
20 original sender of the message and would expect anyone
21 who received it to challenge it."

22 Would you accept it should not have been sent and it
23 should have been challenged by colleagues in that group
24 chat?

25 A. Yes.

32

1 Q. No enquiries were made of the other members of that
2 group chat as to why they didn't challenge a report
3 message.
4 A. No, not by PSD.
5 Q. There's no evidence even of a management instruction to
6 these individuals, is there, about the need to challenge
7 and report inappropriate behaviour?
8 A. I've seen in the supplementary bundle that there was
9 some additional enquiries that the IOPC carried out with
10 the Inspector for that team where they report that they
11 did set standards and expectations about it, but they
12 don't explicitly say that that included the failure to
13 challenge and report.
14 Q. No. Would you accept that should have happened?
15 A. That the conversation should have taken place?
16 Q. And enquiries should have been made of those colleagues?
17 A. I think certainly there should have been a, yes, formal
18 discussion with those individuals.
19 Q. If we could turn to the interview of PC Gell, please.
20 And it's NGPF0005574, page 15. The account was that
21 this was a group chat of shift colleagues, officers on
22 the same shift. If we look from 00:41:25 onwards,
23 that's near the bottom of the page, the Federation
24 representative says:
25 "Correct but includes somebody who isn't at this

33

1 A. I agree.
2 Q. Was this pursued as a line of enquiry?
3 A. I have it in my mind that I've seen some mention of this
4 officer, but I can't recall, sorry.
5 Q. It doesn't look like anyone else was asked about it,
6 does it?
7 A. Within the shift?
8 Q. Within the shift or indeed PC Small, as we'll come on to
9 his interview?
10 A. No.
11 Q. Indeed, in your statement you say you haven't seen
12 a list of participants of this group?
13 A. Correct.
14 Q. The group had disappearing messages enabled, didn't it?
15 A. Yes.
16 Q. So that meant messages deleted automatically after
17 a certain period of time?
18 A. Yes.
19 Q. The only reason it was found was because PC Gell had
20 forwarded it to someone else?
21 A. Correct.
22 Q. No enquiry was made of other officers to ask were any
23 other inappropriate messages sent?
24 A. No.
25 Q. Was that not a basic line of enquiry, given the

35

1 current time employed by Notts Police."
2 "Right, who is that?
3 "Chris Booth.
4 "So when PC Small has sent that text.
5 "Yeah.
6 "It's gone to somebody who's on a career break
7 therefore not a Police Serving Cop.
8 "Right.
9 "Has been on the shift for a very long time, is
10 a very, very close friend of mine but --
11 "Yeah.
12 "Is also still in that group chat because he still
13 gets on with us ...
14 "... however [he is] ... definitely on a career
15 break?"
16 That would mean operational information and indeed
17 the distasteful contents of this message was being sent
18 to someone, being shared by someone who wasn't serving
19 as a police officer at that time; is that right, if
20 that's correct?
21 A. So they're on a career break doesn't mean that they're
22 not serving as a police officer, they're still under
23 an oath as a police officer.
24 Q. They'd have absolutely no reason to receive this message
25 and the information contained within it.

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1 circumstances here?
2 A. I suppose it would be what that enquiry would look like.
3 It would have been possible, and appropriate, for PSD to
4 have spoken to other people in that group to ask them.
5 Q. If we could have NGPF0005569 on the screen, please.
6 This is notes of an interview of PC Small, it was an
7 "Ethical interview & intervention". Could you just
8 explain what that is, please?
9 A. Yes, so it sits outside the conduct regulations, it had
10 been assessed by an appropriate authority that whilst it
11 was a breach of the Standards of Professional Behaviour,
12 it was not a breach to the level of misconduct.
13 Q. If we look at the timings in that second paragraph, it
14 seems to have lasted 21 minutes.
15 A. Yes.
16 Q. Page 2, we see the mention of disappearing messages in
17 place. It appears the reason given:
18 "takes up lot... of storage, so all chat set up that
19 way."
20 That appears to be referring to why disappearing
21 messages in place. Does that strike you as a likely
22 explanation of having that in place, that the fact that
23 all these messages would cause storage issues?
24 A. It's certainly not an approach that I personally take,
25 but I don't know that I can comment for this individual.

36

1 Q. No, but what we can't see is any challenge made to that,
2 any further enquiry, any question asked about that, can
3 we?
4 A. It's not been documented in the minutes.
5 Q. There is no explicit mention or explanation given to
6 PC Small about why the use of disappearing messages
7 might be inappropriate?
8 A. I think the use of disappearing messages is relatively
9 common, is my personal perception.
10 Q. Is that appropriate, when operational policing
11 information, information which is not at that time out
12 in the public, for it to be communicated by
13 automatically deleting messages?
14 A. Well, the message was not appropriate.
15 Q. No, but it also contained operational information,
16 didn't it?
17 A. Yes, which it shouldn't have done.
18 Q. No. At the end, it looks like PC Small is thanked for
19 his candid openness. But PC Small hadn't self-reported
20 his actions and his message, had he? He'd been caught
21 due to the seizure of someone else's phone?
22 A. Yes.
23 Q. Was it appropriate to thank him?
24 A. I think that it was recognised -- I can't remember,
25 sorry, if it's in this part or within another policy

37

1 groups and the guidance around this.
2 Do you think this is consistent with how seriously
3 the issue should be taken and how it should be
4 communicated to officers?
5 A. I think that it would have been better if PSD had been
6 involved in this discussion.
7 Q. PC Gell's investigation proceeded to a disciplinary
8 hearing for misconduct and it appears that PSD asked for
9 it to be private, a private hearing. We can have
10 NGPF0005560 on the screen, please, an email setting it
11 out, and the reason given was criminal case.
12 This email is sent on 27 December 2023, so by this
13 time, the prosecution had indicated they were going to
14 accept VC's guilty pleas for manslaughter. It was going
15 to go to the judge for sentencing. Why was there such
16 an overwhelming concern of prejudice still at this point
17 that this hearing should be held in private?
18 A. So just terminology, obviously the decision maker as to
19 whether something is held in private is at that time the
20 legally qualified chair, and I think the chain of emails
21 shows that submissions had been made that the matter
22 should be held in private. The appropriate authority at
23 that time, which you can see there, was Andrew Reynolds,
24 was asked whether he wanted to make any representations
25 to the chair in that decision, and his personal

39

1 decision that there was no power to seize the phone from
2 PC Small to see, and it had been pieced together that he
3 was the author and it was for him to confirm that he had
4 been, which he did. It's my understanding that that was
5 the openness that he had shown.
6 Q. Is that not the most basic of expectations from a police
7 officer that they should be open with their superiors?
8 A. Yes, I agree.
9 Q. In her witness statement, former Detective
10 Superintendent Williams sets out her view that
11 PC Small's actions could have amounted to misconduct and
12 that she would have commenced a disciplinary
13 investigation; do you agree with that?
14 A. So I set out in my statement that I understand that this
15 is very subjective, I've applied the College of Policing
16 guidance on misconduct outcomes. But that I did agree
17 that the approach taken, that this wouldn't be
18 a misconduct investigation, was appropriate.
19 I understand that others will have different views, and
20 I absolutely respect that.
21 Q. If we could have on the screen, please, IOPC0000123,
22 page 12. I think you referred to this document earlier.
23 It was part of this IOPC documentation and this briefing
24 about inspector Markham. It appears it ended up being
25 a verbal briefing at the start of a shift about WhatsApp

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1 representations are made there.
2 I, as the appropriate authority now, always take
3 legal advice when considering any representations for
4 matters such as this, public or private, anonymity,
5 reporting restrictions, which is what I would have done
6 on this occasion. I'm not entirely sure why the
7 representations were that it be held in private other
8 than an abundance of caution around prejudicing any
9 criminal case.
10 Q. Could it be a concern about reputation?
11 A. I don't believe so.
12 Q. If we could have that down now, please, and move on to
13 Special Constable Skanderaj. On 1 September 2023, he
14 self-reported viewing of footage relating to the
15 attacks, didn't he?
16 A. Yes.
17 Q. If we could have on screen, please, NGPF0005499, page 3.
18 It's part of the Special Case Certificate for context
19 and just gives a bit of information about the report.
20 He, in his report described it as three or four
21 pieces and snippets of the footage:
22 "It will never be known if other internal police
23 auditing practices would have identified this access, or
24 the other accessing of police data, subject to this
25 investigation."

40

1 Well, in fact we can probably say he wouldn't have
 2 been caught, save for if the audit, which is now to
 3 commence, had caught it.

4 **A.** Correct.

5 **Q.** If we see what was viewed, it was:

6 "... twelve separate recordings including the arrest
 7 of the subject, and far more offensively and hurtfully,
 8 he viewed footage of officers and paramedics providing
 9 medical assistance to victims Barnaby Webber and Grace
 10 O'Malley-Kumar, footage within an ambulance, and both
 11 victims being placed in body bags."

12 It's extremely distressing and graphic footage,
 13 isn't it?

14 **A.** Yes.

15 **Q.** NICHE occurrence records were also accessed by him in
 16 relation to the attempted murders?

17 **A.** Yes.

18 **Q.** This is a Special Constable, a volunteer police officer.
 19 He appears to have had no involvement in Operation
 20 Hendrix, and yet he was able to view this material at
 21 home in August 2023. Does that reflect a wider problem
 22 of the way these data systems are set up and the access
 23 police officers have to them?

24 **A.** I do think it certainly indicates that we should explore
 25 whether there is more that we should do at different

41

1 **A.** Yes.

2 **Q.** It appears it covered a period of over a year,
 3 January 2022 to July 2023?

4 **A.** Yes.

5 **Q.** The only reason she was caught when she was was because
 6 she'd accessed VC's NICHE record. If she hadn't done
 7 that, all this other illegitimate access would have gone
 8 undetected, wouldn't it?

9 **A.** Other than dip tests and any other intelligence that we
 10 would have acted upon, yes.

11 **Q.** Just in terms of this member of staff being front
 12 counter staff, should they have access, such ready
 13 access, to these policing systems? Do they need it?

14 **A.** They do need it, yes, to do their job.

15 **Q.** You describe in your statement that nine other
 16 individuals were found to have accessed the NICHE
 17 records or SAFE incident log without legitimate purpose.

18 **A.** Yes.

19 **Q.** At four -- and you set this out at paragraph 148 of your
 20 statement for context -- four were referred to local
 21 line management, three were found to be partnership
 22 workers. That was they were employed by someone else;
 23 is that right?

24 **A.** Yes.

25 **Q.** Two had an intervention with CCU officers. You say that

43

1 points in an investigation to restrict access.

2 **Q.** Do you know whether devices owned by this Special
 3 Constable were seized or searched?

