

Open Version of Spreadsheet Referred to in NPCC Generic Submissions

Umbrella Term	Open Category	NPCC Submissions
<p>HARM TO PEOPLE</p> <p>Names; other details that might identify a person who should not be identified; signatures and handwriting</p>	<p>1. Subject to AO</p>	<p>See general submissions enclosed with this spreadsheet regarding the relationship between CC Pughsley's statement and the anonymity process.</p> <p>CC Pughsley's statement was prepared and submitted to assist the Inquiry generally with understanding the practicalities of undercover policing, but specifically as generic evidence to assist in the redaction process. This statement was not submitted specifically for use in the anonymity process.</p>
	<p>2. Subject to PA</p> <p>i.e. where a decision on anonymity is pending</p>	<p>As above.</p>

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	<p>3. Name</p> <p>This might apply to a sensitive identity or be applied on privacy grounds.</p>	<p>There are likely to be many occasions (particularly when a UCO has a very minor role, when the operation was historic, or when the UCO is not connected to the SDS or the NPOIU) when a UCO's name should be redacted to prevent harm, without the need for a formal anonymity application. In such cases the name will be identified for consideration for restriction and a full application submitted if the Inquiry deems it necessary.</p> <p>The NPCC makes similar representations in relation to the names of CHIS's more generally. The names of CHIS should be routinely redacted. CHIS provide information to LEA's to assist in the prevention and detection of crime and routinely do so at considerable personal risk. It is generally accepted that the identity of a CHIS will remain confidential and this is the basis upon which information is provided by CHISs.</p> <p>The proposition that CHIS have a legitimate expectation of confidentiality is dealt with in paragraphs 155.1-155.3 of CC Pughsley's statement. The NPCC submits that the names of CHISs should be redacted as a matter of course, unless the Inquiry contends that the inclusion of a name is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure. The NPCC recognises that the Inquiry may need to make generic decisions about names and observes that there will need to be an opportunity in advance of such decisions for any interested party [not limited to the person whose name it is] to make an application for anonymity and/or a restriction order.</p> <p>CC Pughsley's statement {GIST: paragraph numbers given} explains the concerns and how third parties provide assistance to LEAs to assist in the prevention and detection of crime on the understanding that their assistance will remain confidential. The names of assisting third parties should be redacted as a matter of course, unless the Inquiry contends that the inclusion of a name is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure. The NPCC recognises that the Inquiry may need to make generic decisions about names and observes that there will need to be an opportunity in advance of such decisions for any interested party [not limited to the person whose name it is] to make an application for anonymity and/or a restriction order.</p> <p>CC Pughsley has provided a further real example in his most recent statement, describing how an assisting third party was approached for information by a journalist. Policing generally relies upon the goodwill and assistance of the public and undercover policing is no different. The identities of those who assist LEAs in the prevention and detection of crime should generally be protected to prevent harm being caused to assisting third parties, UCOs and the tactics of undercover policing and to ensure that the assistance of third parties continues to be provided to LEAs. The NPCC relies upon paragraphs 151-164 of CC Pughsley's statement in relation to privacy.</p>

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	<p>4. Sufficient other details to identify a person</p> <p>This is intended to be used in relation to a person whose identity is restricted by reason of an anonymity order, provisional anonymity, any other sensitive reason, or on privacy grounds.</p>	<p>The NPCC repeats its submissions above, relating to names, so far as they relate to other identifying details.</p>
	<p>5. Signature/Handwriting.</p>	<p>The NPCC relies upon paragraph 239 of CC Pughsley's statement.</p>
	<p>6. Sensitive personal details</p> <p>For example: contact details, medical details, financial details.</p>	<p>The NPCC relies upon paragraphs 228, 240-245 and {GIST: further paragraph numbers} of CC Pughsley's statement.</p>
<p>HARM TO POLICING Recruitment and training; backstopping and legend building; operational tactics; police assets; capacity and priorities; harm to ongoing</p>	<p>7. Typical profile of UCO</p>	<p>Paragraphs 249-252 of CC Pughsley's statement explain that in cases involving UCOs with <u>particular characteristics</u> these should not be identified either in relation to their possession by particular individuals, {REDACTED}</p> <p>In specific cases it will be critical to protect information about the sharing of these UCOs if they are not to be identified by their particular identifiers, especially if there are a {REDACTED}.</p> <p>The NPCC recognises that there may be occasions when the sharing of particular UCOs may be of specific interest to the Inquiry and where the Inquiry contends that the inclusion of such information is relevant and necessary, the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p>

