IN THE UNDERCOVER POLICING INQUIRY

WRITTEN SUBMISSIONS OF
GUARDIAN NEWS AND MEDIA LIMITED

A. Introduction and Summary

1. These written submissions are provided on behalf of Guardian News and Media ("GNM"), pursuant to the publication of the Chairman's "*minded to"* note of 3rd August 2017.

2. GNM is the publisher of *The Guardian* and *The Observer*. Both newspapers have been at the forefront of reporting on issues relating to undercover policing in recent years. Since July 2011, they have published a blog on their website, "*Undercover"*, which has a focus on on undercover policing and surveillance of political groups. GNM was part of a coalition of media organisations that made submissions to the previous Chairman in respect of the legal principles raised by restriction orders.[1] The contents of those submissions are repeated.

3. The purpose of these submissions is to develop the following points:

   a. The "*minded to"* note of 3rd August 2017 does not give adequate weight to the open justice principle and the fact that applications for restriction orders engage GNM's rights under Article 10 of Schedule 1 of the Human Rights Act 1998;

   b. The test to be applied in applications for restriction orders is one of strict necessity;

   c. The procedure that is envisaged in the "*minded to"* note does not permit GNM to make effective representations in response to the applications;

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[1] https://www.ucpi.org.uk/wp-content/uploads/2016/03/Media-Submissions-Restriction-Orders-140316-FINAL.pdf

d. The evidence that has been provided falls far short of the high threshold required to justify non-disclosure of real and cover names. A table setting out GNM's position on each officer addressed in the "*minded to"* note is enclosed with these submissions. It is necessarily incomplete and will be updated following further disclosure.

B. Open Justice and Article 10

4. The "*minded to"* note of 3rd August 2017 differs in emphasis to the previous Chairman's ruling on the applicable legal principles. The previous Chairman's ruling stressed that the starting point in any consideration of an application for restriction orders should be openness.[2] This is not only consistent with the statutory scheme,[3] but it is also consistent with the common law. The previous Chairman's ruling emphasised the fundamental importance of open justice. GNM respectfully agrees – open justice is a constitutional principle that stretches back to the fall of the Stuart dynasty.[4] "*Its significance has if anything increased in an age which attaches growing importance to the public accountability of public officers and institutions and to the availability of information about the performance of their functions*."[5]

5. However, the utility of open justice, in facilitating the investigative process of this inquiry, also merits underlining:

   a. Open justice protects public confidence in the inquiry. As Lord Atkinson put it in *Scott v Scott* [1913] AC 417*,* at 463*:* "*in public trial is to be found, on the whole, the best security for the pure, impartial, and efficient administration of justice, the best means for winning for it public confidence and respect*".[6] The background to this inquiry is a loss of

[2] Legal principles ruling, at §§82-89.

[3] The existence of public concern is a pre-condition for the holding of an inquiry: s.1(1) Inquiries Act 2005. There is a duty on the chairman to permit the public to attend the inquiry: s.18(1). Section 19(4)(a) requires the chairman to consider "*the extent to which any restriction on attendance, disclosure or publication might inhibit the public concern"*.

[4] *Re BBC* [2015] AC 588, per Lord Reed, at 600C-G.

[5] *Khuja v Times Newspapers Ltd* [2017] 3 WLR 35, per Lord Sumption, at §13.

[6] See also per Viscount Haldane, at 438, per Lord Atkinson, at 463, and per Lord Shaw of Dunfermline, at 477; *Home Office v Harman* [1983] 1 AC 280, per Lord Scarman, at 316*; R v*

public confidence in the police. An insistence on openness helps avoid a loss of public confidence in this inquiry;

b. Open justice deters inappropriate behaviour on the part of the inquiry and makes uninformed and inaccurate comment about the proceedings less likely (*Ex p Kaim Todner* [1999] QB 966, per Lord Woolf MR, at 977). An insistence on openness can counter or neutralize any suggestion of "*cover up"* in this sensitive inquiry.[7] Where previous inquiries have been carried out in secret, there have been leaks to the press leading to inaccurate reports. This militates against an orderly inquiry;[8]

