

In the matter of section 19(3) of the Inquiries Act 2005

Application for restriction order by N10

'Minded to' note

Introduction

1. The core participant originally known in the Inquiry as N10, represented by Slater and Gordon, solicitors, has made an application dated 11 March 2016 for a restriction order, confined in its terms to restricting disclosure and publication of personal information concerning the applicant and his family. N10 does not apply for restriction from disclosure or publication of his real name (Bob Lambert) or his undercover name (Bob Robinson). Mr Lambert's roles as an undercover field officer (1984 – 1989) and manager (1993 -1998) in the Special Demonstration Squad have been widely reported since 2011. His true and undercover identities were officially confirmed in the ruling of Mr Justice Bean (as he then was) in *DIL and others v Commissioner of Police for the Metropolis* [2014] EWHC 2184 (QB) at paragraphs 17, 46, 48 and 49.
2. In his application Mr Lambert asserts that, should his personal details and/or those of his immediate family become known, particularly the location of his current home, he would be at risk of physical harm, harassment and interference with his right of respect for private and family life. The Metropolitan Police Service has submitted a risk assessment report dated 16 February 2016 prepared by 'Jaipur', in which these risks are evaluated. Jaipur's risk assessment report was subsequently withdrawn by the Metropolitan Police Service for reasons given in their letter to the Inquiry of 27 September 2016.
3. Provisionally, I consider it unnecessary to await a further risk assessment report and unnecessary to weigh up the public interest, human rights and fairness grounds on which Mr Lambert relies in his application. I have therefore decided to issue this minded to note expressing my preliminary view that the application is, for the most part, uncontroversial and should be granted under section 19 (3)(b) of the Inquiries Act 2005 as conducive to the fulfilment of the Inquiry's terms of reference.

Terms of order sought

4. Mr Lambert seeks an order in the following terms:
 - "3. *No disclosure or publication of any evidence or documents given, produced or provided to the Inquiry that may reveal:*

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- a. *the personal address, past or present, of the applicant.*
 - b. *the names, addresses, images or descriptions of the applicant's immediate family.*
4. *No report of or in connection with the Inquiry proceedings that may reveal:*
- a. *the personal and professional address, past or present, of the applicant;*
 - b. *the names, addresses, images or descriptions of the applicant's immediate family."*

The statutory power

5. Section 18 of the Inquiries Act 2005 provides that, subject to the terms of a restriction notice or order made under section 19 of the Act, the chairman of an inquiry must take such steps as he considers reasonable to secure that members of the public (including reporters) are able (a) to attend the inquiry or to see and hear a simultaneous transmission of its proceedings and (b) to obtain or view a record of evidence and documents given, produced or provided to the inquiry.
6. Section 19 (1) of the Inquiries Act 2005 provides that restrictions may be imposed under section 19 (3) whose effect is to restrict (a) attendance at the inquiry or part of it and (b) disclosure or publication of any evidence or documents given, produced or provided to the inquiry.
7. It is important to note that the statutory power given by section 19 is aimed at controlling the disclosure or publication of evidence or documents (or parts of evidence or documents) *given to and held by the Inquiry*. It is not aimed at prohibiting the disclosure or publication of information, evidence or documents held by a person independent of the Inquiry. Thus, if personal information about Mr Lambert is known to a person (e.g. a friend) otherwise than by means of evidence or documents given, produced or provided to the Inquiry, the Inquiry does not have power to restrict the dissemination by that person of that information.

Relevance

8. In the Legal Principles Ruling of 3 May 2016, at Part 6, section D, page 85 I stated that the Inquiry does not intend, in any circumstances, to publish personal information that is not relevant to the issues arising in the Inquiry, such as home or professional addresses, telephone numbers, family details or medical history.

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9. If, of course, an address or telephone number or other personal information *is* relevant to an issue in the Inquiry, before making a restriction order I will have to make an evaluation of the countervailing factors contributing to the public interest, fairness, and/or the rights of the applicant and others under the European Convention on Human Rights.
10. I can think of one instance in respect of which it might be argued that a home address of Mr Lambert's is relevant to an issue in the Inquiry. On 14 August 1998 Mr Lambert, as Detective Inspector and manager in the Special Demonstration Squad, facilitated a meeting, at which he was present, between N81, a field officer in the Special Demonstration Squad, and Acting Detective Inspector Richard Walton who was deployed with the Metropolitan Police Service team responding to the Lawrence Inquiry. In a statement made to Operation Herne in August 2013, N81 said that the meeting took place at Mr Lambert's home (see Stephen Lawrence Independent Review by Mark Ellison QC, volume 1, March 2014, at page 232). The purpose and content of this meeting is likely to be examined by the Inquiry. The fact that it took place at Mr Lambert's home may well be material. However, the postal address of Mr Lambert's home at that time is immaterial.
11. With one exception (as to which see paragraph 14 below) I can see no present basis for asserting that the information, evidence or documents whose disclosure Mr Lambert seeks to restrict is or will be relevant to an issue arising in the Inquiry. Accordingly, there is no public or other interest to be served by disclosing or publishing such information, evidence or documents.

Conclusion

12. My provisional conclusion is that, with one exception (as to which see paragraph 14 below), the imposition of the restrictions sought is, under section 19 (3)(b) of the Inquiries Act 2005, "*conducive to the inquiry fulfilling its terms of reference*" on the grounds that (see section 19 (4)(i) and (ii)) unnecessary costs and time will be saved by making the order now and there are no countervailing considerations in favour of disclosure or publication to be evaluated.

Terms of the order

13. I am minded to make a restriction order in the terms sought in the draft proposed order submitted (see paragraph 4 above) with two modifications. In paragraphs 3 and 4 of the draft order Mr Lambert seeks restriction on disclosure, publication or reporting of the details of his "*immediate family*". The words "*immediate family*" are insufficiently precise. I am minded to make an order restricting the disclosure or

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publication of any evidence or documents given, produced or provided to the Inquiry, and the reporting of or in connection with the Inquiry, that may reveal:

“b. the names, addresses, images or descriptions of the applicant’s spouse, former spouse or child or any child of the applicant’s spouse.”

14. Secondly, at paragraph 4 of the draft order Mr Lambert also seeks to restrict reporting in connection with the Inquiry proceedings that may reveal any *past* professional address of his. However, the fact and locations of Mr Lambert’s three past academic posts (from which he subsequently resigned) and his association with them are already in the public domain and, in this respect, there appears no legitimate interest for Mr Lambert to protect. Furthermore, and for present purposes more critical, Mr Lambert’s experience when employed in these posts may well be relevant to the applications of other former police officers. I am minded to make an order that no report of or in connection the Inquiry proceedings may reveal:

“a. the past or present personal address, or the current professional address, of the applicant.”

Next steps

15. Any core participant who wishes to take issue with the terms of the restriction order I am minded to make should respond in writing to the Inquiry by 4 pm on Thursday 3 November 2016, setting out in summary the grounds for the objection.
16. If the Inquiry receives any written objection I will issue further directions as to how Mr Lambert’s application will proceed. If the Inquiry receives no written objection the Inquiry will issue a restriction order in the terms I have indicated shortly after 3 November 2016.

20 October 2016

Sir Christopher Pitchford
Chairman, Undercover Policing Inquiry