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investigations or prosecutions.		<p>The typical identifiers of a UCO that are likely to assist in the identification of a UCO are those described by CC Pughsley generally in relation to backstopping and legend building at paragraphs 36-59 of his statement.</p> <p>{REDACTED}</p> <p>A more complete ‘checklist’ has been set out in a further statement from CC Pughsley.</p> <p>The NPCC does not assert that the ‘Competences for Foundation and Advanced Undercover Operatives’ headings set out in CC Pughsley’s statement at paragraph 251 should be protected, but the <u>content</u> of the training given in relation to these key competences should be protected, as briefly summarised in CC Pughsley’s statement at paragraph 252 and for the reasons set out in section 8 below.</p> <p>A discreet, but nevertheless important, issue concerns any document relating to a specific operation that describes the specific requirements of a UCO for that operation. For example:</p> <ul style="list-style-type: none"> • A document describing the particular characteristics of a UCO that will be required in order to most successfully infiltrate a specific OCG. • {REDACTED} <p>Such information could lead to the identification of a UCO or the revelation of the type of tactics and techniques that undercover units use. This information would be highly sensitive if particular target groups, OCGs or individuals were identified and should accordingly be redacted as a matter of course unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p>
	8. Nature of selection process or training	Paragraphs 253-258 of CC Pughsley’s statement address the specific issues relating to selection processes and training and the NPCC submits that some training material will need to be protected from disclosure.

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		<p>For the reasons set out in the new statement from CC Pughsley dated 27 September 2017 the NPCC submits that, to the extent that it undermines current policing, sensitive and specific information about how UCOs are selected and trained (not necessarily the generic and broad detail) should be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p>
	<p>9. Common features of a legend</p>	<p>CC Pughsley has identified in his statement (paragraphs 259 onwards) various aspects of legend-building and the behaviour of UCOs which could lead to a particular UCO being identified.</p> <p>CC Pughsley has provided a further statement in which he lists many common features of a legend, but it would be impossible for the evidence of CC Pughsley (or others) to cover every single eventuality that may appear in the documents to be redacted. Where it is plain from the document that a common feature of a legend is being described, the evidence of CC Pughsley should be sufficient to apply <u>in principle</u> to that feature, without further supplementary evidence being produced which simply repeats the content of the original document. For example, if the document under redaction states, “<i>Most UCOs find that a useful feature of a legend is X</i>”, there is little merit in producing evidence stating “<i>a common feature of a legend was X</i>”.</p> <p>All of the indicators listed by CC Pughsley would assist those wishing to identify a past, present or future UCO and all this information provides a ready checklist to aid in such identification.</p> <p>The harm created by revealing such common features would also exist in relation to those simply intent on uncovering UCOs, {REDACTED} which attempts to provide such a ready checklist. Providing official confirmation in the form of an encyclopaedia of UCO indicators would provide assistance to those intent on uncovering UCOs and lead to UCOs being identified and tactics being compromised.</p> <p>The risk of harm created by revealing such indicators would also exist in relation to ‘innocent compromise’ which could reveal the identity of a UCO. Family, friends, neighbours and other police officers may become interested, nosy or suspicious and the publication of a ‘checklist’ of information could lead to compromise of a UCO or an operation {REDACTED}. These ‘innocent’ compromises could cause many of the difficulties routinely associated with ‘hostile’ compromises by leading to the identification of a UCO.</p>

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	10. Creation/maintenance of a false life	<p>The NPCC submits that releasing information relating to particular skills and occupations of UCOs into the public domain could cause harm by exposing undercover tactics and methodology, even where the identity of the officer is known.</p> <p>CC Pughsley’s statement is clear that not every reference to a particular trade, occupation or skill will be sensitive. However, {GIST: paragraph numbers given} explain that these matters <u>may</u> be sensitive and should be carefully considered.</p> <p>In particular circumstances information about a UCO’s characteristics could lead to the identity of a UCO being revealed, especially if the trade or skill is particularly specialised and required great time and effort to obtain {REDACTED}</p> <p>The NPCC submits that information about the specialist skills of UCOs should be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p>

