

UNDERCOVER POLICING INQUIRY

PENAL NOTICE

IF ANY PERSON DISOBEYS THIS ORDER, THE MATTER MAY BE CERTIFIED TO THE HIGH COURT WHICH MAY HOLD THAT PERSON TO BE IN CONTEMPT OF THE INQUIRY AND THAT PERSON MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

ANY PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO BREACH THE TERMS OF THIS ORDER MAY ALSO AFTER CERTIFICATION TO THE HIGH COURT BE HELD TO BE IN CONTEMPT OF THE INQUIRY AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED

RESTRICTION ORDER UNDER SECTION 19 OF THE INQUIRIES ACT 2005

UPON the Chairman having considered:

- an application dated 18 February 2016 for a restriction order in respect of a person herein described as 'HN123', supplemented by applications dated 3 July and 20 July 2017;
- risk assessment evidence in relation to HN123;
- medical evidence relating to HN123;
- two statements made by HN123 dated 18 February and 16 May 2016; and
- a statement made by the partner of HN123 dated 16 May 2016;

AND UPON the Chairman having heard oral submissions in relation to the application at an OPEN hearing on 20 and 21 November 2017 and considered written submissions prepared for the purposes of that hearing;

AND UPON the Chairman being satisfied, for the reasons given in his Ruling dated 5 December 2017 and closed reasons appended thereto (and the OPEN Minded To note 3 August 2017), that fairness and the need to protect the rights under Article 8 of the

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European Convention on Human Rights of HN123 and his partner fall in favour of an order restricting:

- the publication of HN123's real and cover identities; and
- the disclosure of HN123's real and cover identities beyond that which is necessary to ensure the fulfilment of the Inquiry's terms of reference in accordance with paragraph 4 below;

AND UPON the Chairman considering his power to make a restriction order under section 19(2)(b) of the Inquiries Act 2005 read with section 19(3) thereof;

IT IS ORDERED THAT until further order

1. This order binds all persons (whether acting by themselves or by their servants or agents or in any other way) and all companies (whether acting by their directors or officers, servants, agents, or in any other way).
2. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquiry which discloses HN123's real or cover identities (including any description or image capable of identifying HN123).
3. There shall be no disclosure or publication made of any evidence or document given, produced or provided to the Inquiry which has the effect of disclosing HN123's real or cover identities, or contributing to such disclosure, and which the person responsible for the disclosure or publication knows or suspects will have that effect.
4. This order does not prohibit:
 - a. Disclosure to members of the Inquiry team;
 - b. Disclosure to HN123's partner;
 - c. Disclosure to any medical or healthcare professional consulted by HN123;
 - d. Disclosure to the Commissioner of Police of the Metropolis ('the Commissioner');

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- e. Disclosure to current employees of the Commissioner or of any other law enforcement agency or state body to whom disclosure of HN123's real and/or cover identity is required during the course of their employment and in order to fulfil the terms of their employment;
 - f. Disclosure by or with the consent of the Inquiry to current or former employees of the Commissioner or of any other law enforcement agency or state body to whom disclosure of HN123's real and/or cover identity is required for one of the following purposes:
 - i. To enable that person to provide evidence to the Inquiry about their contact with or knowledge of HN123 which arose out of their employment by that organisation (for example, a person who managed or supervised HN123); or
 - ii. To enable that person to provide evidence to the Inquiry pertaining to the contents of a document which reveals the real and/or cover identity of HN123 (for example, a person who was or who is believed to have been the author or a recipient of such a document).
 - g. Disclosure to the legal advisers to any person described at (b), (d), (e), or (f) above, whose names will be notified in writing to the Inquiry in advance of any disclosure being made.
5. For the avoidance of doubt, any person to whom disclosure of the real or cover identities of HN123 is made in accordance with paragraph 4 above remains subject to the prohibitions at paragraphs 2 and 3 in relation to any onward disclosure or publication, save insofar as, and only to the extent that, such disclosure is made to another person or persons identified within paragraph 4.
6. Any person affected by any of the restrictions set out in paragraphs 2 and/or 3 above may apply to the Chairman to vary this order.

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A handwritten signature in blue ink, appearing to be 'J. Mitting', written in a cursive style.

Sir John Mitting
Chairman, Undercover Policing Inquiry
8 December 2017