4 **A.** No, I don't believe they were.

5 **Q.** No interview was conducted of him, was it?

6 **A.** So he was being dealt with under the conduct
 7 regulations. He was offered an interview but declined.

8 **Q.** Were any steps taken to ascertain whether he'd taken
 9 copies or recordings of the material he viewed?

10 **A.** No.

11 **Q.** We'll move on to a member of police staff, Sarah
 12 Rutherford, she was the front counter clerk; is that
 13 right?

14 **A.** Yes.

15 **Q.** Her unauthorised access was discovered as a result of
 16 the NICHE audit, wasn't it?

17 **A.** Yes.

18 **Q.** That was unauthorised access across three different
 19 police systems, SAFE, NICHE, and POETS?

20 **A.** Yes.

21 **Q.** It included various NICHE searches and opening of
 22 records relating to the attacks?

23 **A.** Yes.

24 **Q.** But also in relation to other high-profile murders in
 25 Nottingham, and searches on friends and family?

42

1 you believe that "the interventions for police employees
 2 who viewed material without a policing purpose was
 3 inadequate, as the message to hold them accountable was
 4 not effectively enforced."

5 Could you explain why you say that?

6 **A.** Yes, I think our position as a force has been that we
 7 won't restrict access to information, because we
 8 understand that that could have a significant impact on
 9 people being able to view information to help inform
 10 their decision-making, but we also set out that we
 11 provide a lot of training and direction and set
 12 expectations of what people can and cannot do, and
 13 therefore, if people are found to have looked at
 14 something that they shouldn't, that we will then enforce
 15 that. And I don't believe that the third element of
 16 that approach was covered on that occasion.

17 **Q.** Because there should have been harsher sanctions for
 18 these individuals.

19 **A.** I believe there should have been an investigation.

20 **Q.** If we can move on to communications with the bereaved
 21 families and the survivors, and start with NGPF0007451,
 22 please. This is the Misconduct and Criminality
 23 Communications Policy. Turn to page 3 please, 2:
 24 "The aims of this policy are to:
 25 "Be open and transparent with the public and the

44

1 media".

2 We can leaf through the policy, but it seems to be
3 mainly concerned with communications with the media and
4 the approach which should be taken to the media. It
5 doesn't appear there's anything in this policy
6 specifically about notifying interested persons in
7 police conduct complaints.

8 **A.** I agree. This is about -- I mean it is a media policy,
9 media-owned policy. It is about how we communicate with
10 the public as a whole through the media. But yes, there
11 is no reference to interested persons within this.

12 **Q.** That's a statutory duty to notify them, isn't it?

13 **A.** That's right.

14 **Q.** It should be in this policy and it should be explicit,
15 shouldn't it?

16 **A.** Um --

17 **Q.** Or in another policy which deals with it.

18 **A.** I was going to say I'm not sure that this is the right
19 policy. It's obviously contained within the
20 regulations, it's set out in Home Office guidance, the
21 IOPC Statutory Guidance, and that's what we follow,
22 should follow within PSD. So, I suppose for us to
23 create another policy to point towards the regulations
24 might not be helpful.

25 **Q.** If we could have on screen, please, NGPF0007867, page 3.

45

1 It appears to be using these as a form of words to
2 provide to the family, doesn't it?

3 **A.** Yes, that's a fair point.

4 **Q.** Then if we go to page 2, please. It's back a page,
5 page 2. This is from Hayley Williams. She is okay with
6 the form of words, save not to name PC Gell.

7 We see reference to, in the large paragraph:

8 "Can we provide statements making it clear how we
9 feel about the officer looking at the material?"

10 This would be a question potentially asked by the
11 families and survivors.

12 "In this case the investigator chose NOT to approach
13 the family for statements prior to the determination.

14 As the matter has already been found suitable for a GM
15 hearing even without these emotive statements, Fed may
16 'cry foul' to further statements being added."

17 Would it be usual not to approach the family for
18 statements prior to determination?

19 **A.** So as an interested person, it would be different, for
20 example, if they were a complainant who had witnessed
21 something directly, then of course we would have
22 required a statement from them. It's my understanding
23 that if we think about a victim impact statement at
24 court, that that isn't set out in quite the same way
25 under the regulations for an interested person, and

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1 It's an email from DI Claire Gould regarding the media
2 leak and a form of words, a draft, is set out that the
3 families can be updated.

4 The second paragraph, that form of words, the third
5 line down, in respect of PC Gell, it says:

6 "He was also found to have shared information via
7 WhatsApp relating to the incident."

8 That's not candid, is it, about what was shared and
9 the nature of that message?

10 **A.** Sorry, I've just not caught up with where you are
11 looking.

12 **Q.** It's now highlighted in green. Do you see that?

13 **A.** Oh thank you. Yes.

14 **Q.** It's referring to PC Gell, "He was also found ..." It's
15 not candid, is it?

16 **A.** I wonder if this is the start of a conversation about
17 what has happened, as opposed to the form of words to be
18 shared with the families, which is what the Family
19 Liaison Coordinator was attempting to do. He has shared
20 information via WhatsApp. That was what constituted the
21 allegation for misconduct, gross misconduct.

22 **Q.** Then we see in the email above, this one is also from
23 DI Gould, it says:

24 "This is what info I intend to give.

25 "When are we able to do this?"

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1 because there's two stages to the misconduct hearing.

2 The first stage: is there a case to answer? And I don't
3 believe that on this occasion that statements from
4 interested persons would have assisted a panel in making
5 that decision.

6 The second stage then covers, if there is a case to
7 answer, what the seriousness is, and therefore what the
8 sanction would be. And that's where I think this part
9 could go to, because obviously that's the impact that
10 the matter has had.

11 **Q.** As we know, that didn't happen. That opportunity wasn't
12 afforded, was it?

13 **A.** No, it didn't happen. I don't necessarily agree that --
14 because the investigation has finalised, but I don't
15 believe that this would have formed part of the
16 investigation, because it wasn't going to, in essence,
17 the points to prove of the investigation. So I do
18 believe that if that was something that had been asked
19 of, that that could still have been provided to go to
20 the second part of the test.

21 **Q.** Yes. If we go to page 1, the last email in this chain,
22 it's from ACC Griffin:

23 "Sounds like you have the green light Claire, from
24 Hayley, so timing is one for you, but with the above
25 parameter."

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1 So it looks like the wording is okay, the plan is to
2 inform the families. If we have on screen NGPF0007868,
3 and page 1 only, please. DI Gould asks again for a form
4 of words because of the other two misconduct matters.
5 It was forwarded on, and doesn't appear that a reply is
6 sent in terms of "Here are the form of words, you're
7 okay to communicate this."

8 We see it is forwarded --

9 A. Yeah.

10 Q. -- to Andrew Reynolds, who at that point was in PSD,
11 wasn't he?

12 A. Yes, that's right.

13 Q. We see the result of this, NGPF0007884, page 4, please.
14 We can see Leigh Sanders referring to the fact that
15 conduct -- contact hasn't been made, raising concerns
16 about notifying them now. We're then on to page 3.
17 This is from Andrew Reynolds:

18 "As far as I'm aware, as the families have not been
19 made aware of either investigation, and this was due to
20 the decision to inform them about all the misconduct
21 outcomes at the same time.

22 "The Chief has given a direction at yesterday's
23 [Accelerated Misconduct Hearing] ..."

24 That was for Skanderaj, wasn't it?

25 A. Yes.

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1 criminal investigation. I don't know if that's how that
2 came about.

3 Q. On the next page, there's some quoted statements from
4 Superintendent Reynolds and Detective Superintendent
5 Sanders. So for Reynolds:

6 "There is no excuse for any officer to read criminal
7 files in cases they're not investigating."

8 Then three paragraphs down:

9 "We take protection of our data extremely seriously
10 and always look to deal transparently with anyone that
11 breaches these professional standards."

12 Detective Superintendent Sanders, fourth paragraph
13 from the bottom:

14 "Those who access material without any legitimate
15 policing purpose can expect the harshest of sanctions,
16 including dismissal from the organisation."

17 Those statements aren't consistent with what
18 actually happened, are they?

19 A. I mean, well, there were some harsh sanctions in
20 relation to -- not harsh -- appropriate -- sanctions, in
21 relation to individuals that had accessed information
22 that they shouldn't have.

23 Q. But not those other police officers and staff you
24 referred to?

25 A. No. I agree that that was my opinion: that they should

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1 Q. "... [families] should be informed ..."

2 There's been a breakdown in communication between
3 PSD and the investigation side and the FLOs, hasn't
4 there?

5 A. Yes.

6 Q. That has resulted in the families being kept in the
7 dark.

8 A. Yes.

9 Q. The Inquiry, I'm sure you've already seen, that the
10 decision that ACC Griffin makes on 19 December and
11 that's to delay disclosure of this information?

12 A. Well, I suppose, my understanding is his perspective was
13 that back in September, that information had been
14 shared. I think it then became a different discussion
15 by the time we get to mid-December, that information
16 hadn't been shared.

17 Q. Yes. Then, finally, could we have on screen, please,
18 NGPF0005295, draft of a press release in relation to
19 PC Gell. The penultimate paragraph on this page, again
20 we have that reference to sharing information about the
21 case in a text message on 13 June. Downplayed it. It's
22 not candid, is it?

23 A. It was my understanding that the chair also had some
24 involvement in how matters would be phrased to ensure
25 that there was absolutely no potential to prejudice the

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1 also have been investigated.

2 Q. It wasn't dealt with transparently in terms of dealing
3 with the families and the interested parties, was it?

4 A. No.

5 MR IVORY: Thank you. I have no further questions.

6 THE CHAIR: Yes, Mr Moloney.

7 **Questioned by MR MOLONEY**

8 Q. Superintendent, only a very few questions.

9 Firstly, the proceedings against PC Gell and whether
10 or not they should be in public or private. The
11 appropriate authority was of the view that the
12 proceedings should be in private. So it wasn't simply,
13 as it were, an application by PC Gell for these
14 proceedings to take place in private, and indeed,
15 PC Gell gave evidence to the chair that he didn't want
16 these proceedings to be in private.

17 A. (*The witness nodded*).

18 Q. This was a decision taken by Nottinghamshire Police,
19 essentially?

20 A. I see. I apologise if I've misunderstood. I thought
21 that the superintendent at the time was responding to
22 and making representations about public or private based
23 on what had been provided from the Federation. So
24 I apologise if that's not accurate.

