

The Cranston Inquiry

Redaction Protocol

Introduction

1. This Protocol sets out the approach the Inquiry will take to the redaction of Material. Its purpose is to ensure that Material Providers and Full Participants understand how the Inquiry will prepare Material for disclosure and publication during the course of the Inquiry.
2. This Protocol should be read in conjunction with the Inquiry's Disclosure Protocol.

Definitions

3. In this Protocol:

"*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;

"*Redaction*" – is the removal of information from Material, usually by obscuring text in a way that makes it clear that the information has been redacted. Redactions will be embedded in the disclosed Material in such a way to ensure that it is not technically possible to see beneath it;

"*Disclosure*" – is the provision of relevant material to Full Participants and (if required) to persons from whom the Inquiry proposes to take evidence. Material is disclosed to the Full Participants subject to the same undertaking to the Inquiry of confidentiality by the recipient (and their legal representative) not to reveal the contents to third parties who have not signed undertakings unless and until the material is published during the course of Inquiry hearings;

"*Material Provider*" – means any person, institution or organisation, which has been asked to provide Material to the Inquiry or which has provided Material to the Inquiry. For the avoidance of doubt, it includes departments of His Majesty's Government ('HMG').

Process

4. The Inquiry will operate a three-stage disclosure process.

First stage

5. The Inquiry will make requests from Material Providers for Material which is considered to be of potential relevance to its Terms of Reference. The scope of each request will be set by the Inquiry's legal team.
6. It is important that the Inquiry receives Material from Material Providers in clean, unredacted form. Any departure from this approach must be discussed with the Inquiry's legal team before materials are provided.

7. The provision of Material to the Inquiry at the first stage must not be delayed on the basis of Material Providers seeking redactions to material.

Second stage

8. The Inquiry's legal team will review the Material provided to identify those which are relevant. It is for the Inquiry legal team alone to determine the relevance of particular Material. Any Material which is identified as relevant will be disclosed to Full Participants, subject to the application of any redactions made by the Inquiry. The Inquiry's approach to making redactions is set out at paragraphs 13-20 below.

Third stage

9. Before Material is disclosed to Full Participants, the Inquiry will share such Material with the relevant Material Provider who will be given an opportunity to review and approve any redactions applied and identify any further redactions sought. Any representations in respect of further redactions should be made to the Inquiry via relativity.
10. The Inquiry will take a reasonable approach when considering any representations or comments in relation to suggested redactions, including in relation to timescales, particularly where there is an obligation for a Material Provider to consult others on proposed redactions. If necessary, the Inquiry will seek further information in relation to the basis of the representations being made.
11. If the Inquiry does not accept the representations as to redactions or disclosure made by the Material Provider, it will give the Material Provider five working days' notice of that decision so that it can be challenged by the Material Provider through due process and for the Inquiry to be notified of such a challenge.
12. If Material (or information within Material) is not shared or disclosed as a result of representations made by the Material Provider, the Inquiry may still use the information contained within such Material to inform its investigations.

Redactions

13. Material, or parts thereof, provided to the Inquiry may need to be withheld or redacted prior to disclosure to Full Participants. This may include content within Material which:
 - a. is considered to be both irrelevant to the Inquiry's Terms of Reference and sensitive;
 - b. constitutes personal data within the meaning of UK data protection legislation, further disclosure of which is prohibited by that legislation;
 - c. is subject to PII, operational sensitivity or national security or is commercially sensitive and irrelevant.
14. Where the Inquiry decides to redact 'irrelevant and sensitive' information (category 13(a) above) or personal data (category 13(b)), it will do so without the need for any application or request. The Inquiry will decide whether any redaction is required on a case-by-case basis.
15. The Chair is a data controller with obligations under the UK GDPR and the Data Protection Act 2018. The Inquiry will review all Material prior to its disclosure to ensure compliance with this legislation and aim to ensure that a consistent approach to the redaction of personal data is applied. The Inquiry's approach to the redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure.

The Inquiry proposes to ordinarily remove the following categories of personal data from all materials provided to Full Participants:

- a. dates of birth;
- b. personal addresses and other contact details, but not professional contact details;
and
- c. signatures.

16. The expectation therefore is that Material Providers do not need to apply redactions to Material in respect of personal data or sensitive personal data.
17. The intention of the Chair is that when disclosing, sharing and/or publishing Material provided pursuant to this Protocol, the general approach to be taken is that individuals will not be named, save for as follows:
 - a. The deceased and the survivors who are the subject of this Inquiry and close relatives or friends of the deceased; and
 - b. Where the identity of the individual is relevant and necessary to enable the Chair to fulfil his Terms of Reference, including holding individuals to account for any failures to enable lessons to be learnt.
18. The Inquiry will decide whether any other information needs to be redacted on a case-by-case basis. The Inquiry's approach to the redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure and as set out at paragraph 13 above.
19. The basis for all redactions applied by the Inquiry will be identified on the face of the redaction itself to ensure all Full Participants are aware of the reason for it having been applied.
20. The procedures outlined above are not intended to cover every eventuality nor every procedural issue that will arise. The Inquiry may need to depart from this Protocol in exceptional cases. This Protocol may also be amended as necessary and, if so, a revised version will be published on the Inquiry's website.