IN THE UNDERCOVER POLICING INQUIRY

MPS SUBMISSIONS

DATED 30 March 2017

Introduction

1. The MPS is grateful for the opportunity to respond to the submissions of counsel to the Inquiry ('CTI') dated 2 March 2017 and to the following submissions published on the Inquiry website on 24 March 2017: NSNPCPs (general); Unions; Home Office; Peter Francis; Slater & Gordon clients; NPCC; NCA. The MPS understands that at the time of drafting there will or may be further submissions to be received from the NSNPCPs and a further note from CTI.

2. There should be no doubt that the MPS, like the other CPs, wishes to assist the Inquiry to fulfil its terms of reference. The MPS has acted with complete candour with the Inquiry legal team and Secretariat. It has committed, and continues to commit, massive resources to the process, both of responding to the Inquiry in general, and preparing for and making restriction order applications in particular. The work of opening up some aspects of covert policing to public scrutiny, which the MPS recognises will happen in this Inquiry, is, nonetheless, work which must be carried out with great care. The size and scale of the MPS's task is unprecedented, within the itself unprecedented work of the Inquiry. The MPS considers that its experience at the coal-face, gathering considering and processing large amounts of sensitive and often historic data, does give it a better understanding than others may have (or yet have) of the difficulties involved.

3. The challenge faced by the MPS is essentially a unique project management challenge. Designing the systems has not been an easy process; but those systems are now largely in place and are functioning. The MPS has been required to design and operate a system able to consider difficult and precise questions (such as risk and

whether or not a document is sensitive) whilst processing very large amounts of highly confidential information. That information relates to a wide period of time (almost 50 years), during which period standards of information management have changed radically (not least with the advent of computerisation and evolution of electronic data systems). Whatever its format, and as noted by CTI (para 30), intelligence material is difficult to work with. The MPS also needs to satisfy the Inquiry's requirements regarding officer conflict and document assurance, in circumstances where the bodies who are involved in securing, obtaining and processing that information are themselves subject to investigation by the Inquiry (and to some extent the IPCC). The MPS does not claim that its systems have always been perfect: there has been an element of revision and adaptation. In the cases of Jaipur and Karachi, there have been some major changes. The MPS has and does take on board suggestions from the Inquiry legal team, has been able to incorporate and follow a number of those suggestions. The MPS has exposed its process and thinking to the Inquiry legal team, and is grateful for Inquiry legal team's input.

4. These submissions address by way of response:
   a. MPS application for further time to make anonymity Restriction Order applications, and provide further detail as to the way the task is being carried out,
   b. CTI's invitation to the MPS (CTI, para 99) to set out what further steps it is taking to expedite the provision of anonymity applications; and to set out any reason why the Inquiry should not reinforce its timetable through the use of section 21 notices.
   c. MPS invitation to reconsider the approach to SDS anonymity applications.
   d. Practical issues, especially CTI's reference to a strategic review (para 97).

Application for more time (SDS anonymity applications)

5. The requirement to apply a presumption of openness towards both the cover and real identities of former undercover police officers – subject only to detailed and evidenced grounds to the contrary - is a novel experience. A blanket approach to the release of names is entirely wrong.

6. As will be apparent from the MPS's correspondence dated 21 December 2016, it has taken time to design, recruit for (bearing in mind not just skills and experience, but also conflict and security clearance), and resource (in terms of IT) this model. The stages of the process are set out in simplified terms below. Attached to these submissions is a pictorial key showing how the MPS has been approaching the issue of SDS anonymity applications (Annex A). The MPS has recently invited the Inquiry legal team to come and witness the work that is being done, and speak with those who are involved on the ground. It will sometimes be easier to see the process at work, than rely simply on a written or pictorial explanation of the process.

7. Lest there should be undue focus on the time taken to provide risk assessments, preparing risk assessments is not the only large task; one of the most resource intensive features is gathering and reviewing the relevant material. The work to prepare for an anonymity application begins with ascertaining what material has been found about an individual.

8. At the start of the Inquiry process, MPS's IRSC and DLS did not know a great deal about the SDS officers and their deployments[1] and had to undertake very significant researches from the original documents, once located (and in some cases decrypted) and uploaded from various locations.