25 Q. The families were interested parties, weren't they?

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- 1 A. Yes, correct.
- 2 Q. As interested parties or persons, the Police (Conduct)
- 3 Regulations 2020 make provision for the bereaved
- 4 families to make representations if they consider it
- 5 appropriate. They'd have an opportunity to consider and
- 6 decide whether or not to make representations in
- 7 relation to whether the proceedings should be in private
- 8 or in public?
- 9 A. Yes.
- 10 Q. They weren't notified of this application, were they?
- 11 A. No.
- 12 Q. No. So they had no opportunity to make observations,
- 13 make submissions in relation to this?
- 14 A. Correct.
- 15 Q. You were asked about how PC Small had been thanked for
- 16 his openness in interview despite the fact that he had
- 17 not self-referred. Do you know how many Nottinghamshire
- 18 officers have self-referred following inappropriate
- 19 accessing of material relating to this case?
- 20 A. I believe there's just one, in relation to Skanderaj.
- 21 Q. Then finally, has an audit been carried out of how many
- 22 persons had accessed the PNC or any other system to look
- 23 at material relating to the outstanding warrant for VC's
- 24 arrest?
- 25 A. I believe that the IOPC have conducted that enquiry as

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- 1 I hadn't.
- 2 Q. Perhaps then just so we're not at cross purposes, can we
- 3 display that paragraph which is WITN0044001. It's
- 4 page 35, and it's paragraph 118. Thank you.
- 5 So is what you have recorded then at paragraph 118
- 6 that your initial decision was you were of the view that
- 7 PC Lasek did have a policing purpose, but essentially
- 8 the Chief Constable subsequently reviewed your decision
- 9 and asked you to reconsider?
- 10 A. No, sorry if I'm not being clear.
- 11 Q. No, no, thank you. If you could clarify what happened.
- 12 A. I didn't make any decisions in relation to any of these
- 13 because I wasn't working in Professional Standards at
- 14 that time. When I reviewed the material to try to
- 15 assist the Inquiry with understanding what decisions had
- 16 been made, I had misunderstood that, where I've written
- 17 in the last paragraph, "It was accepted PC Lasek's
- 18 access of police systems was for a policing purpose", I
- 19 that misunderstood that. That is not accurate. It was
- 20 found that whilst she had initially accessed police
- 21 systems, the extent to which she had had not been
- 22 appropriate and she was given management advice.

- 23 So she is one of the -- sorry, it will be in
- 24 an overarching paragraph where I give the numbers of
- 25 people who received the different interventions. She is

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- 1 part of their investigation.
- 2 MR MOLONEY: Thank you very much, Superintendent.
- 3 THE CHAIR: Thank you.
- 4 Yes, Ms Cartwright.
- 5 **Questioned by MS CARTWRIGHT**
- 6 MS CARTWRIGHT: Good morning, Officer Craner. Can I start
- 7 please with the clarification you gave, and it related
- 8 to paragraph 118 of your witness statement.
- 9 A. Yes.
- 10 Q. So does the clarification relate to, because there's two
- 11 officers you reference in that paragraph, PC Emily Dunn,
- 12 and PC Agata Lasek, and so is the clarification that you
- 13 made that in fact it was inappropriate, in relation to
- 14 PC Lasek?
- 15 A. Correct.
- 16 Q. Can you assist us as to how that was missed in terms of
- 17 what you're now saying about the accessing that PC Lasek
- 18 had undertaken?
- 19 A. Yes, when I had viewed documents, that is the way that
- 20 I had interpreted in relation to that individual, that
- 21 that was considered that they had had a policing
- 22 purpose. It was actually when the Chief Constable was
- 23 preparing her statement that it caused me to revisit and
- 24 check with the person who carried out the audit that
- 25 I had accurately understood that, and I found that

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- 1 one of the individuals within that who was given
- 2 management advice.
- 3 Q. Thank you. Can I then ask you just, further to the
- 4 evidence you've given to Mr Ivory and a moment ago to
- 5 Mr Moloney about the decision relating to PC Small,
- 6 I think you accepted, when you were answering questions
- 7 with Mr Ivory, that essentially the decision is almost
- 8 subjective, I think you said.
- 9 It's right, isn't it, so whilst you essentially
- 10 agreed with the view of the other officer that had
- 11 reviewed for PC Small who essentially started the chain
- 12 of events of the offensive message, you've reviewed the
- 13 former head of PSD, Williams's statement where I think
- 14 she disagrees essentially with your decision --
- 15 A. Yes.
- 16 Q. -- and believes that that should have been subject to
- 17 misconduct investigation; would you agree?
- 18 A. Yes, that's her position, yes.
- 19 Q. So when there is an element of subjectivity about
- 20 a decision whether to progress an officer to misconduct
- 21 or not, which plainly has significant implications both
- 22 ways, either an officer then is still in practice, that
- 23 on another officer's view should have been subject to
- 24 misconduct, how are decisions of Professional Standards
- 25 audited or reviewed to ensure proper decision-making?

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1 A. I think that when you say proper decision-making,
 2 I don't believe that either of those decisions are
 3 improper decision-making; they are subjective views.
 4 And it could be that different Professional Standards
 5 departments and their appropriate authorities might make
 6 different decisions. It's around viewing the College of
 7 Policing Guidance on Misconduct Outcomes, considering
 8 the seriousness, and then making an assessment as to
 9 whether that's a breach of the standards and, if so, to
 10 what level.

11 Q. But can you understand, particularly for example, the
 12 PC Small example, that plainly it's significant concern,
 13 particularly for the bereaved families. That I think at
 14 the time, effectively, the appropriate authority
 15 individual, Officer Williams, was of the view that it
 16 should have gone for investigation, but that it
 17 therefore couldn't, because essentially it would have
 18 been an abuse if she'd thought to overturn that
 19 decision, so what mechanisms exist to ensure that
 20 situations such as this where you have someone in role
 21 as the appropriate authority who took a different view,
 22 how is that checked internally and/or audited? Can you
 23 assist me as to that?

24 A. So it won't be audited. It -- I know that former
 25 Detective Superintendent mentioned in there that she

1 that you hadn't addressed in your witness statement.

2 A. Mm.

3 Q. So can you assist then why it is still as today, that
 4 there has been no audit of the Big Job Drive of material
 5 that exists relating to this investigation, bearing in
 6 mind data breaches and data access inappropriately is
 7 such a big issue?

8 A. So the work has been undertaken to remove items from the
 9 Big Job Drive that shouldn't be on the Big Job Drive.
 10 So if they are held elsewhere, as they should be, on
 11 NICHE, for example, or NICE, and we can be certain that
 12 we're not compromising any investigation by removing
 13 them, that work started in 2025 to remove those items so
 14 that that possibility doesn't exist.

15 Q. So that they'd been removed but I think that's
 16 a slightly different issue relating to actually who
 17 accessed, because certainly what Officer Williams's
 18 statement says is that she was astounded that such
 19 sensitive footage existed on that drive, and so removing
 20 it is plainly one issue that needed to take place, but
 21 why has there not been an audit as to who accessed the
 22 material at the time when it did sit on the Big Job
 23 Drive?

24 A. So I believe from her statement, that her understanding
 25 is that that audit wasn't possible. I'm not quite sure

1 believed it could be an abuse of process argument. I've
 2 not personally had this situation arise where the
 3 initial severity assessment has been a decision that
 4 I would have disagreed with. As the head of the
 5 department, I believe I would have approached that by
 6 taking legal advice. Because if I felt that, you know,
 7 if we've dealt with something outside of the misconduct
 8 regulations, there is always a potential that then
 9 bringing it inside and investigating it could be
 10 an abuse of process. I think that was a very legitimate
 11 concern, but I believe I would have taken some legal
 12 advice to understand whether that could be overcome or
 13 not.

14 Q. Thank you. Can I then next ask you briefly for some
 15 additional clarifications around the audit that's now
 16 taking or to take place following the complaint that was
 17 received in March of this year. And you've confirmed
 18 effectively that NICE are going to be hopefully
 19 commissioned to undertake that audit.

20 But can you assist, because you also mentioned that
 21 the Big Job Drive has not to date been audited as to
 22 who's accessed that, and again it's a matter that was
 23 raised in DS, retired, Williams's statement where she
 24 was astounded of the material that existed on the Big
 25 Job Drive, and I think it's a factor that she raised

1 why it wouldn't have been possible to audit if we had
 2 specific footage, which is what the -- is the major
 3 concern here is about the footage that would be held,
 4 that it wouldn't have been possible to audit who had
 5 viewed that, but if that work was going to be
 6 undertaken, it needed to be undertaken in 2023.

7 So I can only assume that as soon as she'd raised it
 8 in the Gold Group and she includes it in her statement,
 9 that it wasn't possible to audit that information which
 10 was entirely the concern that she raised.

11 Q. In terms of then, it sounds from your answer you gave
 12 a moment ago, that the Big Job Drive still exists as
 13 a data source within the constabulary. Have greater
 14 steps been taken to essentially safety net or properly
 15 audit that that Big Job Drive is compliant with data
 16 protection regulations but also from a sensitivity
 17 perspective?

18 A. Yes, so I think the reason that that hasn't been closed
 19 down is because we have to be mindful of other public
 20 inquiries and information that we can't delete from
 21 systems so that we don't compromise any other inquiries
 22 for data, but the work that has been undertaken is
 23 firstly to make sure that the people who have got access
 24 to that is reduced only to those who need the access,
 25 and that all of the data that's held on there is held

1 somewhere else appropriately and then to remove it from
2 that system.

3 **Q.** Thank you. And then can I ask, in terms of the audit,
4 bearing in mind the issue if NICHE is raised as to who
5 accessed -- so thank you for the confirmation that's
6 been given that it's not just the footage but it's
7 documents as well, but would therefore that audit
8 include any other access that forces also have access to
9 NICHE -- that have inappropriately accessed material
10 through NICHE? So because plainly NICHE doesn't -- is
11 not just a Nottingham Police system.

12 **A.** Yes.

13 **Q.** I think again, Officer Williams raises that other forces
14 will have had access to NICHE. So will the scope of the
15 investigation also pick up any other officer, external
16 to Nottingham Police, that has accessed material through
17 the NICHE system?

18 **A.** Yes.

19 **Q.** Thank you. Can I ask to be displayed next, please,
20 NGPF0005854. Thank you. Now this is the document that
21 the Inquiry has looked at with other witnesses relating
22 to the list of police contacts for VC and Nottingham
23 Police that's provided to Officer Griffin on
24 14 June 2023. If we go through the next few pages,
25 please, we can see that the -- thank you and to the next

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1 again, there's going to be further evidence about the
2 assessments that had taken place. But within 11 minutes
3 of release, VC is again forcing entry to this property,
4 such that a member of the public jumped out of the
5 window and sustained really serious injuries amounting
6 to grievous bodily harm?

7 What should happen, where there has been contact
8 with a defendant who has gone on, within a very short
9 period of time, to re-enter a property, what
10 investigation should take place?

11 **A.** So I think the question is, is that death and serious
12 injury referral? Am I understanding that correctly?