c. Open justice ensures that witnesses are less likely to exaggerate or to attempt to pass on responsibility: *R (Wagstaff) v Secretary of State for Health* [2001] 1 WLR 292, at 310-311 and 320. As the evidence of Sir Louis Blom-Cooper in *Wagstaff* demonstrates, officers in this inquiry will be less likely to embellish their testimony or cast blame on others if they give evidence in their own names in the eye of the public;

d. Open justice can result in evidence becoming available which would not become available if the proceedings are conducted with one or more of the parties' or witnesses' identity concealed.[9] Members of the public may not know that they have been duped, mistreated, or positively assisted by an undercover officer until they see a press report of that officer giving evidence in their real or cover name to this inquiry. They will then be able to come forward to assist this inquiry in uncovering the truth. In the experience of GNM journalists, this frequently occurs in criminal and civil proceedings. Hearing anonymised police evidence is likely to limit the

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Legal Aid Board, Ex p Kaim Todner [1999] QB 966, per Lord Woolf MR, at 977; *In re S (A Child) (Identification: Restrictions on Publication)* [2005] 1 AC 593 at §§29-30.

[7] *R (E) v Chairman of the Inquiry into the Death of Azelle Rodney* [2012] EWHC 563 (Admin), per Laws LJ, at §26; In his final report in the *Thames Safety Inquiry*, Clarke LJ (as he then was) stressed, at §5.1, that: *"… it is of great importance that members of the public should feel confident that a searching investigation has been held, that nothing has been swept under the carpet and that no punches have been pulled"* (citing the final report in the *Herald of Free Enterprise* investigation, per Sheen J, at §60).

[8] *R (Wagstaff) v Secretary of State for Health* [2001] 1 WLR 292, at 311A.

[9] *R v Legal Aid Board, Ex p Kaim Todner* [1999] QB 966, per Lord Woolf MR, at 977.

inquiry's capacity to gather evidence from members of the public who have been affected by undercover police activities;

e. Open justice helps to ensure the preservation of the free press. It is well-recognised by the courts that, in the absence of the names of litigants, reports of court proceedings will be "*very much disembodied*" (*In re S* [2005] 1 AC 593, per Lord Steyn at 608). Anonymised court proceedings are less likely to be published in any detail and are less comprehensible to the public. Stories about particular individuals are simply much more attractive to readers than stories about unidentified people. This is "*just human nature*" (*In re Guardian News and Media Ltd* [2010] 2 AC 697, per Lord Rodger, at 723). A requirement to report this inquiry in some austere, abstract form, devoid of much of its human interest, could well mean that the report would not be read and the information would not be passed on. In the short-term, this would negatively impact on the press coverage this important inquiry receives. Ultimately, such an approach could threaten the viability of newspapers and magazines, which can only inform the public if they attract enough readers and make enough money to survive (ibid).

6. A presumption in favour of openness is also consistent with the fact that granting restriction orders interferes with the rights of GNM, under Article 10 of Schedule 1 of the Human Rights Act 1998, to freedom of expression. For the reasons set out in the media's submissions of 14th March 2016, at §§15-27, when determining an application for a restriction order, the inquiry is required to place in the scales the harm caused to the Article 10 rights of the media and the public by the grant of such an order. The Article 10 rights of the media are all the stronger in an inquiry such as this, given that the European Court of Human Rights has repeatedly stressed the high public interest in reporting related to alleged police misconduct.[10]

7. The emphasis on openness in the previous Chairman's ruling, in the statutory scheme, at common law, and under the Human Rights Act 1998 is absent from the "*minded to"* note.

[10] *Voskuil v the Netherlands* (2010) 50 EHRR 9, at §70; *Thorgeirson v Iceland* (1992) 14 EHRR 843, at §67.

C. The Test

8. A necessity test applies to applications for restriction orders: s.19(3) Inquiries Act 2005. A similar test applies at common law. It is a high threshold:

   a. In *Att.-Gen. v Leveller Magazine* [1979] AC 440, the House of Lords applied the principles in *Scott v Scott* to a case involving the anonymity of witnesses in a trial. Lord Scarman (at 470) and Lord Diplock (at 450) held that anonymity could only be justified where it could be shown that the application of the open justice principle would frustrate or render impracticable the administration of justice. The *Practice Guidance (Interim Non- disclosure orders)* [2012] 1 WLR 1003 provides, at §12: "*There is no general exception to open justice where privacy or confidentiality is in issue … Anonymity will only be granted where it is strictly necessary, and then only to that extent*";