9. Preparing anonymity applications starts by searching the MPS "Relativity database", onto which copies of all remaining SDS documents so far discovered have been uploaded. It is a standalone, secure database able to hold secret material, onto which more than 720,000 documents have now been uploaded. Searches are conducted by key words, and a record of all searches is retained. The search returns are then sifted to obtain the documents which relate to the individual. This is a large task, and the MPS has dedicated a team to this searching and sifting work, full time, since July 2016 (when the Relativity database became searchable), using all terminals then available. As part of the commitment to expedite this process, the MPS had increased the number of 'Relativity' terminals from 3 in July 2016 to 12 now, and, from April

[1] Although Operation Herne had since August 2014 been investigating specific complaints and allegations, and seeking to understand the historical context and operating environment of the SDS, it had not identified every person who worked for the SDS, still less made contact with or interviewed them.

the number will increase again to 29 terminals (which are also used for other Inquiry work in addition to searching and sifting). In line with the increase in terminals, from April, 12 officers and lawyers will be dedicated to the searching and sifting work. The nature of the material, how it must be stored, the limits on terminals able to access it, and the security clearance needed for those who view it, means it is not and could not be a matter of simply 'throwing money' at this process.

10. It might be argued that the searching and sifting work is not the right way to begin this task in a given case. However:
    a. Firstly, whilst some persons who worked within the SDS may still be employed in the MPS, in the great majority of cases they have resigned or retired, and in many cases there is no one remaining within the organisation who knew the individual. They may have had no contact with the MPS for a number of years and even decades. In many of the older cases, there is very little (or no) contemporaneous paperwork in existence, but it nonetheless remains the necessary starting point to discover what is known about an individual (including matters so basic as when they joined and left the police force, how to go about tracing them, who might know them, the area they might live in).
    b. Secondly, it would not be possible for the risk assessors to carry out their work without knowing what material there is to demonstrate and verify the type of area into which a person was deployed, who they met and interacted with and in what way, and how their deployment unfolded, in order to properly assess the risks (if any) from the persons or groups targeted by the individual.
    c. Thirdly, in each case the Commissioner will need to decide whether to make an application for a restriction order in a given case. She will do this following an assessment of the factors telling for and against publication as set down by the Chairman in the Principles Ruling of 3 May 2016 (paras B.1-3). Those factors, fairness to the individual officer, the requirement for accuracy, and the approach set down by the Chairman, demands individual assessment of cases and individual evidence (including of promises of confidentiality, wrongdoing and an appreciation of those with whom contact was made whilst deployed). There is no short cut to reviewing the material held before a restriction order application can be made.

d. Fourthly, for the avoidance of doubt, simply asking an individual what they want and why does not offer the short cut: the Commissioner's view on whether to apply (or not apply) for a restriction order may not always be the same as an individual's. An individual may, for example, be unconcerned about being named, whilst the Commissioner may have access to information from a fuller review of the material which suggests that there is a reason for an application outside of the individual's knowledge (for example because it would identify another person where the risk is high). In any event, even where speaking to the officer is the starting point, the decision and application-making process still depends upon gathering and analysing material.

11. The contents of the documents sifted from the searches are considered and summarised along with a selection of key documents supplied by Operation Herne. These are summarised into a document which is provided to the risk assessor to begin work. This review and summarising work has been conducted by a team of lawyers and began in August 2016. In order to respond to the needs for expedition, an additional four barristers have been instructed to carry out this work full time. There are now seven barristers carrying out this part of the work, which will in April be increased to eight.

12. Once in receipt of the summary of the documents held, the risk assessor begins the preparation of the assessment. The MPS has worked hard to recruit conflict-free or conflict-manageable persons with suitable skills and experience to carry out this role, and has now engaged five risk assessors (two of whom are approved by the Inquiry to carry on the work, and three of whom await approval). The assessors are supported by six researchers. The MPS does not accept that the assessors now in-post have insufficient expertise. They may not have direct experience of policing domestic extremism in the same way as their predecessors (which in any event would raise conflict issues in light of the Inquiry's approach to the identity of risk assessors), but they are experienced and skilled at assessing risk in policing environments. Nor can it be assumed that the only potential risk under consideration is risk generated by SDS service.

