

# **The Cranston Inquiry**

## **Disclosure Protocol**

1. This Protocol sets out the arrangements for disclosure of material to the Cranston Inquiry.
2. The Terms of Reference for the Inquiry are available [here](#).
3. In this Protocol:
  - i) “Material” means anything in which information of any description is recorded. It may (depending on context) include, but is not limited to, policy documents, policy statements, audio recordings, video footage, information stored electronically on computer systems, meeting notes and minutes, manuscript notes, spreadsheets, correspondence (post and/or fax), internal and external email communications, and social media communications and data.
  - ii) “Material Provider” (MP) means any person, institution or organisation, which has been asked to provide Material to the Inquiry or which has provided Material voluntarily to the Inquiry.
  - iii) This Protocol applies to the provision of Material by all organisations and individuals from whom the Inquiry requests, and receives, disclosure.
4. This Protocol should be read alongside the Inquiry’s Privacy Notice. The Privacy Notice explains what personal data is processed by the Inquiry, for what purpose, and how it is processed. It must be adhered to by all persons who access, use, process, control or otherwise deal with personal information on the Inquiry’s behalf.
5. Generally the Inquiry will approach MPs with a request for Material. However, if any person thinks that they have relevant Material then they should please contact the Solicitor to the Inquiry’s team by email via [solicitors@cranston.independent-inquiry.uk](mailto:solicitors@cranston.independent-inquiry.uk) identifying the Material that they have. The Inquiry will then contact them if it decides that it would like to receive this Material.

### **Background and Aims**

6. This Protocol is designed to ensure that:
  - i) The Inquiry receives Material in a timely fashion and in accordance with any agreed deadlines;
  - ii) Provision is made for the Inquiry to receive full disclosure as required by its Terms of Reference; and
  - iii) The public and the families of the deceased and the survivors know how the Inquiry is approaching the collation of Material.
7. The Inquiry will collate and generate information during its work. This information will include personal data and special category data. This Protocol, alongside the Inquiry’s Privacy Notice, also sets out:
  - i) How the Inquiry will treat information disclosed to it;
  - ii) The extent to which this information will be published and shared

### **How the Inquiry will treat information received**

8. All Material received by the Inquiry will only be accessed by the Chair and members of the Inquiry Team until material is disclosed or shared in accordance with paragraphs 21-25 below. The Inquiry Team consists of the following:
  - i) the Inquiry Secretariat;

- ii) the Inquiry Legal Team (which consists of Solicitors to the Inquiry and Counsel to the Inquiry and support staff).

9. The Chair and members of the Inquiry Team acknowledge that the contents of the Material provided to them must remain confidential, until/unless the Material, or parts of the Material, are published or shared in accordance with this Protocol.

10. Any Material provided to the Inquiry will only be used as set out in the Inquiry's Privacy Notice, as updated from time to time (which can be found on the Inquiry's website), or as required by law.

11. Any information provided to the Inquiry including personal data, may be transferred to IT systems operated by third-party contractors acting on behalf of the Inquiry for the purposes of storing, reviewing and analysing documents and information. Where this is the case, these contractors are subject to stringent contractual obligations in relation to ensuring the security and confidentiality of the information, including personal data and sensitive material, they hold on behalf of the Inquiry. This means that they cannot do anything with that data unless the Inquiry has instructed them to do so, except where required to by law or Court Order. Where appropriate, access will be limited.

12. Third-party contractors acting on behalf of the Inquiry have provided sufficient guarantees as to the security of the data they hold, including taking all appropriate technical and organisational measures (including to ensure the confidentiality, controlled access to and security of data).

### **Provision of Material**

13. So far as possible, MPs should identify a named contact/s with whom the Chair and Inquiry Team can liaise in respect of requests for Material.

14. If an MP receives a request for Material, they will need to undertake a comprehensive and thorough search for such Material. A detailed written record of the search/searches undertaken should be made at the time any search is conducted. The Chair and/or members of the Inquiry Team will be available to answer questions about how to undertake such a search, including agreeing search terms that should be used or what the parameters of that search should be.

