

BROOK HOUSE INQUIRY

PROTOCOL FOR THE REDACTION OF DOCUMENTS

1. This Protocol sets out the approach that will be taken by the Inquiry to the redaction of documents. Its purpose is to ensure that providers of documents (“PoDs”) understand how the Inquiry will deal with documents it intends to publish.
2. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol. Further, this Protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.
3. All documents provided to the Inquiry must be originals or, if the original is not available, the best available copies. A PoD is entitled to redact any material over which the PoD asserts legal professional privilege [“LPP”]. Save in respect of material subject to LPP, every document should be submitted intact and in un-redacted form. Provision must not be delayed on grounds that the PoD seeks redactions prior to publication. PoDs are encouraged to consider waiver of LPP in the interests of transparency, and to assist the Inquiry in having the fullest possible picture of the issues that it is investigating.
4. All documents must be provided in electronic form where possible. The Inquiry will be using an online document management review system. Electronic

documents should be provided either in their native format, for example Microsoft Word, Microsoft Excel, MSG email files / PST email containers, or by converting any proprietary file formats to Adobe PDF.

5. When the Inquiry has decided which documents it intends to disclose to Core Participants, a witness or witnesses, or the wider public it will inform the PoD that provided the documents so that the PoD may indicate which part or parts of the document/s (if any) it seeks to have redacted. Reasons must be given for each proposed redaction.
6. An application for reaction should be made to the Chair in writing. Any such application must include a copy of the document in question marked up with the proposed redaction and must contain a brief statement of the grounds on which it is made.
7. The Chair will consider all applications for redaction. If she does not consider that grounds for redaction have been made out, she will notify the PoD before the document in question is disclosed to any third party.
8. The Inquiry expects PoDs to adopt a measured approach when seeking redactions. The Inquiry will redact documents only where the case for redaction is properly made out. PoDs should have regard to the relevant provisions of the Inquiries Act 2005. By section 18 of the 2005 Act the Chair is obliged to take reasonable steps to ensure that members of the public are able to view documents provided to the Inquiry, subject to any restriction imposed under section 19 of the Act.
9. Documents which may be put in evidence will be disclosed to Core Participants with such redactions as may have been approved by the Chair. They will be available for use in evidence in redacted form (where redactions have been approved) and are likely to be published on the Inquiry's website. The published form will contain the approved redactions.
10. The Inquiry will review all documents before disclosure to ensure that the Inquiry complies with its own obligations under the General Data Protection

Regulation and the Data Protection Act 2018. The Inquiry's approach to redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure.

11. PoDs are expected to ensure that all personal data is identified for the purposes of redaction. If members of the Inquiry team identify any personal data that has not been identified by the PoD they will redact it without further notice unless the Chair considers that it is of relevance and necessary for the purposes of the Inquiry.
12. The Inquiry will normally treat as personal information private addresses and email addresses, private telephone numbers and dates of birth. Such information will be redacted without the need for any restriction order or order for anonymity.
13. The procedure described above is without prejudice to the right of any PoD to apply for a restriction order under section 19 of the 2005 Act. The procedure to be adopted in respect of such applications is set out in the Protocol for Application for Restriction Orders.

Issued under authority of the Chair on 7th April 2020