13. The risk assessment work includes a debrief, document review, open source research, Police National Computer and Police National Database research. It may also include tasking research to CTP NOC, which holds the current national counter terrorism and domestic extremism database. This is a national body. This area of work has been proven complex. IRSC had intended that CTP NOC (or its predecessor, NCT POC) would carry out an updated assessment of the threat posed by a number of groups or sectors. It has not proved possible to carry out this 'group' work in a timescale suited to the Inquiry. Mindful of the need to make progress, the MPS has deprioritised the 'group' work (although as the Inquiry has correctly noted in correspondence it will still be necessary to carry out a redaction process which will include consideration of what can be said about passages in documents covering groups which were infiltrated), and it will no longer form part of the risk assessment process.

14. Discussions are ongoing with CTP-NOC as to the resources it can make available to assist the MPS (and, it would be anticipated, the NPCC national risk assessors in due course). It is important to note that CTP-NOC is a national unit, which has limited resources in high demand: it has little capacity to carry out the IRSC work. In addition, CTP-NOC's predecessor unit has been the subject of recent allegations and the Inquiry has asked the MPS to ensure that those who are under investigation are not involved in the restriction order process. CTP-NOC have, however, agreed that three MPS officers can be trained up and use terminals at their offices to search for intelligence relevant to the risk posed to individual former UCOs. It is expected that those officers will be in place in the next few weeks. The MPS is also currently taking steps to ensure that requests made of CTP NOC are as focused and directed as is possible.

15. At the same time as risk assessors are carrying out their work, the MPS also makes arrangements for expert evidence (e.g. medical) to be obtained; and obtains 'impact' accounts from the individuals (which includes asking their view whether they would wish to seek an application and if so, why).

16. Once an impact account, risk assessment and summary of material held have been prepared, along with any medical or other expert evidence obtained, the Commissioner makes a decision whether or not to make a restriction order

application. She receives legal advice in respect of this decision. If her decision is to make an application, the application is prepared and provided to the Inquiry. If it is not to make an application, a letter is written to the Inquiry explaining that decision. As at the date of these submissions, this decision making process has occurred in 18 cases out of the 168.

17. The information above comprises a simplified explanation of the work conducted to produce each restriction order application or decision not to apply. It does not include additional matters such as what further checks are required if a person's cover name was a deceased child's identity. This is a complex project in which approximately 40 officers and legal staff/counsel are engaged. This figure does not include administrative staff, the panel of external psychiatric experts or the external firm of solicitors. All decision-making in this area is overseen by the DLS lead lawyer, leading counsel and the Assistant Commissioner.

18. The MPS agrees that it is necessary to take a realistic approach to anonymity applications, and to be realistic about any purported threat posed by political and social justice campaigns (NSNPCPs, para 7). The MPS understands the reference to political and social justice campaigns (in para 7) to mean those particular groups and individuals who are NSNPCPs. But the Inquiry is concerned with the groups and individuals who SDS and NPOIU officers reported on. These included extreme left wing, extreme right wing, and others. It is not possible to generalise about risk from a small number of revelations. Nor is it fair or accurate to generalise (as the NSNPCPs do at para 6) on the basis that all SDS and NPOIU officers are wrongdoers. The various participants in the Inquiry, whether CPs or not, cannot be characterised in simplistic, binary terms.

19. The process of risk assessment is being undertaken objectively. However, even if there is no objective risk, it is necessary to consider documents to see whether there is objective support for the subjective fears that an officer and in some cases their family members may honestly and genuinely hold, based on what individuals did in the past. That body of information does not exist as a simple file that can be retrieved and digested: it is necessary to look back at old intelligence documents and debriefs to try and identify what individuals were, or were believed to have been doing at the time of

deployments. A failure to provide objective support for subjective beliefs and fears would be subject to criticism. Likewise, if fear is causing harm to health, this will need to be properly evidenced, by medical professionals; and it may be necessary to know whether the fear is objectively supported even if not objectively sound. Whilst there may be cases in which physical or psychiatric or public interest risk is immediately apparent and compelling, some cases (especially where Article 8 ECHR is at issue) will be more balanced and will simply require attention to detail if they are to be properly articulated.

20. It is a reasonably secure inference that none of these officers ever thought that deployments that took place many years ago might be put into the public domain, let alone that their real names might be publicly disclosed. CTI refer to the possible need for witnesses to see documents before they provide their own witness statements (CTI, para 41) and the NSNPCPs refer to a need for meaningful disclosure to them at an early stage (NSNPCPs para 42). The MPS submits that in the case of officers (who cannot be simply assumed to be wrongdoers - Legal Principles ruling, para 100), there is no less a need for consideration of documents as part of the restriction order process. The requirement of fairness also applies to officers. This is not a task to be carried out without proper care.

