

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

Application for restriction order by N14

'Minded to' note

Introduction

1. The core participant originally known in the Inquiry as N14, represented by Slater and Gordon, solicitors, has made an application dated 19 February 2016 for a restriction order, confined in its terms to restricting disclosure and publication of personal information concerning the applicant and his family. N14 does not apply for restriction from disclosure or publication of his real name (James Boyling) or his undercover name (Jim Sutton). Mr Boyling's role as an undercover field officer (1995 – 2000) in the Special Demonstration Squad has 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, 45, 48 and 49.
2. In his application Mr Boyling 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 8 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 Jaipur's risk assessment report was subsequently withdrawn by the Metropolitan Police Service for reasons given in their letter to the Inquiry of 27 September 2016.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 Boyling relies in his application. I have therefore decided to issue this minded to note expressing my preliminary view that the application is 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 Boyling 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:*
 - a. *the personal address, past or present, of the applicant.*

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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 am not aware of any issue arising in the Inquiry in respect of which Mr Boyling's *present* home or professional address might be relevant. However, during the course of his deployment as an undercover field officer Mr Boyling commenced an intimate relationship with 'Rosa'. Their relationship resumed following his departure from the field and they were later married, living together until they separated in 2007 (see *DIL* at paragraph 10). That they met at homes occupied by Mr Boyling or co-habited together in the same home are relevant matters. However, it seems to me most unlikely that a *postal address* at which Mr Boyling was living while undercover or at which he was co-habiting with Rosa will be relevant to an issue in the Inquiry.
11. I can see no basis for asserting that any of the information, evidence or documents whose disclosure Mr Boyling seeks to restrict is or will be relevant to an issue arising in the Inquiry. There is, accordingly, no public or other interest to be served by their disclosure or publication.

Conclusion

12. My provisional conclusion is that 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. In the draft proposed order submitted (at paragraph 4 above) Mr Boyling 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 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 parents, siblings, spouse, former spouse or child.*"

Next steps

14. 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.
15. If the Inquiry receives any written objection I will issue further directions as to how Mr Boyling'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