13 **Q.** Well, I just want your assistance because obviously
14 there's been --

15 **THE CHAIR:** Well, if it isn't, then it's not really a matter
16 for the PSD, is it?

17 **MS CARTWRIGHT:** That's what I want to understand, bearing in
18 mind what should happen in this scenario where there's
19 been police dealings with the defendant who has gone on,
20 within 11 minutes, and there's also a question as to
21 conduct issues of the officers in terms of that first
22 period of detention.

23 **A.** So if there is an issue of conduct, then yes, I would
24 have expected that that be brought to the attention of
25 Professional Standards for an assessment to be made of

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1 page -- that the author of that list of documents
2 originated through Professional Standards, the officer
3 we've just talked about, Detective Superintendent Hayley
4 Williams.

5 Can you assist from a PSD perspective because, if we
6 go back to the beginning, please, the Sebastian
7 incidents were not picked up as part of the provision of
8 information about police contacts. Again, we've also
9 heard some evidence about incorrect recording of the
10 Sebastian incidents. Can you help us from Professional
11 Standards why Sebastian's incidents with the police were
12 not picked up?

13 **A.** I'm afraid I can't. I don't know who completed this
14 document. You know, there would have been other
15 departments looking to understand on this date, on the
16 14th, the day after, what the previous contact had been
17 and history, so that would have been maybe officers in
18 intelligence, officers within the Major Crime Unit. I'm
19 not sure why PSD were conducting additional work to
20 establish that as well.

21 **Q.** Right. But, then, can you assist us just by reference
22 to the Feven incident in terms of what should have
23 happened, in terms of Professional Standards overview,
24 just at a high level so we understand what should have
25 occurred where VC was released from custody where,

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1 that.

2 **Q.** Can you assist, then, as to how that happens? Because
3 we've heard some evidence about the Custody Sergeant and
4 the recording link to the mental health assessment. How
5 does that happen practically?

6 **A.** So not every issue needs to be raised with Professional
7 Standards. We are a very small department, and so we do
8 expect line managers to nip things in the bud, as it
9 were, to deal with matters appropriately if they
10 believed it to be so. I'm not sighted on whether that
11 happened in this case, I'm speaking more generally.

12 If someone does have concerns, though, that an
13 individual may have misconducted themselves, then we
14 receive emails, phone calls, regularly, on a daily
15 basis, into Professional Standards and we can make that
16 assessment.

17 **Q.** So then from your perspective, this doesn't classify as
18 a death or serious injury under the indirect contact; is
19 that the position?

20 **A.** Correct.

21 **Q.** Then can I ask you by reference to NGPF0007833,
22 page 5 -- thank you -- we can see in the review work
23 that I think was done by Officer Hall it does reference
24 that it was perhaps not picked up, because of the delay
25 in the identification of the --

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1 **THE CHAIR:** Sorry, what are you looking at here? What's the
2 first page of this, so the officer has an opportunity to
3 see what it is?

4 **MS CARTWRIGHT:** Yes, I do apologise.

5 **THE CHAIR:** Yes, because we've just gone straight into
6 page 5.

7 **MS CARTWRIGHT:** Sorry. So I think this was a review of the
8 incidents that was conducted by Officer Hall that was in
9 the pack. I apologise for not orientating it you.

10 Then if we go over the page, please, if we can just
11 work through the documents so we can see it -- thank
12 you -- and go to page 5. Thank you. There was
13 reference to that it wasn't dealt with and investigated
14 because of the delay in the identification of the
15 serious of the injury (sic). We see there, this does
16 not appear to have been considered for a DSI/PSD
17 referral possibly due to the extent of the injuries
18 being confirmed after hospital assessment.

19 So that does seem to suggest that consideration by,
20 in respect of DSI and PSD, should have occurred. Can
21 you assist us at all by reference to this document,
22 please?

23 **A.** Yes, so I wasn't aware of this document until I saw it
24 in my bundle, but I believe that it's a request from
25 Mr Griffin to a DCI who works in CID to provide an

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1 there was essentially an officer in pursuit. Do you
2 accept, because again there seemed to be some confusion
3 from the evidence of Officer Griffin, that that would
4 fall under the categorisation of indirect police contact
5 as to how that incident occurred?

6 **A.** Yes, I do.

7 **Q.** So again, when a significant senior officer is saying
8 there may be some ambiguity whether that fits the
9 definition, would you agree that there may be a need for
10 the Police Reform Act and the definition, and better
11 guidance to be provided about this issue?

12 **A.** I very strongly agree with that. I think that it is,
13 whilst on the face of it it seems a relatively simple
14 definition, I think that, when I've looked to guidance
15 and IOPC focus editions, for example, on this, the
16 element of the direct and indirect is something that it
17 would be helpful for it to be really clear so that there
18 is consistency.

19 **Q.** I think we're going to hear from the IOPC that in fact
20 there's no settled case law in respect of indirect
21 contact. Is that your understanding also?

22 **A.** Yes.

23 **Q.** Then finally just a practical issue, and I don't want to
24 get to the details because the Operation Gosemore and
25 the investigation into Sharon Miller is subject to

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1 overview of how we have dealt with each of the
2 incidents. That individual was very credible as
3 a Detective Chief Inspector doesn't work in PSD, and I
4 believe that they have attributed the level of the
5 injury with that contact with the female victim as
6 opposed to the way that I would interpret it under
7 the -- within the DSI definition that the contact,
8 indirect or direct, needs to be with the person that the
9 police have had with the person who then has become
10 injured or has died.

11 **Q.** I think, can I ask you, because certainly there seems to
12 be some confusion that had occurred from DSI and police
13 contact but also the definition of the Police Reform
14 Act, did you believe there's a clarity and understanding
15 by frontline officers about what is a DSI and when it's
16 required to be referred to PSD for consideration?

17 **A.** I would not expect a frontline officer to be able to
18 understand fully the definition of DSI, but what I do
19 have confidence in is that we do recognise them, we do
20 pick them up, we have them referred to PSD on a regular
21 basis for our assessment as to whether they meet the
22 criteria.

23 **Q.** Then can I ask you, because certainly a different
24 scenario, so the contact that occurred when
25 Sharon Miller was driven over by VC but at a time when

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1 correspondence with the IOPC, but practically can you
2 assist as to -- would it have been Professional
3 Standards that provided the call logs as part of that
4 investigation, that at the moment justify the suggestion
5 that Officer Reynolds had authority to pursue the
6 vehicle? Would that -- would it have come from PSD, the
7 talk group?

8 **A.** Yes, we'd be conferred essentially the single point of
9 contact for the IOPC for any of their investigations and
10 provide them with the material they request.

11 **MS CARTWRIGHT:** Thank you.

12 **THE CHAIR:** Yes, Mr Beggs.

13 **Questioned by MR BEGGS**

14 **MR BEGGS:** Officer, just a very few points. First dealing
15 with the question of restriction of access to data, and
16 the associated topic of self-briefing.

17 Can I deal with it first generically. Does it come
18 to this in your view: that officers and staff have to be
19 trusted to confine any self-briefing to that which has
20 a proper police purpose?

21 **A.** Yes.

22 **Q.** That's the starting point?

23 **A.** Yes.

24 **Q.** If they transgress, especially if they do so
25 egregiously, then it's the job of PSD to investigate

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- 1 and, if appropriate, prosecute?
- 2 **A.** Yes.
- 3 **Q.** But, as some learning that may emerge from this Inquiry,
- 4 do you contemplate that a special carve-out might
- 5 sensibly be made for CCTV or dash-cam footage which is
- 6 self-evidently distressing or harrowing? Can you see
- 7 that data in that category might be carved out for
- 8 separate restriction?
- 9 **A.** Yes.
- 10 **Q.** Because it's one thing looking at, as PC Gell did, some
- 11 intelligence on VC, which he shouldn't have done, but
- 12 it's quite another thing, as Special Constable Skanderaj
- 13 did, looking at distressing video footage, isn't it?
- 14 **A.** Yes.
- 15 **Q.** The latter is bound to cause deep upset and distress to
- 16 the families of the victims, yes?
- 17 **A.** Yes.
- 18 **Q.** And is degrading, as learned counsel said.
- 19 **A.** Yes.
- 20 **Q.** So might it be the case that in future, with or without
- 21 recommendations from this Inquiry, the police service
- 22 could explore software or other workarounds to ensure
- 23 much greater restriction on that kind of distressing
- 24 footage?
- 25 **A.** Yes.

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- 1 we deal with this I hope briefly: the hearing was in
- 2 fact, as a matter of record, heard in public.
- 3 **A.** Yes.
- 4 **Q.** In fact media representatives were present.
- 5 **A.** Yes.
- 6 **Q.** The families obviously ought to have been told about
- 7 that hearing.
- 8 **A.** Yes.
- 9 **Q.** There's no dispute about that, is there?
- 10 **A.** No.
- 11 **Q.** They had an absolute right to be present because it was
- 12 a public hearing.
- 13 **A.** Yes.
- 14 **Q.** They weren't witnesses, and therefore they couldn't be
- 15 held out of the hearing; that's right?
- 16 **A.** Correct.
- 17 **Q.** That's quite apart from regulations 33 onwards of the
- 18 Police Complaints and Misconduct Regulations. It was
- 19 a public hearing; they should have been told about it.
- 20 **A.** Yes.
- 21 **Q.** For the avoidance of any confusion, the outcome, in some
- 22 detail, of that hearing was published by Nottinghamshire
- 23 Police the very day of the hearing.
- 24 **A.** Yes.
- 25 **Q.** And reported in the media.