   b. The rule, therefore, is that an anonymity order can only be justified where it is *strictly* necessary in the interests of justice. Mere convenience is not enough. The burden lies on those seeking to displace the application of the open justice principle to show that the ordinary rule must be displaced[11] and to do so on the basis of "*clear and cogent"* evidence;[12]

   c. In setting this high threshold, the Courts have recognised that open justice means that giving evidence will be difficult and embarrassing for many people and that the full glare of publicity may deter them from doing so. In *Scott v Scott*, Viscount Haldane held, at 438, that, "*The mere consideration that the evidence is of an unsavoury character is not enough*," to justify an interference with open justice, *"… and still less is it enough that the parties agree in being reluctant to have their case tried with open doors*." Lord Atkinson agreed, at 463: "*The hearing of a case in public may be, and often is, no doubt, painful, humiliating, or deterrent both to parties and witnesses*";

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[11] *Scott v Scott*, per Viscount Haldane, at 438, and per Earl Loreburn, at 446; *Re BBC* [2015] AC 588, per Lord Reed, at 604D and 614G.

[12] Practice Guidance (Interim Non- disclosure orders) [2012] 1 WLR 1003, at §13.

d. To similar effect, in *R v Legal Aid Board, Ex p Kaim Todner* [1999] QB 966, Lord Woolf MR held, at 978: *"In general, however, parties and witnesses have to accept the embarrassment and damage to their reputation and the possible consequential loss which can be inherent in being involved in litigation. The protection to which they are entitled is normally provided by a judgment delivered in public which will refute unfounded allegations. Any other approach would result in wholly unacceptable inroads on the general rule."*

e. The risk of being pursued by the press is not sufficient to justify a restriction with open justice:

    i. In *R v Westminster CC, Ex p Castelli* [1996] 1 FLR 534, the applicants, who were homeless, sought to challenge decisions not to provide them with temporary accommodation. They were both HIV positive, and suffered social stigma attached to their medical condition. They had been pursued by the press. It was suggested that publicity of their names as litigants would deter others from pursuing similar remedies. The Court rejected this application. Latham J held, at 538, that the power to anonymise cannot be used simply to protect privacy or to avoid embarrassment. It must be shown that the failure to grant anonymity would render the administration of justice "*really doubtful or, in effect, impracticable".* The evidence of this must meet a "*cogent standard*";

    ii. Even "*unremittingly hostile"* press reporting is not sufficient to justify anonymity (*R (M) v Parole Board* [2013] EWHC 1360 (Admin); [2013] EMLR 23, at §§45 and 57; and, to similar effect, *SF v Secretary of State for Justice* [2013] EWCA Civ 1275, at §§15 and 31);

    iii. These authorities are consistent with reason. Any individual faced with improper press attention has a remedy, either via the courts or through press oversight bodies. The media has access to legal advice. It takes its responsibilities seriously: *R v B* [2007] EMLR 5,

at §25. The inquiry should not presume that the media will act in a hostile or unlawful fashion.

f. To similar effect, the risk of public misunderstanding of sensitive allegations made in court proceedings is not capable of justifying anonymity. The public's understanding of legal constructs, such as the difference between suspicion and guilt in criminal proceedings, the test applied when imposing a freezing order or control order (*In re Guardian News and Media Ltd*, per Lord Rodger, at §§60 and 66), or the making of allegations of sexual impropriety in Employment Tribunal proceedings (*BBC v Roden* [2015] ICR 985, at §40) should not be under-estimated.

9. Read in this way, the common law reflects Article 8 of Schedule 1 of the Human Rights Act 1998. It is only in an exceptional case that an anonymity order will be justified under Article 8. The very high threshold is clear from the decided cases. In *In Re S* [2005] 1 AC 593, a child's guardian applied for an order under Article 8 preventing the child's mother being named in reports of her trial for murder. There existed psychiatric evidence stating that reporting would be "*significantly harmful*" and "*extremely hurtful"* to the child. Despite these "*strong*" facts,[13] the House of Lords refused the anonymity order. The House noted, in particular, the strong rule in favour of unrestricted publicity of any proceedings in a criminal trial, both at the common law and under the European Convention on Human Rights.