21. The NSNPCPs have provided draft directions which they invite the Inquiry to impose. These are serious proposals which require serious consideration and a detailed response. The MPS will consult internally and provide as detailed a response as possible at the public hearing on 5/6 April. It will however be born in mind that:
    a. Any 'benchmark' hearing or guidance (NSNPCP directions, paras 11, 19) may be affected by the Rehabilitation of Offenders Act 1974 issue if the application refers to a spent conviction. As things currently stand, it seems from CTI's note dated 1 March 2017 that the Chairman cannot decide any such application.
    b. It is at the very least difficult to predict how much time in practice the 'privacy' aspect of the draft Restriction Order protocol will add (NSNPCP directions, paras 8, 25, 34).
    c. The NSNPCPs seek a direction for disclosure of any "individual file" by 17 May 2017 subject to any lawful restriction (NSNPCPs, draft directions para 44

and submissions para 26) with reference to the Data Protection Act 1998. Leaving aside the practical impossibility of complying with such a blanket direction, this does raise a point of principle as to the function of the Inquiry. As submitted in relation to deceased children's identities (MPS submissions, para 16), the MPS does not agree that the Inquiry has a standalone disclosure function which it is required to fulfil irrespective of whether it is conducive to its Terms of Reference. Disclosure will be made in the course of its investigation, but what disclosure is made by the Inquiry will be driven by its role as an Inquiry in pursuit of its terms of reference, and in its consideration of what is "really necessary" (Explanatory Note to draft protocols, para 28).

Further steps being taken by MPS

22. MPS recognises the need to make progress in respect of anonymity applications. However it must be understood that there is not unlimited freedom to streamline the process. The task which the MPS faces – to make applications for anonymity for 168[2] persons, many of whom are retired from the MPS, and who live across the globe – is an unprecedented one, as is set out above. It is not possible to assess whether anonymity is required and over what, without an understanding of the work which the person carried out, both within and outside of the MPS. It should not be assumed (for it would often be incorrect) that the sources of potential risk faced by a person who worked within the SDS at some point are drawn only from his or her SDS career.

23. As to the latter point, in order to facilitate expedition, MPS has tightened its project management of the anonymity applications task, which is now led by a dedicated senior officer, DLS lawyer, and member of the counsel team to ensure the process runs smoothly. The project leads have, and are, actively managing the group of 168, working to identify cases which may have longer lead times, those where strong evidence may permit a speedier application, or those which the Inquiry has said are a priority. The MPS welcomes indications from the Inquiry as to the cases it considers

[2] The MPS submissions of 23 February 2017 gave a higher figure. It has been reduced following confirmation from the Inquiry that certain members of senior management are not caught within this exercise.

to be a priority (and in this regard, can confirm that the steps identified by the NSNPCPs at para 11 in terms of 'cohort management' are well underway).

Use of s21 notices

24. The Inquiry has further invited MPS to say why the Inquiry should not reinforce its timetable through the use of section 21 notices. This is understood to be a reference to the proposal at §85 of CTI's note that the documents needed to underpin risk could be provided to the Chairman by compulsion. As to this suggestion, it implies (wrongly, unfortunately) that the information needed to assess risk is neatly held in documents clearly appreciable as being 'about risk', easily accessible, and which require no debrief to be best understandable. It implies that the receipt of those documents would prompt no additional research (PNC/PND at the least), and that no work is needed to identify the direction of such further research. It hopes that the material found or produced needs no testing against what is in the public domain, to what extent, or at what level of certainty. It assumes no policing knowledge or expertise can be brought to bear on the question of the likelihood of a given act occurring. Moreover, the vast majority of documents being considered to assess risk have already been disclosed under r9(1).

25. In the absence of a risk assessor the Inquiry Counsel note suggests a lawyer could do all this work. That causes the Inquiry to miss out on the professional, objective and impartial assessment of risk in favour of a submission by a lawyer which is intended (plainly) to secure a specified outcome. Further, it does not appreciate that if the work of collation and assessment is not being done by the assessor, it still needs to be done by somebody, and that will take time. The MPS is working very hard to meet the challenges of considering and preparing these applications in circumstances where each must be prepared individually in accordance with the Chairman's ruling. The suggested use of compulsive powers suggests unwillingness, or dilatoriness, or a lack of effort on the part of the MPS which is incorrect.