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	<p>11. Sensitive techniques/information that would undermine lawful policing</p> <p>Including the use of sensitive police techniques and tactics - for example, but not limited to, the use of particular technical equipment, surveillance methods, covert online activity, ending a deployment, succession, internal procedures, and methods of addressing or preventing compromise.</p>	<p>{REDACTED – GIST: Submissions relating to a particular use of UCOs}</p> <p>Exposing the assistance provided by third parties is likely to deter cooperation from third parties in the future.</p> <p>{REDACTED}</p> <p>{REDACTED – GIST: Submissions relating to third parties.}</p> <p>The NPCC recognises that specific submissions and/or further evidence may be required in relation to particular techniques.</p> <p>The NPCC submits that information relating to internal procedures and SOPs, described in paragraphs 348 to 352 of CC Pughsley’s statement, will routinely require protection because it is capable of revealing undercover tactics and methodology and could lead to the identity of a UCO being revealed.</p> <p>{REDACTED}</p> <p>Additionally, a risk of fraud and/or “blagging” is created by revealing internal procedures, for the same reasons set out at 16 below relating to the format of intelligence. Those intent on infiltrating an undercover unit, obtaining information or spreading false information would all be assisted by information about internal procedures and processes. These risks also apply to corrupt officials i.e. internal corruption.</p> <p>The NPCC submits that such information should be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p> <p>The NPCC submits that disclosure of information relating to an officer’s exit strategy could cause harm by exposing undercover tactics and methodology, even where the identity of a particular officer is known and the broad details of the exit strategy are known.</p> <p>{REDACTED}</p> <p>The lack of an anonymity order in relation to a particular UCO does not necessarily mean that that UCO’s exit strategy should be revealed and in such a case particular submissions may be needed.</p>

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		<p>{REDACTED – GIST: Submissions on a sensitive technique} be protected in order to protect UCOs and future undercover operations.</p> <p>The NPCC recognises that specific submissions and/or further evidence may be required in relation to particular arrangements concerning compromise, however, it is essential that the finite methods available to address and prevent compromise remain secret otherwise they will lose their effectiveness.</p>
	12. Targeting: who and how	<p>The NPCC submits that even where a UCO’s identity is known, there may still be justification for protecting information relating to the intended or actual subjects of a particular deployment: for example, because of risks to third parties or the exposure of undercover tactics and methodology. The NPCC recognises that such assessments will likely need to be made on a case-by-case basis.</p> <p>Risks to future deployments and future undercover operations may also be created if details of targets or types of targets are revealed. For example, information that {REDACTED} a particular undercover unit will be focusing on a particular OCG would be very sensitive information that should not be revealed because it would jeopardise operations concerning that particular OCG and could encourage other OCGs (who knew they were not the focus</p>

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		<p>of UC operations) to expand their activities.</p> <p>Any information explaining how particular targets could be infiltrated would also be highly sensitive. Information about tactics or methods used in relation to particular groups should not be revealed because to do so would frustrate the future use of those tactics.</p>
	13. Length of deployment	The submissions in relation to targeting apply equally to the length of deployments, which can of itself be sensitive information.
	14. Starting a deployment	The submissions in relation to targeting apply equally to starting a deployment, which can of itself be sensitive information.
	15. Code-name(s)	<p>The NPCC submits that even if an officer's name is revealed their code name should be protected unless previously disclosed and there are many reasons for this, primarily relating to the protection of others and CC Pughsley's new statement dated 27 September 2017 addresses some of the issues with code names.</p> <p>A gist of the UCO's identity can be provided where that UCO does not enjoy anonymity, and the public interest balance is unlikely to tip in favour of publication of a code name where the public is already privy to the identity relevant to the redaction. The public interest in revealing the methodology of the code names is low.</p> <p>For these reasons the NPCC submits generally that code names should not be made public unless the Inquiry is able to show that the code name is relevant and it is necessary to publicise the code name. The NPCC submits that there are unlikely to be many scenarios where the public need to know, or will be assisted by, a code word or code name when the code can be adequately gisted.</p> <p>{REDACTED}</p>
	16. Format of Intelligence	<p>The NPCC submits that the format of intelligence requires protection for the reasons set out in CC Pughsley's statement: the form or style of the intelligence could reveal sensitive matters that should be protected. This does not relate to the actual intelligence or how it is sanitised. The content of intelligence is a separate issue, which can be addressed by gisting if necessary.</p> <p>The format of intelligence should be protected for the following reasons:</p>