10. The test under Articles 2 and 3 of Schedule 1 of the Human Rights Act 1998 is stricter still. It requires evidence of a "*real and immediate"* risk to life or of serious ill-treatment. The threshold for engagement of Articles 2 and 3 has been described as *"stringent"*, *"high"*, *"very high"* and "*not readily satisfied*": *Re Officer L* [2007] 1 WLR 2135, at §20; *Van Colle v Chief Constable of Hertfordshire* [2009] 1 AC 225, at §§30, 66, 69, 115.

11. The level of suffering needed to engage Article 3 is also high. Article 3 was drafted in the shadow of the atrocities of the Second World War and the Strasbourg Court and our own domestic courts have been at pains to stress that, to be invoked, it requires a high "*minimum level of severity*", described

[13] *Khuja v Times Newspapers Ltd* [2017] 3 WLR 35, per Lord Sumption, at §24.

variously as "… *serious suffering*…" or "… *intense physical or mental suffering*".[14]

D. Procedure

12. The media are parties directly affected by a restriction order. This is because such an order would interfere with open justice and with their rights under Article 10. They have the right, not only to make submissions in respect of such an application, but also to make "*effective*" representations in relation to such an application (see, by analogy, *Re BBC* [2015] AC 588, per Lord Reed, at §67, and *Mackay v United Kingdom* (2010) EHRR 671, at §§32-34). This means that the legal representatives of the media should be provided with sufficient material in order to address the issues effectively (see, by analogy to civil proceedings, *Practice Guidance (Interim Non- disclosure orders)* [2012] 1 WLR 1003, especially at §§19-28).

13. GNM is concerned that the approach set out in the "*minded to"* note does not give them a fair opportunity to make "*effective"* submissions:

    a. A restriction order has been made in respect of one officer, HN7, without giving the media any opportunity to make submissions;

    b. The evidence served in support of the other officers' applications is scant, highly redacted, and, at times, underplays the real importance of an officer's role. By way of example, the description of HN58 in the "*minded to"* note suggests that his role related merely to "*managerial"* positions. In fact, it is understood that HN58 was the head of the Special Demonstration Squad between 1997 and 2001, played a role in authorizing N81 (who has been accused of spying on the family of Stephen Lawrence), and has been investigated by Mark Ellison QC and the IPCC. This detail ought to have been set out so as to enable effective representations. In general, the level of redactions is excessive and prevents GNM from addressing the central points taken against them;

[14] *R (Hall) v University College London Hospitals NHS Foundation Trust* [2013] EWHC 198 (Admin), at §26.

c. GNM opposes the use of "*closed"* hearings to decide officers' applications (as may be envisaged in respect of HN16, HN26, and HN81). Inadequate reasons for having closed hearings have been provided. Closed hearings are an extreme interference with open justice, particularly in respect of a subject that the previous Chairman recognised was "*central to the ability of the Inquiry properly to fulfil its terms of reference*".[15] No adequate reasons for this interference have been set out. The inquiry is respectfully invited to hold an open hearing in respect of these officers, at which GNM can assist the inquiry not only with the correct approach to take to these applications in principle, but also to make focused submissions on such further facts as can be disclosed.

14. Overall, GNM is not in a position to fully set out effective representations in respect of the officers' applications. It requires more information to assist the inquiry on the following officers in particular: HN2, HN15, HN16, HN26, HN58, HN81, HN123, HN294, HN343, HN345. The medical reports in respect of HN26, HN58, HN68, and HN81 are brief and gisted. The inquiry is respectfully invited to provide further and better detail in respect of these officers. This detail should include, at the very least: dates of service as undercover officers, duration under cover, names or types of groups infiltrated, sexual activity with those targeted, any alleged misconduct, and any use of a dead's child's name as a cover name.

E. The Application of the Test

15. The following submissions are advanced without prejudice to the fact that GNM has not been given sufficient information to enable it to make "*effective"* representations.

16. Restricting the access of the public to the real and "*cover"* names of the officers in question is a severe interference with the open justice principle. Such an exceptional course requires exceptional evidence to justify it. No such evidence has been put before the Court. GNM has sought to address the deficiencies in the officers' applications in the attached table. This table has been prepared on the basis of the limited information available in the

[15] Ruling of 3rd May 2016, at §3.

public domain and in the disclosed application documents. It is incomplete. GNM reserves its rights to update it upon disclosure of the details sought above.