Invitation to reconsider approach

26. The MPS accepts without reservation that the SDS is front and centre to the Inquiry's investigation. It has not and does not invite the Inquiry to ignore any officers, events or issues. It does not seek to curtail the scope of the Inquiry. Its concern over requiring anonymity applications from all SDS officers at the outset is with the ordering of events. The MPS is grateful for the thoughtful consideration given to its suggestion, and makes the following submissions to assist whatever stance the Chairman may ultimately consider to be the right one.

27. Referring to the points at CTI paras 69-72:

    a. 69.1: if a cover name can be published the Inquiry can solicit evidence from members of the public. There are two issues. Firstly, it is understood that the Inquiry may wish actively to solicit information from a person with whom an SDS officer has interacted. Identifying cases in which the Inquiry is likely to wish to solicit such evidence could assist in selecting cases in which an anonymity application should be made now, or prioritised. Secondly, it may be said that merely by publishing a name on the Inquiry website, individuals who are not already engaged with the Inquiry will come forward to the Inquiry at the appropriate time: this may or may not be a realistic expectation, and is an uncertain basis upon which to proceed[3].

    b. 69.2: if the invitation were accepted the documents which could be published would be limited. This is not the case. Were a decision on restriction necessary in order to permit of publication of a given document, then the applications required could be invited (as the Inquiry has in fact done with other documents). Further, the publication of raw intelligence documents requires a great deal of thought because of all the sensitivities that may be encompassed in a single document (not limited to the identity of a particular UCO). Identifying now those documents or classes of documents which the Inquiry will need to publish may assist in prioritising those officers in respect of whom anonymity applications need to be made.

    c. 69.3: a decision not to publish the cover name of a person who used a deceased child's identity without an evidence-based application runs contrary to the Inquiry's decision to treat all occasions of this as relevant and

[3] Although the MPS notes the position of the Unions who have not to date played a significant part but plainly will engage if any disclosure is made [Unions, para 2].

necessary. The MPS accepts that the relevance of the identities of these officers' identities cannot be disputed if (see CTI at para 28) the Inquiry continues to pursue the course decided upon in July 2016, but this is still a fraction of the total cohort of SDS officers.

d. 69.4: the Inquiry has committed to investigate all cases of NSNPCPs and to keep all applications for CP status under review. However, the MPS observes that (a) there is bound to be some selection as to which particular cases are to be investigated more intensively than others; and (b) the Inquiry is concerned with all SDS officers, not simply those whom the NSNPCPs and applicants for CP status are concerned about.

e. 70: ability to make decisions from the documents alone. The MPS makes no assumptions that in all cases it will be possible to make decisions from the documents alone. But it will be possible in some.

f. 71: ability to make decisions until documents fully considered. The MPS does not suggest that the anonymity process should be suspended; it does however suggest that choices may be made at this stage based on what the Inquiry already knows. The MPS understands that the Inquiry has lacked IT capacity to search disclosed documents (CTI, para 13). If it assists in selecting particular officers or deployments, the Inquiry could consider using any of the more than 60 SDS profiles so far prepared by MPS counsel which list and summarise the searched, sifted and tagged documents by officer.

g. 72: the MPS welcomes the flexible approach that the Inquiry states that it is prepared to take with respect to restriction order applications. But it is right to note, in agreement with the Slater & Gordon officers (at para 5) that the Inquiry has to date brought an unprecedented level of scrutiny to bear on such applications as have been made. It is also right to record that the Inquiry is being flexible in their preliminary approach to the need for witness statements as between the SDS (witness statements required from all staff, whether or not UCOs, CTI para 66) and the NPOIU (witness statements from all UCOs, NPCC para 9).