15. A search for relevant Material should be carried out without delay. MPs, including legal representatives, should provide Material requested by the Inquiry, together with any other Material they consider relevant, promptly and within the time limits specified by the Inquiry.

16. Material disclosed to the Inquiry should be provided as follows:

- a. all documents should be provided with an accompanying index;
- b. all documents should be provided electronically where possible, with their original filenames and, where scanned, they should be named appropriately;
- c. documents should be provided in their native format (e.g. Microsoft Word, Microsoft Excel, email files (e.g. msg, eml) with their attachments), together with any underlying metadata;
- d. documents should be submitted at document level, i.e. multiple documents should not be grouped into one large PDF. Similarly, a document should not be scanned as individual pages, but as a single PDF;
- e. hard copy documents should be digitised to multipage PDF format;
- f. scanning of paper documents should be undertaken at a standard of 300dpi;

g. scanned (PDF) images of paper should show all information on the paper, including all corners and both sides of the paper (where information is contained on two sides) and any annotations. No data should be cut off during the scanning process. If the paper that is being scanned has any attachment (e.g. a sticky paper note) or cover sheet, it should be scanned twice, both with and without the attached note;

h. all Material should be provided in unredacted format, unless agreed with the Inquiry beforehand; and

i. where an MP wishes to provide Material in a language other than English, the Material should be provided to the Inquiry in its original form. An MP who is legally represented should also provide a certified translation of the Material made by a qualified translator, and where possible with the date of the translation and contact details of the translator. If the MP is not legally represented, the Inquiry will obtain a translation and will take such steps as it considers appropriate to ensure that the MP is satisfied that the Material is correctly captured by the English version.

17. The Inquiry will arrange for the secure transfer of documents with MPs. Material will be held securely when in the custody of the Inquiry.

18. Requests for disclosure of Material falling within the Terms of Reference by the Inquiry creates a continuing obligation on Material Providers throughout the duration of the Inquiry's work to provide Material to the Inquiry.

19. MPs will need to establish procedures to ensure that the existence of any new Material (i.e. Material newly created and/or newly discovered and newly acquired) which might fall within the Terms of Reference are identified and drawn to the attention of the Inquiry. This disclosure obligation ceases once the Chair has satisfied his Terms of Reference, published his report/s and the Inquiry's work is complete.

20. Original Material must be retained by MPs along with original copies of material provided electronically and must not be amended or altered by MPs in any way.

### **Public disclosure process**

21. The Inquiry's Privacy Notice sets out how the Inquiry will use data that it receives during the course of its work.

22. It is expected that the Chair will wish to draw on information contained in Material provided pursuant to this Protocol during public hearings in which evidence may be referred to and when producing his report. The report may also reference source documentation on which it is based. The report will be published.

23. The Inquiry may also share Material provided pursuant to this Protocol with third parties and who are subject to a confidentiality undertaking (see paragraph 15 of the Privacy Notice) in the following scenarios:

- i) To help inform witness interviews;
- ii) To inform disclosure requests;
- iii) To obtain expert evidence; and
- iv) To inform prosecuting bodies if there are concerns in relation to conduct or the safety of an individual.

24. The Inquiry may also use information contained in Material provided pursuant to this Protocol to assist any hearings that it holds, including sharing Material with witnesses who appear at the Inquiry's hearings, where relevant.

25. Documents disclosed or shared with third parties will undergo a redaction process in accordance with the procedures set out in the [Redaction Protocol](#). The redaction process will pay due regard to any representations as to the appropriate scope of those redactions made by MPs.

26. The procedures outlined above are not intended to cover every eventuality or every procedural issue that may arise. It follows that, 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.

### **Conclusion of the Inquiry's work**

27. Following the conclusion of the Inquiry's work, any documentation that is to be retained as part of the historic record will be transferred to the National Archives. All other data that it is not necessary to retain (digital or otherwise) will then be destroyed.