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- 1 **Q.** Would you, to give the Chair a sense of calibration from
- 2 a senior officer, would you consider that to be
- 3 a sensible reform?
- 4 **A.** Yes.
- 5 **Q.** The second point I wanted to deal with is very brief.
- 6 You have spoken of what is hoped to be a NICE audit, the
- 7 acronym NICE, of personnel that may have viewed
- 8 body-worn or other type of footage, yes?
- 9 **A.** Yes.
- 10 **Q.** But just for the Chair's benefit, is this right: the
- 11 reason that Nottinghamshire Police have asked NICE to do
- 12 it is firstly for independence --
- 13 **A.** Yes.
- 14 **Q.** -- so it has nothing to do with Nottinghamshire Police,
- 15 yes?
- 16 **A.** Yes.
- 17 **Q.** But also secondly, for technical expertise?
- 18 **A.** Yeah, the primary reason was for the independence,
- 19 but --
- 20 **Q.** It has a secondary benefit.
- 21 **A.** It has a secondary benefit.
- 22 **Q.** They are going to be hopefully the most expert in
- 23 relation to their own software product.
- 24 **A.** Yes.
- 25 **Q.** Just moving now to the PC Gell misconduct hearing, can

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- 1 **A.** Yes.
- 2 **Q.** So far, and I say that because of the NICE audit, former
- 3 Special Constable Skanderaj is the only police officer
- 4 or member of staff who we know viewed footage he
- 5 shouldn't have viewed.
- 6 **A.** Yes.
- 7 **Q.** But I make clear that's subject to what may come.
- 8 **A.** Yes.
- 9 **Q.** And Rutherford, the civilian desk officer, did not view
- 10 any distressing footage.
- 11 **A.** Correct.
- 12 **Q.** But she was dismissed.
- 13 **A.** Yes.
- 14 **MR BEGGS:** Thank you very much.
- 15 **Questioned by THE CHAIR**
- 16 **THE CHAIR:** Yes, I have just a couple of questions. In fact
- 17 it just relates to what you've been asked.
- 18 As things stand, as you've told us, you have the
- 19 NICHE system check which is a random access to the whole
- 20 of the NICHE system done by NICHE itself.
- 21 **A.** *(The witness nodded).*
- 22 **THE CHAIR:** It's not instigated by any particular incident;
- 23 is that correct --
- 24 **A.** Correct.
- 25 **THE CHAIR:** -- to check what people are viewing.

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1 At the other end of the spectrum you have a specific
 2 concern that's been indicated and therefore you do, or
 3 you can do, an audit in relation to a specific person --
 4 **A.** Correct.
 5 **THE CHAIR:** -- of their viewing, but there's nothing in the
 6 middle?
 7 **A.** Or an incident.
 8 **THE CHAIR:** Or an incident.
 9 **A.** So, yes, the deeper dive based on intelligence or
 10 information that we receive.
 11 **THE CHAIR:** But if there's no intelligence or specific
 12 information, that just doesn't happen.
 13 **A.** No.
 14 **THE CHAIR:** It's not instigated by --
 15 **A.** No, correct.
 16 **THE CHAIR:** But there's no, at the moment, in the middle,
 17 a system, or when you have a particularly high-profile
 18 case such as this, doing an audit right across the board
 19 of the viewings of the material afterwards, even when
 20 the case, as it were, has concluded.
 21 **A.** So that is available to us to do, as a PSD --
 22 **THE CHAIR:** Of your own instigation?
 23 **A.** Yes, correct, yes.
 24 **THE CHAIR:** How does that arise?
 25 So you could choose, for example, once the -- at any

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1 although it might be right and proper and ideal for
 2 people not to access this sort of information, the
 3 evidence shows that they do. But limiting access in
 4 advance is a better option?
 5 **A.** So from a PSD perspective, speaking maybe selfishly,
 6 yes, that would be beneficial for us, because for us, we
 7 have the task with taking action if people have viewed
 8 information when they shouldn't.
 9 Maybe the wider question for the force would be to
 10 ensure that that didn't have any detrimental impact,
 11 whether that be on an investigation or on any
 12 individual's ability to have the understanding that we
 13 would want them to have about a situation to enable them
 14 to make the best decisions in relation to that.
 15 **THE CHAIR:** That could be done through permission through --
 16 in -- as I think you were involved in a different
 17 capacity in this particular incident before you got your
 18 current job, that's correct, isn't it, because you're at
 19 Gold Command?
 20 **A.** Correct.
 21 **THE CHAIR:** There's a structure, both for the incident on
 22 the day and then subsequently for the post-day
 23 investigation and the investigation itself. There are a
 24 number of officers who are in particular positions.
 25 Would it be possible for permissions to be given by, for

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1 stage to do --
 2 **A.** Yes.
 3 **THE CHAIR:** -- an audit of all access to NICHE --
 4 **A.** (*The witness nodded*).
 5 **THE CHAIR:** -- through the -- for a particular incident like
 6 this, and that's in effect what NICE (*sic*) is going to
 7 do on NICE (*sic*); is that correct?
 8 **A.** Yes, so we could choose to deep dive into any incident,
 9 that would be covered under the policies available, if
 10 there is no expectation of privacy on any system. There
 11 does become a capacity element within that. It is
 12 incredibly time consuming, then, to work through who has
 13 accessed, and then, whether that access would appear to
 14 be legitimate to then make a decision about, if it
 15 wasn't clear whether it was legitimate, would you serve
 16 notices at that point and start an investigation? Would
 17 you ask them to account for why they had accessed, and
 18 with a team, so for example within my CCU, I had two
 19 researchers, one analyst, these are the decisions that
 20 we need to make with the resource that we have
 21 available, and obviously other demands upon us.
 22 **THE CHAIR:** So doing it after the event is a very big job as
 23 you were saying before.
 24 **A.** It is.
 25 **THE CHAIR:** So limiting access, taking the view that

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1 example, the Senior Investigating Officer and/or others,
 2 however many was necessary, to allow to give that
 3 permission during the -- so as those -- only those who
 4 needed to could have access to the most sensitive
 5 material?
 6 **A.** Yes, certainly that could be considered, the challenge
 7 with that at this time is then it would need an
 8 individual to then grant access for anyone else who
 9 might need that. So we would have to have a resource
 10 set aside to then grant additional permission to people
 11 as and when it was required.
 12 **THE CHAIR:** Yes, thank you.
 13 Just one other aspect of this which I just wanted to
 14 have a look at and that's in relation to NGPF0004635.
 15 If we can just get that up on page 3. Just looking at
 16 item 7, there seems to be quite a concern about those
 17 who have viewed the CCTV without a legitimate purpose
 18 and now feel they can't ask for support. Is that
 19 because of their wellbeing and that's covered in the
 20 subsequent message which came out from, as you said,
 21 from the Police Federation and so on? Is the view at
 22 this stage more that it's the wellbeing of the officers,
 23 rather than that of the victims and their families,
 24 whose material is being viewed, their wellbeing?
 25 **A.** I agree that that's the impression that that gives.

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1 **THE CHAIR:** Thank you.
 2 In the training that is given in relation to access
 3 to material, is anything put in the training about the
 4 effect on individuals, victims, their families?
 5 First-hand experience? Anything of that kind?
 6 **A.** So I mentioned in my evidence that I had done a vlog to
 7 cover the access to systems and that's exactly what I've
 8 talked about. I've taken the words from this Inquiry
 9 about the dignity of the victims and having that in mind
 10 at all times when accessing information to ensure
 11 they're absolutely clear what their policing purpose is
 12 to access that, so that's been very helpful.
 13 **THE CHAIR:** It seems to be something that people feel that
 14 they have, in a sense, a right to view, because of
 15 curiosity.
 16 **A.** I think a small number of people have been shown to do
 17 that.
 18 **THE CHAIR:** Well, I suppose we'll see with the audit, won't
 19 we, how small that is?
 20 **A.** *(The witness nodded).*
 21 **THE CHAIR:** We hope.
 22 **A.** Yes.
 23 **THE CHAIR:** Thank you. Right, we'll take a break now, and
 24 if we come back at 12.15 pm.
 25 **(11.58 am)**

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1 **Q.** The Courts and Tribunals Service has the Crown Court
 2 digital case system, doesn't it?
 3 **A.** It does.
 4 **Q.** That's used by certain staff from the Courts and
 5 Tribunals Service but also the Prison and Probation
 6 Service; isn't that right?
 7 **A.** That's correct.
 8 **Q.** It's used, you describe in your witness statement, to
 9 store case files and documentary evidence?
 10 **A.** That is correct. It is a digital system which replaces
 11 the paper file which holds the relevant evidence and
 12 material for a case.
 13 **Q.** Who, in the Courts Service is able to access the digital
 14 case system?
 15 **A.** So there is the courts administrative staff, so across
 16 the HMCTS at the moment that would be around just over
 17 2,000 staff have access to the DCS. There would also be
 18 a small number of IT support who would also be there.
 19 **Q.** Who in the Probation Service has access?
 20 **A.** So those staff who are working in the courts, the
 21 probation officers, and the case administrators who
 22 support them in the probation staff. So again, from
 23 HMPPS, that would be just over 2,000.
 24 **Q.** For staff who do have access to the system, do they have
 25 access to everything on the system, so long as it's not

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1 **(A short break)**
 2 **(12.15 am)**
 3 **MR IVORY:** May we call Amy Holmes, please.
 4 **AMY HOLMES (affirmed)**
 5 **Questioned by MR IVORY**
 6 **MR IVORY:** Ms Holmes, you've provided two witness statements
 7 to the Inquiry, one dated 6 November 2025 and the other
 8 dated 1 April 2026, and that latter witness statement
 9 clarifies certain matters in the first. With those
 10 clarifications, are the witness statements true and
 11 accurate to the best of your belief and knowledge?
 12 **A.** They are.
 13 **Q.** Could you explain your role at the Ministry of Justice.
 14 **A.** So currently at the Ministry of Justice I am the Interim
 15 Director General for the Chief Operating Officer group,
 16 responsible for core functions across the Ministry of
 17 Justice, including finance, commercial, property, and
 18 performance and data as well.
 19 **Q.** At a high level, what's the position of the Courts and
 20 Tribunal Service and the Prison and Probation Service in
 21 the Ministry of Justice?
 22 **A.** So both are executive agencies and the parent
 23 department, the Ministry of Justice. They have slightly
 24 different arrangements recognising the constitutional
 25 nature of Courts and Tribunals Service.

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1 restricted?
 2 **A.** There will be, for any case, elements which are marked
 3 private, which would just be for the judiciary and the
 4 HMCTS staff, as well. So by that I mean the probation
 5 officers couldn't access that area, the HMCTS staff
 6 could.
 7 There's then the areas which may be restricted
 8 because material is not to be used, and then you've got
 9 anything which is put as restricted, invite-only.
 10 **Q.** But in terms of specific cases and the whole case,
 11 they'll be able to access that so long as it's not
 12 restricted?
 13 **A.** Correct.
 14 **Q.** Would there be sense -- and presumably some of these
 15 staff, their only reason to access the system is in
 16 respect of administrative documentation, case listings?
 17 **A.** *(The witness nodded).*
 18 **Q.** Would there not be sense for those staff having, by
 19 default, restricted access to case files so they can
 20 only access those documents?
 21 **A.** There may be a wide range of reasons why staff may need
 22 to go into a file. It isn't always clear where that
 23 information may be filed, so it could be filed in
 24 different areas within the case file. So to say you
 25 only need to access this section might limit their

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1 ability to respond to any queries because it may be
 2 filed somewhere else in a variety of different areas
 3 within the file, and people step in for a variety of
 4 different reasons in order to perform roles.

5 **Q.** Take a listing officer. They're not going to need to
 6 look at documentary evidence in a case, are they?

7 **A.** No.

8 **Q.** So there would be sense in having their access
 9 restricted by default, wouldn't there?