17. Overall:

a. The starting point in every one of these applications should be a presumption in favour of openness. The disclosure of real and "*cover"* names is, itself, in the public interest, irrespective of the individual facts of each of the officers' cases. This is for the reasons set out above, at §§4-7. None of the points set out in those paragraphs is mentioned in the "*minded to"* note, which seems to approach the applications on the basis that something exceptional is needed to justify any interference in the officers' rights;

b. The evidence falls far short of meeting the very high threshold to engage Articles 2 or 3 of Schedule 1 of the Human Rights Act 1998. At its highest (in the cases of officers HN326 and HN58), the evidence suggests a "*medium"* risk of "*moderate"* physical harm. This is not the same as a "*real and immediate"* risk of harm serious enough to meet the Article 3 threshold. It is an error of approach to multiply the risk of an attack by the likely impact of such an attack. A "*low"* risk of "*serious"* harm is still not a "*real and immediate"* risk;

c. None of the cases are sufficiently exceptional to justify an interference with the common law principle of open justice or to justify such a serious interference with GNM's Article 10 rights. The fact that an officer wants his "*quiet"* life to continue, that an officer's family does not want journalists knocking at the door, or that there is a "*slight risk of a stress reaction"* falls far short;

d. The public interest in publication of individual names is overwhelming. Officers such as HN58, HN81 and HN123 are totemic individuals. Their credibility is central to the inquiry's terms of reference. The public interest in disclosure of their cover names has been underplayed.

18. Overall, therefore, the default position should be that *all* cover names are revealed unless there is an exceptional reason not to. Similar submissions apply in respect of officers' real names. These should be disclosed unless there is cogent evidence of a serious risk of serious harm. In particular, the real and cover names of HN2, HN15, HN16, HN26, HN58, HN68, HN81, HN123, HN294, HN297, HN321, HN326, HN329, HN330, HN333, HN343, and HN345 should be disclosed. The evidence said to justify non-disclosure does not come close to justifying such serious interference with open justice and with the ability of this inquiry to get to the truth.

G. Conclusion

19. For the reasons set out above, the inquiry is respectfully invited to:

a. Apply the correct, necessity test and the previous Chairman's presumption of openness in these applications for restriction orders;

b. Provide further detail of the officers' applications to enable GNM to make effective representations;

c. Avoid closed hearings to determine these applications, unless strictly necessary; and

d. Disclose the real and cover names of: HN2, HN15, HN16, HN26, HN58, HN68, HN81, HN123, HN294, HN297, HN321, HN326, HN329, HN330, HN333, HN343, and HN345 in particular.

JUDE BUNTING
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Doughty Street Chambers

4th October 2017

IN THE UNDERCOVER POLICING INQUIRY

TABLE OF RESTRICTION ORDER APPLICATIONS
served on behalf of Guardian News and Media

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
HN326	Douglas Edwards	Deployment commenced in 1968 and ended in 1971. Deployed against three groups, two of which no longer exist in any form. Had regular access to left-wing and radical political groups.	Cover name has been released. Real name cannot be published.	Deployed as UCO in early period of Inquiry's remit. Deployed against multiple organisations. Became Treasurer of Tri-Continental (a left-wing, radical newspaper), shows high degree of assimilation.	Insufficient to justify non-disclosure: Retired, lives with wife in quiet anonymity, wants that to continue. Disclosure of real name causes worry and concern. Wife would not want people knocking on the door. HN326 cannot recall anyone who he believes would now be a concern to him. Medium risk of moderate harm if real name released. No identified risks but general risk from unidentified individuals to UCOs.

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
HN329	John Graham	Active between 1968 and 1969. Deployed against two non-violent groups, which no longer exist. He reported on the Vietnam Solidarity Campaign (Kilburn & Willesden Branch) and the Revolutionary Socialists Students Federation.	Cover name has been released. Real name cannot be published.	Deployed as UCO in early period of Inquiry's remit. Deployed against multiple organisations.	Insufficient to justify non-disclosure: HN329 doubts if people would remember him. He does not believe many of his targets would still be alive, let alone pose a physical threat. People in HN329's current activities unlikely to be concerned about his UCO role. If it was a problem, HN329 would resign. HN329 has not avoided real name or image being published; on a few occasions he has appeared on TV. Real name and current details are public. Does not think children would be worried if cover or real name revealed but would be upset if interest became so intrusive they could not come to the house. Assessed as very low risk of moderate harm from physical attack.
HN297 (deceased)	Rick Gibson	Operational between 1974 and 1976, when he was leading	Cover name has been released. Real name cannot be	Deployed as UCO in early period of Inquiry's remit. Closely involved with a	Insufficient to justify non-disclosure: HN297 is deceased. There are few, if any, authorities in which a person's human