28. Another advantage of making non-binding selections of particular officers now is that the Inquiry can start to probe all the sensitivity issues that are likely to arise in hearing evidence and start to plan for the shape of those hearings. The complexity of dealing

in public with raw intelligence matters cannot be overstated. There is considerable work needed to achieve a fair hearing of any aspect of any officer's deployment, that does not unduly damage the public interest, which requires consideration of:

a. What documents associated with that deployment may be published;
b. What questions should be asked, and by whom, and how far may particular undercover techniques be probed in public;
c. If questions are to be asked which relate to private or personal matters, which members of the public or press be excluded from the hearing;
d. If screens are used, which individuals should be on which side of the screens;
e. To what extent may the press have access to evidence and documents;
f. Whether it is feasible to separate hearing the evidence of the undercover officer from the evidence of his/her cover officer or others in management chain directing the targeting (in a separate module potentially many months later). As to this point, the MPS would be concerned about any proposal to separate consideration of a deployment from consideration of its justification. At the very least that could be unfair on the individual officer. The MPS welcomes the indication that module 1 will include evidence from the officer as to his own understanding as to why he was tasked (CTI, para 9) but wonders to what extent this will be effective in providing proper context.

29. Investigations to date have demonstrated certainly to the MPS and presumably to the NPCC, NCA, the Inquiry and others, that any single deployment is capable of presenting novel and complex sensitive issues, resolution of which may lie outside anonymity restriction order applications.

30. The MPS agrees that the Inquiry must be completed within a reasonable time, and welcomes the fact that the Inquiry is considering options and conducting a strategic review (CTI, para 97). The MPS suggests that whoever is conducting that strategic review should engage with the MPS and the NPCC, in particular in relation to IT, and that practicalities should be confronted starkly (for example, the fact that the Inquiry has not had the capacity to search on its Relativity – CTI, para 13 – and the fact that the NPCC has not yet procured Relativity for itself – NPCC, para 18b – as well as all the other practical and legal matters affecting the ability to upload and process massive numbers of intelligence documents.) The strategic review will no doubt

consider all the 'factors' that risk causing 'considerable delay' (CTI, para 96). In its separate submissions on the draft Protocols dated 27 March 2017, the MPS has invited the Inquiry not to settle on procedures without first considering how they work in practice as part of their strategic review. The MPS recognises that it has only partial insight into the overall work of the Inquiry, but would welcome the opportunity to assist in ensuring that the Inquiry can report in as timely as fashion as possible.

31. CTI have stated that as presently constructed the evidential hearings would not begin before 2019 (para 98). On the basis that all matters necessary for the hearing of evidence (including preparation and delivery of opening submissions, and resolution of any legal issues that are likely to arise) are completed in time for 2019, it will still be necessary for evidence to be heard in 3 modules including, at least in some cases, evidence in private; time for any responsive evidence to be gathered (for example, arising from module 1 to be heard in module 2); for the Inquiry to gather 'largely responsive' evidence for module 3 (CTI, para 21); for closing statements to be prepared and delivered; for criticisms to be formulated so that warning letters can be delivered; for responses to warning letters to be provided and considered; and for the final report to be redacted so that an open version can be published. That does suggest that on the current approach the final published report is many years away.

32. The importance of completing the Inquiry within a reasonable time has been rightly emphasised by the NSNPCPs for the reasons they give (paras 4, 7). In addition, there is the risk to the progress of the Inquiry through retirement or promotion or sickness or other reason of key Inquiry and CP personnel who are responsible for responding to the Inquiry, and the year-on-year cost and use of human resources (in the case of the MPS a large number of police officers). Further, there is the risk that undercover policing will have developed and changed in the time that it takes for the Inquiry to report, meaning that its recommendations are less relevant. If a decision is taken to move more quickly, which is ultimately a matter for others and not for the MPS, then it is clear that choices will have to be made. It is recognised that the NSNPCPs cannot assist in identifying priorities for the Inquiry's investigation until 'meaningful disclosure' has been made (para 42). But it is inevitable that at this stage the Inquiry will know more than another other core participant (including, of course, the MPS

which is not privy to all disclosures made by other forces, the Home Office, or non-state bodies), and for that reason is best placed to make these decisions.

33. Finally, CTI identify an important aspect in considering future progress which is the relationship between investigation and publication. The process of carrying out a line-by-line redaction of intelligence documents is very difficult and painstaking. CTI refer (at para 67-8) to the need to consider documents for publication wherever they are 'used' (this is in the context of witness statements - it is assumed that the same point refers to all documents that are 'used'). But the obligation under s18(1) to provide access to documents is subject to any restrictions imposed under s19; and restrictions may be imposed taking account of the need to avoid delay and further the efficiency or effectiveness of the inquiry, and avoid additional cost. It is therefore possible in a suitable case to take account of (to 'use') documents without requiring the difficult and painstaking task of line-by-line redaction on public interest grounds.

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30 MARCH 2017