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		<p>1. Disclosing the format in which intelligence is documented risks compromising the system for obtaining, storing and disseminating intelligence because it will be easier to forge once the format is known. This could be used by those intent on corrupting the system or by those intent on pursuing a ‘scam’ or disseminating ‘fake news’. Revealing the style and format of intelligence will add credibility to those intent on such illicit endeavours.</p> <p>2. Disclosing the format in which intelligence is documented risks compromising the system for obtaining, storing and disseminating intelligence because it will be easier for those intent on trying to ‘blag’ information to obtain information they are not entitled to obtain once the format is known. Knowing the style or format of a particular type of intelligence provides credibility to those trying to ‘blag’ information, whether internally or externally to the police service.</p> <p>{REDACTED}</p> <p>CC Pughsley’s new statement dated 27 September 2017 addresses the content of intelligence. If the content of intelligence is determined to be relevant and disclosure necessary in the public interest, the content should be gisted to provide proper protection to sources, UCOs and subjects, and to preserve generally the integrity of the intelligence.</p> <p>The NPCC recognises that intelligence provided by a UCO falls into a different category and will require special consideration, but even if a UCO has been identified this would not necessarily, of itself, justify publication of intelligence if any of the previously described concerns applied.</p> <p>The NPCC also submits that there is a proportionality issue that means the format of intelligence should be treated with great care and not routinely made public. There are likely to be many ‘in house’ styles around the country, varying from force to force and between agencies, even between departments in the same force, that are significant. {REDACTED}</p> <p>Accordingly, and to allow the proper focus of limited resources and avoid the unnecessary diversion of resources, the NPCC asserts that the format of intelligence should be redacted as a matter of course, unless the Inquiry contends that the inclusion of the <u>format</u> is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p>

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	17. File references	<p>The NPCC submits that files references should be redacted as a matter of course because they may contain sensitive information, or be in a sensitive format, but it would be disproportionate to conduct full enquiries into every file reference.</p>
	18. Names of sensitive operations or departments	<p>The NPCC recognises that there will be many operation names and departments that are in the public domain and may not be sensitive.</p> <p>However, there will be many more operation names and departments around 43 forces and other LEAs, stretching back over many years, that may well be sensitive. Department names and acronyms can change over time and several names may all refer to the same department. The reality is that it would be wholly disproportionate to research every operation or department name because every name would have to be specifically researched. Some enquiries could be quick and straightforward, others could be long and convoluted, involving extensive enquiries with regional forces and retired officers. It is the cumulative impact on resources of these enquiries that troubles the NPCC.</p> <p>The NPCC recognises that some operation names and department names will need to be properly identified and researched, but it is expected that the majority of such names appearing in documents are unlikely to be relevant.</p> <p>This is a very real practical concern. For example, it is understood that training material routinely refers to many departments in police forces across the country and it will usually be disproportionate to expect contact to be made with forces seeking information about departments referred to briefly in training documentation.</p> <p>Accordingly, and to allow the proper focus of limited resources and avoid the unnecessary diversion of resources the NPCC asserts that the names of operations and departments should be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p> <p>The correct approach would be that all names of sensitive operations and departments should be redacted (unless otherwise publicly available) as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence.</p> <p>The NPCC has seen a copy of ‘Cairo’s’ statement dated 3rd August 2017, paragraphs 24, 28 and 30 of which assist with these matters.</p>

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	<p>19. Sensitive asset and/or infrastructure</p> <p>This might apply, for example, to a physical or electronic asset</p>	<p>The NPCC submits that disclosure of information relating to covert assets or premises could cause harm by exposing UCOs, third parties, undercover tactics and/or methodology, whether or not the identity of a particular officer is known. There may be a degree of overlap with other sub-categories.</p> <p>There is evidence in paragraphs 62-83 of CC Pughsley’s statement regarding covert physical assets, explaining why harm would be caused by exposing physical assets and paragraph 197 of CC Pughsley’s statement provides a specific example of {GIST: <i>covert assets being compromised at considerable expense.</i>}</p> <p>Exposing the addresses of premises that were previously used as covert addresses can cause harm, even if they are no longer used by LEAs. Current occupants, unconnected to the world of undercover policing and unaware of the history of the premises, could be troubled by those intent on exploring the world of undercover policing, whether it is a journalist, a researcher or those intent on causing harm.</p> <p>The NPCC submits that the details of covert assets should be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p> <p>The NPCC has seen a copy of ‘Cairo’s’ statement dated 3rd August 2017, paragraphs 3-9 of which assist with this issue.</p> <p>The NPCC accepts that the names of some databases may already be in the public domain but submits that their highly sensitive content and location(s) may still require protection due to the risks associated with the exposure of their contents. The NPCC recognises that any references are likely to relate to crime operations and as such are unlikely to have much relevance to the applications currently being considered.</p> <p>However, the names of some databases are not known and these should not be revealed. There is also a proportionality consideration, as with the names of operations and departments across the country, whereby those responsible for conducting redactions may not know whether the name of a particular database is known or not.</p> <p>There may also be specialised types of software or electronic equipment used by LEAs that are not themselves secret and sensitive (they may be widely available) but their use by LEAs, and how they are used, will be sensitive. The specific use of such equipment or software during any particular operation should not be revealed in order to protect the integrity of the tactic for future operations.</p> <p>The NPCC recognises that specific submissions and/or further evidence may be required in relation to particular</p>