10 **A.** That is not currently how the system operates, but it --
 11 wider restrictions is being looked at as part of the
 12 work which is currently underway in HMCTS, trying to
 13 balance the needs of the operations of HMCTS and the
 14 courts and the way they operate and the way they support
 15 the justice system, running with the appropriate
 16 controls on the system.

17 **Q.** We'll come on to some of those measures which are being
 18 taken. In your statement, you've set out a number of
 19 controls available to protect data on this system. The
 20 first is a prompt which appears when a user attempts to
 21 access a case outside of their assigned work location.
 22 If we could have on screen, please, WITN0065006. Is
 23 that the prompt that we'd see?

24 **A.** That is the prompt, so anyone who has access to DCS as
 25 a primary and secondary location, if you attempt to

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1 to restrict access to the case file, which you've
 2 mentioned already. If we could have on screen, please,
 3 WITN0065009. Could we zoom in on "Restricting Access to
 4 DCS Cases of Special Sensitivity". This refers to the
 5 invitation-only function. It states:

6 "Examples of when to use this functionality include
 7 high profile cases, cases with high levels of media
 8 interest or where a member of the Criminal Justice
 9 System is personally involved in the case."

10 Once a case file is assigned to invitation-only,
 11 what does that mean as to access?

12 **A.** Only those named individuals who have been invited in
 13 are able to access the file.

14 **Q.** The prosecution of VC was a high-profile case, it had
 15 high levels of media interest; it seems to meet the
 16 criteria, doesn't it, for special sensitivity and
 17 invitation-only?

18 **A.** That would be correct. In hindsight, HMCTS do consider
 19 that this case should have been put on invite-only.

20 **Q.** That's from the very beginning?

21 **A.** Yes. Consideration had been given and it should have
 22 been restricted.

23 **Q.** The file was in fact restricted to invitation-only, you
 24 set this out in your statement, on 23 May 2025. As
 25 we'll come on to, that's a year and four months after

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1 access a case which is outside of your primary and
 2 secondary location, you receive this prompt asking for
 3 you to give a reason for why you are attempting to
 4 access it.

5 **Q.** When you talk about primary or secondary location,
 6 you're talking about the physical court location.

7 **A.** The physical court location, yes.

8 **Q.** When this prompt appears, does the person have to fill
 9 the box in before they can proceed?

10 **A.** Yes, a reason. Text has to be entered into that box for
 11 them to be able to proceed.

12 **Q.** What happens to that reason once it's entered?

13 **A.** It then goes on part of the system and can be downloaded
 14 and audited as part of the case location, user location
 15 reports, which are run monthly.

16 **Q.** Would it, as a matter of course be audited and monitored
 17 if this box is used and filled in?

18 **A.** Anything that requires this file to be -- this to be
 19 filled in is part of that audit, which happens every
 20 month.

21 **Q.** Does any other warning appear, say, which outlines "You
 22 must not access this if you don't have a proper reason"
 23 before you access a file?

24 **A.** Unless it's been put on invite only, no.

25 **Q.** The -- another control you set out in your statement is

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1 the first incidence of illegitimate access is
 2 identified. It's a year after a police report was made
 3 in respect of that.

4 Would you agree that's an inexcusable delay to
 5 restrict this to invitation-only, this case file?

6 **A.** That is the view that it should have been restricted
 7 much earlier in the process.

8 **Q.** And there's no excuse for why it wasn't?

9 **A.** It was a busy case, needed to be processed swiftly, and
 10 high activity therefore required to support the justice
 11 and running of the case. That was the consideration
 12 given at the time, that it should have been restricted
 13 earlier.

14 **Q.** Do you know what the trigger for implementing restricted
 15 access on 23 May was?

16 **A.** It was identified by a senior member of HMCTS that it
 17 had not been restricted who asked for it to be done so.

18 **Q.** And this is, as we will come to see, following
 19 escalation of the illegitimate access which has been
 20 identified.

21 **A.** Correct.

22 **Q.** For murder cases generally, would there be sense in, by
 23 default having cases restricted to invitation only, for
 24 it to be turned off, decided it's not needed, but for
 25 that to be the default?

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1 A. I understand that that's one of the things being
2 considered by the review taking place at the moment, and
3 strengthening the guidance for consideration by HMCTS
4 staff of how invite-only function should be used.

5 Q. Who's undertaking that review?

6 A. The Chief Digital Officer for HMCTS is reviewing it
7 after, as part of the task and finish group work that I
8 referred to in my statement.

9 Q. When's that expected to complete?

10 A. I understand that they are presenting to the executive
11 committee of HMCTS next month.

12 Q. The third control you set out -- and again you've
13 already mentioned it -- is the ability for the access
14 coordinator --

15 A. Correct.

16 Q. -- to undertake monthly spot checks of case activity
17 records. Could you explain how that works?

18 A. There are three types of checks that can be carried out,
19 there's the RoCA, which is the record of case access.
20 That is a tab within DCS when you are in that particular
21 case where you can call up and you can see any
22 individual that has had access to that case file. That
23 is something anyone can check at any point. And it is
24 encouraged by HMCTS for that to be reviewed by access
25 coordinators and indeed others who check to see who has

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1 the RoCA, the Record of Case Activity check, that
2 illegitimate access of the case file here was
3 discovered?

4 A. That's correct.

5 Q. That was in January 2024, wasn't it?

6 A. Yes.

7 Q. This was inappropriate access by probation staff that
8 was reported?

9 A. In the first instance, yes.

10 Q. You set out at paragraph 65 of your statement that
11 a fact-finding exercise was conducted in relation to
12 seven Probation Service officers. If we could have that
13 on screen, please, it's WITN0065001. Page 20, it
14 starts.

15 The bottom of paragraph 65, it's seven Probation
16 Service officers, four deemed to have made legitimate
17 access; is that right?

18 A. That is correct.

19 Q. Are you able to say what materials they accessed?

20 A. I cannot.

21 Q. Is that because of ongoing police investigation?

22 A. That's correct.

23 Q. Are you able to say why it was considered legitimate at
24 the time?

25 A. It was viewed, due to the nature of their roles, that it

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1 had access to a case, and that is part of the review to
2 strengthen that access coordinator role when it comes to
3 the RoCA.

4 There are then two separate reports which are run
5 monthly and part of the access coordinator's
6 responsibilities, the first is the user account report,
7 which identifies all those within the area that have
8 access to DCS, have a registered DCS account, that makes
9 sure that people are fulfilling their responsibilities
10 to having themselves removed from the system when it is
11 no longer appropriate for them to do so, and to make
12 sure that those -- anyone identified, for example, their
13 responsibilities have changed or they have left HMCTS --

14 **THE CHAIR:** Could you just slow down a bit? Thank you.

15 A. Sorry. Are removed from the system.

16 And then the third and final is the report that I've
17 referred to, the -- I'll just have to check to make sure
18 I get the name correct, the user location versus case
19 location. This is -- allows anyone with a primary or
20 secondary location to be checked where they have viewed
21 a report outside of that primary and secondary location,
22 that allows an access coordinator or their manager, who
23 will be most familiar with the cases that they should be
24 using to identify if any queries need to be raised.

25 **MR IVORY:** Was it through that first check you described,

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1 was appropriate for them to have had access.

2 Q. There are three remaining Probation Service officers who
3 it was determined did not have clear grounds for access
4 to the case?

5 A. That's correct.

6 Q. But no further conduct and disciplinary formal
7 investigations were commenced against them at this time?

8 A. *(The witness nodded).*

9 Q. Why was it the unauthorised access was considered not to
10 be a trigger for those investigations?

11 A. The fact finding was carried out and all parties spoken
12 to, and following HMPPS's policies and procedures, it
13 was deemed that informal action was the most appropriate
14 in these specific cases, which meant that they were
15 spoken to and given dedicated briefing, including by the
16 Counter Fraud Team as while as wider training provided
17 to the Nottingham Probation -- East Midlands Probation
18 Service.

19 Q. At paragraph 66 of your statement, you set out that part
20 of the rationale is that there was no apparent malicious
21 intent for personal gain, in reference to the staff
22 involved. But it wasn't accidental and inadvertent
23 access, was it?

24 A. That is correct. It wasn't accidental. There were
25 three reasons, as I understand it, that were used for

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1 deciding that informal action was the most appropriate
 2 use, one, as set out in the witness statement, was the
 3 relative time that the probation officers themselves had
 4 been in post, so the support officers been in post,
 5 being relatively new, they -- there was a sort of lack
 6 of knowledge about the systems. There was also the
 7 wider DCS training that wasn't deemed to have been
 8 available on this specific system, and then also the
 9 lack of malicious intent, as described.

10 **Q.** So the fact that these three members of staff were new
 11 in post and you mention there a lack of training on the
 12 DCS system, was it identified that there were
 13 deficiencies in onboarding and data protection training
 14 here?

15 **A.** At this point, yes. That has subsequently been
 16 strengthened as part of the work that HMPPS have done,
 17 learning from this set of events.

18 **Q.** This can come down now, thanks.

19 The Ministry of Justice Data Protection Team were
 20 also informed of the inappropriate access, again in
 21 January 2024. What was their role once it was reported
 22 to them?

23 **A.** So that the Data Protection Team in the Ministry of
 24 Justice are the data controller for both HMPPS and for
 25 HMCTS. For HMPPS, when data breaches occur, they report

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1 of those seven probation steps?

2 **A.** I believe that the relevant action was concluded by the
 3 end of February.

4 **Q.** Did the Data Protection Team at that point reconvene to
 5 discuss next steps?

6 **A.** They did not. I think they'd requested additional
 7 information which was provided to them by the end of
 8 January.

9 **Q.** Would it have been helpful for them to meet again at
 10 that point, once that investigation has been concluded,
 11 given that the ongoing investigation was considered
 12 a reason for not referring it onwards?

13 **A.** It may have been, and then a panel was then convened in
 14 April when they were next -- when escalation happened.

15 **Q.** These very same incidents, the Probation Service
 16 inappropriate access, were also reported to the HMCTS
 17 Data Incidents Team and they referred it on to the HMCTS
 18 Counter Fraud Team; is that right?

19 **A.** Yes.

20 **Q.** That was also in January 2024?

21 **A.** *(The witness nodded).*

22 **Q.** So at that stage you had PPS Data Protection Team
 23 considering it?

24 **A.** *(The witness nodded).*

25 **Q.** Their own Counter-Corruption Unit?

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1 straight away to the Data Protection Team in the
 2 Ministry of Justice who carry out triage of those
 3 reports, to determine the severity and next steps that
 4 should be taken.

5 **Q.** You describe part of that role was to consider whether
 6 to convene an incident review panel?

7 **A.** Yes.

8 **Q.** What's the purpose of an incident review panel?