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
		member of the Troops Out Movement and Big Flame.	published.	number of groups. Cover identity was based on a deceased child. Returned to SDS in non-UCO role.	rights have continued after their death. The Article 8 risk if real name revealed is assessed on the basis that the media will seek out HN297's family. Even then it is a low risk of a minor impact.
HN321	Not known	Deployed against two groups that no longer exist between September 1968 and September 1969.	Minded to release cover name. Real name cannot be published. Chairman relies on closed reasons that have not been gisted or disclosed.	Deployed as UCO in early period of Inquiry's remit.	Insufficient to justify non-disclosure: No serious concern about own personal safety. Primary concern is intense media scrutiny. Partner would not cope well. Children not aware of UCO role. Media interest likely to cause HN321 to resign from current job. Highly redacted risk assessment. HN321 assesses risk as low. Perception of risk is low to non-existent. No evidence to substantiate suggestion HN321 will be subjected to intense media scrutiny, though there is likely to be some media attention given SDS role. Media intrusion less likely than with some other UCOs.

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
					No evidence of partner's health. No ongoing physical risk to HN321 or family. "Very low" risk of moderate harm.
HN68 (deceased)	Not released	Deployed against a number of groups between 1968 and 1974. Between 1982 and 1984 HN68 had a managerial position in the SDS.	Minded to release cover name. Real name cannot be published. Chairman relies on closed reasons that have not been gisted or disclosed.	Both an UCO for a significant period of time (6 years) and later a manager in the SDS for 2 years. Unclear if relied on dead child's identity.	Insufficient to justify non-disclosure: HN68 is deceased. There are few, if any, authorities in which a person's human rights have continued after their death. HN68's spouse is anxious that release of name could lead to potential risk of harm to family and media and campaigner intrusions into life of spouse and her grown-up children. Assessed as low risk of moderate harm under Article 8.
HN294 (deceased)	Inquiry has not been able to ascertain the cover name.	Deployed as an UCO in 1968 and 1969 against one group which no longer exists and reported on others which also no longer exist.	Neither the real nor the cover name can be published.	Both an UCO and later a manager in the SDS. Covers the earlier period of the Inquiry's remit. Unclear if used a dead child's identity.	Insufficient to justify non-disclosure: HN294 is deceased. There are few, if any, authorities in which a person's human rights have continued after their death. The family memo does not specify any risk as family did not know what he did. Assessed as very low risk of minor harm

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
		He then assumed a managerial role in the SDS until 1974.			under Article 8. No objective evidence to suggest family would be traced.
HN330	Inquiry has not been able to ascertain the cover name.	Deployed against one group, which no longer exists, for several weeks in 1968.	Neither the real nor the cover name can be published.	Deployed as UCO in early period of Inquiry's remit.	Insufficient to justify non-disclosure: Assessed as very low risk of moderate harm from physical attack or a low risk of moderate harm under Article 8.
HN58	Not known.	Head of SDS from 1997 until 2001 Was earlier deployed as an undercover officer.	Neither the real nor the cover name can be published.	Both an UCO and later head of the SDS. Appears to have played a significant role in the Stephen Lawrence controversy; he was responsible for authorising the undercover officer known as N81 who has been accused of spying on the Lawrence family. Used a deceased child's identity. MPS accepts that withholding cover name will	Insufficient to justify non-disclosure: Risk assessment is highly redacted and unclear. Medical report suggests that, should identity be disclosed, "there is a gradation of risk of impact on health". No evidence family would be adversely impacted by revelation he was an UCO. Risk assessor does not accept this as significant factor. Declined Operation Motion physical risk assessment at home.