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		<p>equipment, but asserts that in general all references to technical equipment should be redacted for the reasons given in CC Pughsley’s statement.</p> <p>{REDACTED}</p> <p>The NPCC recognises that specific submissions and/or further evidence may be required in relation to particular arrangements concerning {REDACTED – GIST: particular type of equipment}.</p>
	20. Locations of documents	The NPCC relies upon paragraphs 390-393 of CC Pughsley’s statement.
	21. Capacity	The NPCC accepts that specific submissions and/or further evidence may be needed in relation to capacity.
	22. Focus of resources	The NPCC relies upon paragraphs 405-407 of CC Pughsley’s statement.
<p>OTHER Including national security; harm to international relations; damage to commercial interests; reporting restrictions in place in other legal proceedings; and sensitive information considered to be of limited relevance/necessity where it would be</p>	23. Damage to commercial interests/suppliers e.g. tendering	<p>The NPCC submits that information relating to the commercial interests of third parties should be protected due to the risk of harm to those third parties if their identities and assistance is revealed; and the potential for damage to be caused to undercover tactics and methodology, through exposure of and damage to cooperation from third parties, which disclosure of that information would involve.</p> <p>The NPCC recognises that there is overlap with other sub-categories relating to third party interests but submits that the categories are designed not only to justify restriction applications but also to assist those involved in the redaction/disclosure exercise to identify the relevant information.</p>
	24. Warrant number	The NPCC submits that warrant numbers should be routinely redacted, subject to particular requests from the Inquiry.

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disproportionate to require a full application to restrict.	25. Names/roles of departments	<p>The NPCC repeats the points made in relation to the names of sensitive operations or departments made above.</p> <p>The NPCC’s concerns about proportionality arise because of:</p> <ol style="list-style-type: none"> 1. The sheer quantity of department names and acronyms that appear in the material. 2. The fact that the names relate to departments from all over the country from many police forces and other LEAs. 3. The historic nature of many of the departments, many of which will have changed names, moved location or closed. 4. The amount of time and resources that will be wasted if required to research the names of departments that may prove to be wholly irrelevant. 5. The reality that it will be impossible to know, before undertaking the research, how much research will be required, how easy it will be and how long it will take. <p>Accordingly, and to allow the proper focus of limited resources, the NPCC asserts that these names should be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p> <p>The NPCC has seen a copy of ‘Cairo’s’ statement dated 3rd August 2017, paragraph 24 of which assists with this issue.</p>
	26. Nature of someone’s historic work (where only current work relevant)	<p>The NPCC repeats the submissions made immediately above in relation to names and roles of departments – it will generally be impractical, disproportionate and unnecessary to research the nature of someone’s historic work.</p> <p>Details of a UCO’s historic work could lead to their identity being inadvertently revealed either because it specifically leads to identity being revealed or because it contributes to the mosaic effect.</p>

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		<p>Accordingly, and to allow the proper focus of limited resources, the NPCC asserts that the details of someone’s historic work should generally be redacted as a matter of course, unless the Inquiry contends that the inclusion of such information is relevant and necessary, in which case the Inquiry can invite further specific submissions and/or evidence regarding the risks associated with disclosure.</p> <p>The NPCC has seen a copy of ‘Cairo’s’ statement dated 3rd August 2017, paragraphs 21-23 of which assist with this issue.</p>
	<p>27. Sensitive: other</p> <p>A gist will be applied where possible to do so without undermining the restriction made.</p>	<p>This category will apply on a case-by-case basis.</p>
	<p>28. Sensitive and outside the Inquiry’s TORs</p> <p>This is intended to be used where information appears in an otherwise relevant and necessary document but falls outside the Terms of Reference, and is sensitive</p>	<p>This category will apply on a case-by-case basis.</p>