9 **A.** The Incident Review Panel is there to assess the
 10 severity of the incident and make recommendations on
 11 next steps, whether to inform the ICO or other action
 12 that should be taken.

13 **Q.** What's the threshold for one to take place?

14 **A.** The threshold is related to the degree of severity
 15 judged on the circumstances presented. A variety of
 16 factors could be taken into account.

17 **Q.** The decision at that time that was taken was not to
 18 convene a review panel?

19 **A.** That is correct.

20 **Q.** Why was that?

21 **A.** It was judged that the severity of the situation meant
 22 that a panel did not need to be called, including the
 23 fact that action was continuing to be taken and an
 24 investigation taking place in HMPPS and HMCTS.

25 **Q.** The -- when did the HMPPS investigation end in respect

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1 **A.** *(The witness nodded).*

2 **Q.** And also the HMCTS equivalence of those.

3 **A.** *(The witness nodded).*

4 **Q.** And the Ministry of Justice Data Protection Team.

5 **A.** *(The witness nodded).*

6 **Q.** Is that right?

7 **A.** There would be -- it's part of the procedures to have
 8 both an HR investigation and then the counter-fraud
 9 investigation taking place as dual processes at any one
 10 time.

11 **Q.** The HMCTS counter-fraud investigation resulted in seven
 12 probation staff being referred to the police in
 13 May 2024, didn't it?

14 **A.** It did.

15 **Q.** So in terms of the history we have so far, the probation
 16 service had conducted their own internal investigation.
 17 Out of the seven, they found four had made legitimate
 18 access; three members of staff, their access was
 19 illegitimate. But none of it was serious enough to
 20 warrant a disciplinary investigation.

21 **A.** *(The witness nodded).*

22 **Q.** The Ministry of Justice Data Protection Team had decided
 23 it wasn't serious enough to be referred to an incident
 24 review panel, yet at around the same time, HMCTS Counter
 25 Fraud Team had assessed this as serious enough to refer

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1 to the police.

2 **A.** *(The witness nodded).*

3 **Q.** These are all Ministry of Justice teams or agencies. It
4 is quite an astonishing disconnect, isn't it?

5 **A.** The recognition that there needed to be closer
6 collaboration between the different agencies and the
7 Ministry was part of the subsequent review that took
8 place with a recommendation to make sure there is
9 greater alignment. I'm pausing -- greater alignment
10 between the different policies that exist and the
11 actions that should be taken and indeed escalation
12 afterwards.

13 **Q.** And that was a finding of the review, the independent
14 review which took place later.

15 **A.** Yes.

16 **Q.** But it's not just a matter of poor collaboration,
17 communication. It seems that the left hand doesn't know
18 what the right is doing in respect of these
19 investigations.

20 **A.** There was collaboration between HMCTS and HMPPS. Each
21 investigation is taking place under different remits.
22 You have the HR policies which are part of their kind of
23 conduct and appointment. You've got their counter-fraud
24 investigation, which is under the Computer Misuse Act,
25 and then you have the data protection review under GDPR

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1 package. So information was there, but it wasn't drawn
2 to the attention in the police referrals when they took
3 place in August.

4 So when the original team in Nottingham, so the
5 HMCTS operation manager -- so this is paragraph 6 in my
6 second statement --

7 **THE CHAIR:** Sorry, can I also just ask you to slow down --

8 **A.** Am I going too fast?

9 **THE CHAIR:** -- again. You're going too fast. Those making
10 notes can't hear what you're saying.

11 **A.** I am sorry.

12 In July, it was noted next to this fourth member of
13 staff's name that their access was not business
14 justified. That was then included in what was referred
15 through to the Counter Fraud Team. In August, when
16 witness statements were taken and provided, they were
17 not included.

18 **MR IVORY:** And a summary document of the investigation
19 erroneously stated, based on those witness statements,
20 that this fourth member of staff's access was
21 legitimate, didn't it?

22 **A.** They weren't included in the brief facts document as
23 someone who had had inappropriate access.

24 **Q.** And they were eventually referred to, and this was
25 highlighted to the police, in April 2025; is that right?

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1 and the Data Protection Act. So each is following its
2 individual specialism.

3 **Q.** The Counter Fraud Team in HMCTS also conducted their own
4 wider audit of the case file, didn't they?

5 **A.** They did.

6 **Q.** And that revealed unauthorised access by four members of
7 HMCTS staff.

8 **A.** Yes.

9 **Q.** You describe in your statement that two were subject to
10 disciplinary processes as a result of which they were
11 dismissed, and the third resigned shortly after the
12 access is identified.

13 **A.** *(The witness nodded).*

14 **Q.** The fourth and final member of staff was an intern; is
15 that right?

16 **A.** Yes.

17 **Q.** Three of these staff members were also referred to the
18 police in August 2024, and you set out in your second
19 witness statement that the fourth individual, the
20 intern, was mistakenly not referred to police at first.
21 Could you explain how that happened?

22 **A.** I should say that they were -- that inappropriate access
23 was referred to in some of the evidence that was
24 provided to the police but they were not -- witness
25 statements weren't individually signalled as part of the

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1 **A.** Yes.

2 **Q.** It's an embarrassing error, isn't it?

3 **A.** It is, and one that HMCTS and I apologise for.

4 **Q.** It's right that throughout this period, at least until
5 December 2024, no one in the Ministry of Justice or
6 these executive agencies sought to make the bereaved
7 families or survivors aware of these instances of
8 unauthorised access.

9 **A.** Yes.

10 **Q.** Is that correct? Why?

11 **A.** The data protection policies had been followed and the
12 threshold had not been deemed to be met for notifying
13 those individuals affected by the inappropriate access,
14 so the data protection and GDPR thresholds had not been
15 met --

16 **Q.** When was that consideration decision made?

17 **A.** So it was made by not convening the panel in the first
18 instance when they were notified in January and then
19 again when the panel was convened in April 2025.

20 **Q.** We'll come on to that. But was this and have you seen
21 evidence that this was explicitly considered back in
22 January, February, 2024 by the Data Protection Team?

23 **A.** I have not seen evidence.

24 **Q.** Have you seen any evidence that consideration was given
25 to informing the families and survivors before

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1 December 2024?

2 **A.** I have not seen evidence. I know that there was
3 consideration of concerns about interfering with the
4 police investigation would have been part of the
5 discussions that were taking place.

6 **Q.** Though in fact the families and some of the survivors
7 were informed eventually of this unauthorised access by
8 the South East Regional Organised Crime Unit, so by the
9 police?

10 **A.** Yes. It is part of the subsequent learning from these
11 events that, whilst the threshold had not been met,
12 consideration should have been given to making contact
13 with the families and the survivors about the events
14 that had occurred and the inappropriate access. We've
15 now amended our guidance and policies to make sure that
16 active consideration is in there.

17 **Q.** It's completely unsatisfactory, isn't it, for the
18 bereaved families and survivors to be left in the dark
19 and to have to hear about this from the police rather
20 than the MoJ who have been sitting on this information?

21 **A.** I agree, active consideration should have been given at
22 the time about contacting the bereaved families, the
23 surviving victims.

24 **Q.** You'll have seen the letters that were sent by the
25 South East Regional Organised Crime Unit in

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1 **Q.** What impact the data breaches had, but also the impact
2 of failing to disclose the data breach.

3 **A.** It's very much one of the learnings that we have taken
4 from these events, that we do need to make sure that we
5 are actively considering contact with those affected,
6 regardless of data protection or GDPR thresholds being
7 met or not, and making sure that is part of our active
8 consideration when we are looking at any case.

9 **Q.** If we turn to page 3, it's part of the response on
10 behalf of the minister. The fourth paragraph down
11 explains the media enquiries that were made to the
12 Ministry of Justice, and it explains that they provided
13 this information to Nottingham Post.

14 Why was the Ministry of Justice providing
15 information to the media without first ensuring that
16 they knew that information had been passed to the
17 interested parties?

18 **A.** I agree. It should have taken place that the families
19 were informed first.

20 **Q.** That can come down now. Thank you.

21 In April 2025, as you've mentioned already, the
22 Ministry of Justice convened this Data Protection Team
23 Incident Review Panel, didn't they?

24 **A.** Yes.

25 **Q.** And, as you've already stated, that concluded the access

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1 December 2024.

2 **A.** *(The witness nodded).*

3 **Q.** I won't bring a copy of that up now, but it appears that
4 Sharon Miller wasn't sent one of these matters -- one of
5 these letters. Now that wouldn't have been directly in
6 the control of the Ministry of Justice, but it
7 demonstrates how unsatisfactory all this was, doesn't
8 it?

9 **A.** I can't speak to events by the police, but yes, families
10 should be contacted and informed.

11 **Q.** If we could have WITN0065031, page 4, on the screen,
12 please. It's the bottom email from Emma Webber to
13 various people including the MoJ, Ministry of Justice.
14 Mrs Webber refers to having "been made aware (via the
15 media)" -- if we scroll down we can see the link to the
16 news article -- of individuals having illegitimately
17 accessed the case file and two court workers having been
18 dismissed. These were details, particularly the fact of
19 dismissal, which they were unaware of at the time.

20 Again, it's entirely unsatisfactory for them, for
21 the bereaved families, the survivors, to be learning of
22 this information from the media, isn't it?

23 **A.** I agree.

24 **Q.** You can feel the emotion in this email, can't you?

25 **A.** Very much so.

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1 to the records constituted a data breach but it didn't
2 meet the threshold for reporting to the Information
3 Commissioner's office; is that right?

4 **A.** Yes.

5 **Q.** Nor did it meet the threshold for reporting to bereaved
6 families or survivors, albeit that ship had already
7 sailed, hadn't it?

8 **A.** Yes.

9 **Q.** Why did it come to that decision?

10 **A.** I am not a data protection expert but I will convey my
11 understanding of the considerations that take place. So
12 at the panel, the Data Protection Team and the panel
13 that were there, take account of the variety of
14 different factors about whether the threshold has been
15 met for risk of harm or high harm, depending on the
16 threshold that we're looking at. They take into account
17 the data type, the confidentiality, the integrity, the
18 availability of that data, the data's nature, its
19 sensitivity and the volume that was involved, the
20 consequences of physical harm or otherwise harm to those
21 whose data has been breached and their characteristics.
22 So children, otherwise vulnerable.

23 The panel concluded that the threshold of risk for
24 ICO notification or high risk of harm to individuals
25 subject to the data breach had not been met. In doing

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1 so, they took into account the small number of -- the
2 relatively small number of staff of the breach, that no
3 evidence had been downloaded or shared, as we understood
4 it, and that appropriate steps were being taken by
5 action within the group, as well as the fact that some
6 of the information involved would have been in the
7 public domain via the courts and the high profile nature
8 of the case.