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
				limit ability of Inquiry to scrutinise HN58's deployment in the public domain.	Assessed as medium risk of serious harm from physical attack if real name released. Some possible risk sources are elderly, no particular physical risk. Assessor cannot expertly comment on specific details of current threat.
HN123	Not known.	Deployed against a number of left-wing groups in the 1990s.	Neither the real nor the cover name can be published. Chairman relies on closed evidence.	HN123 was deployed against a number of groups. HN123 was involved indirectly in deployments affecting Lawrence family. Has given evidence to Mark Ellison QC inquiry about Lawrence family issues. MPS accepts that withholding cover name may limit to an extent the ability of Inquiry to scrutinise HN123's deployment.	Insufficient to justify non-disclosure: No details of risk assessment or medical reports have been disclosed.
HN333	Not known.	Deployed for nine months in 1968 and 1969 against a left-wing group	Neither the real nor the cover name can be published. Chairman relies on	Deployed as UCO in early period of Inquiry's remit. Believed to have been in Special Branch and a	Insufficient to justify non-disclosure: Does not think cover name would lead to his identification.

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
		which no longer exists as such.	closed reasons.	personal protection officer after his deployment as an UCO.	Small target group, ceased to exist many years ago. Highly redacted risk assessment. Media interest likely to cause HN333 to resign from current job. Very low risk of moderate harm if cover name released. Medium risk of moderate harm if cover name released.
HN104	Carlo Neri	Deployed against two groups between March 2000 and summer 2006. Deployed to infiltrate extreme left-wing groups and anti-fascist groups.	Not minded to release real name.	UCO for long period in recent years. While undercover HN104 had a number of intimate relationships with women in groups he targeted. Allegations of sexual misconduct made against HN104.	Not sufficient to justify non-disclosure: Risk assessment of Kevin Shanahan and medical evidence has not been disclosed. Concerns about lone wolf terrorist attackers, of which there is limited evidence. Gist of medical report of Prof Fox suggests that disclosure of real identity will cause "destabilisation of his health issues".
HN2	Not known.		Further information is needed before the Chairman will be able to make a decision.		

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
HN15	Not known.		Further information is needed before the Chairman will be able to make a decision.		
HN343	Not known.	Deployed into a variety of groups in the early 1970s.	Real name cannot be published. Awaiting final position in relation to the cover name.	Deployed into a variety of groups for 3½ years in the early 1970s.	Not sufficient to justify non-disclosure: No disclosure of risk assessments.
HN16	Not known.		Hearing required in closed session "due to the sensitivity of the material being considered".		
HN26	Not known.		Hearing required in closed session "due to the sensitivity of the material being considered".	Former UCO who was deployed into target group.	Not sufficient to justify non-disclosure: Highly redacted risk assessments. Personal statements not disclosed. Several different iterations of new risk assessment (versions 1, 5 and 6). Risk assessment of Graham Walker suggests that he has not met HN26. HN26 failed to provide details of key associates therefore risk assessment

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
					focused on those he reported on. Risk of interference with family and private life is assessed to be moderate. HN26 is concerned about family; this is likely to be unwanted interference from media rather than activist individuals or groups targeting family members. Assessor does not have sufficient detail of close family to assess vulnerability concerns. Medium risk of moderate harm from physical attack if real or cover name released. Gisted medical assessment suggests may be impact on health if real or cover name disclosed.
HN81	Not known.	Deployed against one of the groups supporting the Lawrence family campaign.	Hearing required in closed session "due to the sensitivity of the material being considered".	Totemic individual in the Inquiry. Deployed against one of the groups supporting the Lawrence family campaign. The issues raised by HN81's involvement were	Not sufficient to justify non-disclosure: Concern is risk of assault from persons who do not know HN81. Highly redacted application and risk assessment. CHIS authorisation document at time of

Officer	Cover Name	Role	"Minded to" position	Public Interest	Assessment of Risk
				one of the reasons that the Inquiry was established. HN81's history is not dissimilar to that of Peter Francis. MPS accepts that withholding cover name will limit ability of Inquiry to scrutinise HN81's deployment in the public domain.	deployment noted that chance of an attack on exposed officer was unlikely, although the groups did contain violent individuals. Low risk of serious harm of physical attack if cover name released. Medium risk of serious harm if real name released. Gisted medical report suggests that, if real or covert identity is disclosed, there is a high risk of unspecified health issues.
HN345			Extension of time granted until 1 September 2017 to submit the anonymity application.		

JUDE BUNTING
JESSE NICHOLLS
Doughty Street Chambers

4th October 2017