

SIR CHRISTOPHER PITCHFORD – UNDERCOVER POLICING INQUIRY

APPLICATION FOR ANONYMITY UNDER S.19 INQUIRIES ACT 2005

OPEN SUBMISSION

Name of Core Participant: VSP

Legal Representation Details

Bindmans LLP

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Restriction Order Sought

The applicant seeks from the chair a restriction order granting anonymity; and specifically to restrict the publication of the applicant's identity such that the applicant can participate in the inquiry anonymously. A full restriction order is sought without restriction of time so that that the protection lasts indefinitely.

Additional applications may be made during the course of the inquiry relating to the disclosure and publication of materials, redactions and the withholding of material.

CLOSED SUBMISSION

Basis for Restriction Orders sought:

The factual background to this application is set out in the applicant's application for Core Participant status, and is therefore not repeated here. In order to assist the Chair in determining this application the statutory grounds for making a restriction order are set out below, and so far as possible, the specific subsections and ground within a subsection is referred to:

s.19(3)(a) Community Obligations

Article 8 and 10 ECHR

The applicant wishes to assist the inquiry and provide evidence of a sensitive and private nature without fear of negative consequences for their family life, or private life, including professional life as protected by Article 8 ECHR. The applicant is currently working on a PhD and she will soon be applying to take up a position as a Lecturer and an academic at a university in the UK.

The applicant is concerned that her participation in the inquiry may be misunderstood by ordinary members of the public and her future employers if they became aware of her participation. They may question why she was a target of undercover policing surveillance

and they may wrongly infer that she has been engaged in serious criminal activity and/or could be considered a domestic extremist.

s.17 Inquiries Act The Statutory Duty of Fairness

Without anonymity there would be a risk that witnesses who are employed in sensitive areas or high profile jobs where there is a real risk to their career would not come forward which would have a consequence of restricting the work of the inquiry. The inquiry is aware of the comments of Lord Justice Toulson in *R(Associated Newspapers Limited) v Leveson* [2012] ACD 23. Paras 53-56 (set out in Counsel to the Inquiry's note) which referred to the risk of career blight and stated "*Fear for person's future livelihood can be a powerful gag*".

s.19(3)(a) Rule of Law including the common law duty of fairness and duty of confidentiality

Common Law Duty of Fairness

(The three grounds referred to under the Statutory Duty of Fairness as also relied on here).

Duty of Confidence

The applicant wishes to give evidence which is of a highly sensitive nature both in terms of events that took place, and the impact on them, including psychological damage. Information that concerns an applicant's specific targeting by the police would give rise to a reasonable expectation of privacy. It is not accepted there is any public interest in such information being provided without anonymity.

s.19(3)(b) Conducive to the inquiry fulfilling its terms of reference and/or necessary in the public interest with reference in particular to matters mentioned in s.19(4)

The applicant has not identified grounds which are not both in the public interest and conducive to the inquiry fulfilling its terms of reference.

19(4)(b) any risk of harm or damage that could be avoided or reduced by any such restriction:

The applicant has suffered psychological harm, if their identity was exposed by the public inquiry this would cause great distress and further damage.

19(4)(d)(i) the extent to which not imposing any particular restriction would be likely to cause delay or to impair the efficiency or effectiveness of the inquiry.

In general terms anonymity is required in order to encourage other victims who fear 'career blight' to come forward to provide evidence to the inquiry. There is a risk that if anonymity is not granted on applications such as this, then further witnesses and potential core participants may not come for fear public exposure to their family life and negative

consequences for their careers. It is in the public interest and important for the effectiveness of the inquiry for as many individuals in the applicant's position to feel able to give evidence to the inquiry.

If the applicant was not granted anonymity they would consider not participating in the inquiry. The applicant is one of a very small number of Core Participants able to give evidence on the activities of Marc Jacobs and the use of undercover policing, particularly the use of sexual relationships as a policing tactic in Wales. In addition evidence will be given on the long term consequences and impact of such conduct by undercover police. The applicant's evidence would clearly improve the effectiveness of the inquiry and enable it to better fulfil its terms of reference, as outlined in their application to be a core participant.

The applicant requests advance notice if the inquiry decides not to order anonymity; including making the closed aspects of this application open; so as to enable the applicant to consider and submit an application to withdraw from the inquiry before the applicant's name and details are made public.

The inquiry team is invited to contact the applicant's RLR if clarification or further information is required before this application is determined by the Chair.