

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

### Application for restriction order in respect of HN7

#### Ruling

#### HN7

1. HN7 applies for a restriction order in respect of his real and cover name under section 19(3)(a) of the Inquiries Act 2005. I shall make the order sought.

#### Reasons

2. HN7 is now retired. He was deployed in the late 1980s and early 1990s against three groups. In the course of police duties unconnected with his deployment as an undercover officer he sustained a significant head injury. This injury, together with an unrelated condition, has caused significant mental and personal problems for him. In a report dated 2 January 2017, Professor George Fox, a consultant psychiatrist, identifies the variety of mental health conditions from which he suffers. The report is cogent and well-reasoned and sets out both diagnostic and prognostic conclusions which would be unlikely to be disputed even if it was practicable or permissible for another consultant psychiatrist to examine HN7's medical records and to interview him.
3. In the opinion of Prof Fox, there is a "significant" risk that he will take his own life if his real or cover name were to be published. By "significant" he means that it is "highly likely to occur". Even though, objectively, there is no rational connection between the publication of HN7's cover name and the impulse to take his own life, this is not a risk I am prepared to take. The consequence for him if the risk materialised would be extreme. Even if it did not, the mental distress which would be occasioned to him would amount to a significant interference with his right to respect for his private life under article 8 of the European Convention on Human Rights which would be required to be justified under article 8(2). The need to arrive at the truth in relation to his deployment is unlikely to provide that justification. There is likely to be a good deal of other open evidence of similar and contemporaneous deployments from which conclusions can be drawn. Disclosure of his cover name would, therefore, be unlikely to prompt the giving or production of further evidence necessary to permit the Inquiry to fulfil its terms of reference.

3 August 2017

Sir John Mitting  
Chairman, Undercover Policing Inquiry