9 So they couldn't identify high risk of harm to the
10 victims or the defendant.

11 **Q.** These were data breaches --

12 **A.** *(The witness nodded).*

13 **Q.** -- multiple in nature, multiple individuals committed
14 them. They'd resulted in dismissal of two employees.
15 The breaches were being investigated by the police. And
16 just a few weeks before this Incident Review Panel, the
17 Ministry of Justice had received that email from
18 Mrs Webber very clearly setting out the impact this has
19 all had on her and others. Is it -- how does the
20 Incident Review Panel, in light of all of that, how can
21 it be defensible for them to say this isn't reportable
22 to the ICO?

23 **A.** No concerns have been raised with me about how the Data
24 Protection Team and the considerations given about
25 notifying the ICO or otherwise and under GDPR and data

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1 reported to them within 72 hours if it's reportable,
2 don't they?

3 **A.** Yes.

4 **Q.** So again, it's unsatisfactory for that -- for this issue
5 to be considered a year after -- more than a year
6 after -- the access is first identified, isn't it?

7 **A.** It was considered immediately in January, and it was
8 decided that a panel was not necessary to be convened.

9 **Q.** A number of memoranda or reports were circulated
10 following the involvement of the Regional Crime Unit.
11 We can have one on screen, WITN0065030, please. This
12 one is dated 17th December 2024.

13 Is it fair to say that the involvement of the South
14 East Regional Organised Crime Unit triggered an
15 escalation process within the Ministry of Justice?

16 **A.** It was escalated during December.

17 **Q.** If we turn to page 3, paragraph 19 of this memorandum:

18 "There is a possibility that relatives of the
19 victims could leak information relating to the alleged
20 inappropriate access of case files by HMCTS and HMPPS
21 staff and suggest to media that this is another example
22 of 'needless voyeurism' from employees working in the
23 justice system. ... we would expect a high level of
24 media interest and questions about what disciplinary
25 action should be taken should the allegations be

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1 protection were been met. No concerns had been raised
2 with me. It is and should have happened that the
3 families were informed, regardless of those thresholds.

4 **Q.** What do you mean by no concerns were raised to you? By
5 whom?

6 **A.** In any of the conversations in preparation, or in my
7 knowledge, no concerns had been raised about the
8 decisions by the panel or otherwise in relation to GDPR
9 or the data protection. Do very much acknowledge that
10 the families should have been informed regardless of
11 those thresholds.

12 **Q.** Were you aware that the solicitors acting for the
13 bereaved families had specifically asked the Ministry of
14 Justice whether these matters had been reported to the
15 ICO?

16 **A.** As part of the -- yes.

17 **Q.** At the very least, that would suggest that there is
18 a question mark there, isn't there?

19 **A.** *(no audible answer given).*

20 **Q.** The other thing about ICO --

21 **THE CHAIR:** Sorry, did you give an answer to that?

22 **A.** Sorry, I acknowledged, yes.

23 **THE CHAIR:** Thank you.

24 **MR IVORY:** The other point in respect of the Information
25 Commissions Office is that they require any breach to be

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1 proven."

2 Is it appropriate in this context to be talking
3 about the risk of bereaved families leaking information,
4 considering what's happened?

5 **A.** I think leak -- the phrasing "leaking information" is
6 inappropriate and shouldn't have been used.

7 **Q.** Does this suggest that there was a concern, perhaps
8 a primary concern, about media interest and reputation
9 for the Ministry of Justice?

10 **A.** This is a standard section that happens in any form of
11 this advice to explain whether or not there might be
12 media attention and, if there is, what that attention
13 might be. So it's a standard part of any form of
14 advice, and that paragraph reflects what they -- the
15 media team would have been worried about at the time.

16 **Q.** That can come down now. Thank you. In terms of the
17 escalation, in January 2025 the Permanent Secretary
18 commissioned a review.

19 **A.** Yes.

20 **Q.** If we could have on screen WITN0065028, please. This
21 was a review into policies specifically. So it had
22 a restricted scope, didn't it?

23 **A.** It did. I felt it was focused on differences in
24 approach between the different agencies and to making
25 sure there was consistencies in policies and advice, and

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1 indeed that those policies and advice were clear on the
 2 necessity for escalation and consideration of
 3 high-profile cases.
 4 **Q.** If we look at page 2 of this document, it noted that
 5 matter we've already looked at, the inconsistency
 6 between the actions of HMCTS and the Probation Service,
 7 didn't it; it noted that?
 8 **A.** Yes.
 9 **Q.** Over the page on to page 3, found:
 10 "There [was] no guidance for staff"
 11 This is paragraph 7:
 12 "... when deciding whether to take formal or
 13 informal disciplinary action in relation to concerns of
 14 misconduct."
 15 Do you see that?
 16 **A.** Yes.
 17 **Q.** That's relevant, of course, to the actions of the
 18 Probation Service, and their internal investigation,
 19 isn't it?
 20 **A.** Yes.
 21 **Q.** It provides an explanation for the difference or
 22 potential explanation for the difference in approach
 23 they took --
 24 **A.** Yes.
 25 **Q.** -- doesn't it?

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1 carried out by HMCTS and HMPPS, you can see much clearer
 2 guidance that is more accessible, at greater strength in
 3 training and responsibilities as well as clarity on
 4 inappropriate access and the consequences from it.
 5 **Q.** If we could have on screen next WITN0065024, please.
 6 It's a one-page policy in relation to inappropriate
 7 access. In fact less than one page, isn't it. This was
 8 implemented, was it after this review or during the
 9 review?
 10 **A.** It's dated February 2025.
 11 **Q.** Was this implemented as a result of the concerns that
 12 arose in this case?
 13 **A.** I am not sure if it is specifically from this case.
 14 **Q.** Do you know how it was circulated?
 15 **A.** Forgive me, I'm just going to refer to my own records.
 16 I'm not sure how this was circulated. It would appear
 17 to be intranet guidance.
 18 **Q.** So how would staff access that?
 19 **A.** It would be available on HMCTS systems. They've updated
 20 access to all training and guidance related to DCS on
 21 a knowledge bank.
 22 **Q.** It's got the "HM Courts & Tribunals Service" logo.
 23 Could this also apply to the Probation Service, this
 24 guidance?
 25 **A.** There is -- I understand that HMPPS staff have access to

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1 **A.** There are elements in the guidance in HMPPS who provide
 2 decisions on formal or informal routes and whether or
 3 not poor management or misconduct should be -- which
 4 route would be most appropriate, so it is the
 5 consistency for all staff.
 6 **Q.** At paragraph 9 it sets out that the policies were less
 7 clear, or at least staff were, in responding to it,
 8 a questionnaire, less clear on when to escalate
 9 incidents.
 10 **A.** Yes. There was a good understanding of what was
 11 required locally but escalation was not as strong a part
 12 of the guidance as it should have been.
 13 **Q.** Does the Ministry of Justice accept all these findings?
 14 **A.** It did. There are 14 recommendations from this review,
 15 all of which were accepted, 12 of which have been
 16 implemented in full, two are outstanding specifically
 17 related to making sure there is uniformity in misconduct
 18 policy, which is going through union consultation and we
 19 hope for it to be resolved soon.
 20 **Q.** Do both of those outstanding recommendations relate to
 21 that risk --
 22 **A.** Yes.
 23 **Q.** -- point? In terms of the recommendations which have
 24 been implemented, have you seen an impact from that?
 25 **A.** From those recommendations and the wider work that was

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1 the sort of training suite for DCS, but they have also
 2 instituted their own guidance in consultation with the
 3 HMCTS to all probation officers, staff and training.
 4 **Q.** One of the findings in that review that took place was
 5 that inconsistency between policies. Has it been
 6 ensured that the HMCTS policy here is consistent with
 7 their Probation Service policy?
 8 **A.** Yes, part of the work is to make sure there is
 9 consistency in policies.
 10 **Q.** Just in terms of the policy itself, it's short and it's
 11 one-page long. Are you able to explain why that was?
 12 What's the thinking behind that?
 13 **A.** We should not assume that this is all of the policy and
 14 guidance that is available relating to this matter. It
 15 is one part that has been shared to help demonstrate
 16 what was available.
 17 **Q.** Is it intended to be easily readable -- (*overspeaking*)
 18 --
 19 **A.** Yes, yes. Accessibility was part of the consideration.
 20 **Q.** For the most part it appears relatively clear:
 21 "In using our systems, you must never ..."
 22 It gives examples of what you should not access.
 23 The second sentence right at the top:
 24 "This includes avoiding access to records of people
 25 you may know..."

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1 The phrase "avoiding access" seems a bit strained,
 2 doesn't it?
 3 **A.** (No audible answer given).
 4 **Q.** Do you know why that sort of language was used? Why not
 5 "you should not access"?
 6 **A.** I do not know why that phrasing was used. I agree it
 7 could be clearer.
 8 **Q.** Then finally, it's a point you've touched on already,
 9 but in respect of communications to people affected by
 10 data breaches/interested parties, what work has been
 11 done to improve the position there? What changes have
 12 been made?
 13 **A.** For informing interested parties?
 14 **Q.** Yes.
 15 **A.** So work has been done to update what is called the
 16 Personal Data Incident Management Acceptable Use
 17 Protocol to make clear the roles and responsibilities of
 18 consideration with whenever there is a personal data
 19 breach, and explicitly that, regardless of whether or
 20 not thresholds had been met, those interested parties
 21 should -- consideration should be given for notifying
 22 those interested parties. That guidance is being
 23 finalised and our intent would be to share it with the
 24 Inquiry when it is ready.
 25 **Q.** Does it have a threshold for notifying those affected by

1 data breaches?
 2 **A.** It does not, recognising that any circumstance -- any
 3 case is unique and that therefore active consideration
 4 should be given about whether or not they are informed
 5 regardless of the thresholds that apply from GDPR or
 6 data protection.
 7 **Q.** So does it simply state -- and I appreciate it may still
 8 be in draft -- but does it simply state that
 9 consideration should be given to the issue?
 10 **A.** Recognising that circumstances of the case, and I think
 11 -- and whether -- of a high-profile nature may be one of
 12 the factors.
 13 **Q.** Is that going to be helpful for the person making that
 14 assessment, they are told to consider it, but not told
 15 when, in which circumstances they should affect --
 16 (overspeaking) --
 17 **A.** So it's part of the considerations that any panel should
 18 take, and to make sure that that advice is provided to
 19 the agencies involved.
 20 **MR IVORY:** I have no further questions.
 21 **THE CHAIR:** Thank you. Right, well, we'll break there.
 22 There will be some further questions after lunch, so
 23 we'll take a break now until 2.05. Thank you.

24 (1.04 pm)

(The short adjournment)

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