

**IN THE MATTER OF THE UNDERCOVER POLICING INQUIRY**

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**OPEN APPLICATION FOR RESTRICTION ORDER (ANONYMITY)  
IN RESPECT OF HN355's REAL AND COVER NAME  
SUBMITTED BY THE DESIGNATED LAWYERS**

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1. The following abbreviations are used herein:

“A/N” application notice;

“DL” the Designated Lawyers, i.e. Mark Spanton and Anna Peacock within the MPS Directorate of Legal Services acting in their capacities as such;

“CL” the Metropolitan Police Service’s Commissioner’s Lawyers;

“I/S” impact statement;

“R/A” risk assessment;

“SDS” Special Operations Squad / Special Demonstration Squad.

2. This A/N is submitted further to and should be read together with the following which constitute the DL application for a restriction order in respect of HN355's real name:

a) CLOSED A/N dated 23 March 2018;

b) CLOSED R/A dated 1 March 2018;

c) CLOSED I/S dated 23 March 2018.

3. The CL are not making an application for cover name anonymity but do seek to restrict HN355's real name as it would be a disproportionate interference in his/her right to a private and family life and is in the public interest.
4. This cover name application is made pursuant to:
  - a) Inquiries Act 2005, s.17(3) (fairness);
  - b) Inquiries Act 2005, s.19(3)(a) read with the Human Rights Act 1998, s.6 and the ECHR, Article 8 (right to respect for private and family life);
  - c) Inquiries Act 2005, s.19(3)(b) read with s.19(4) (fulfilment of terms of reference and necessary in public interest having regard to risk of harm or damage and conditions of confidentiality).
5. The opinion of the risk assessor is that the sterile corridor between real and cover identity appears strong but he does admit to vulnerabilities [R/A p.21, p.22].
6. It is submitted that the Inquiry should err on the side of caution as regards to this risk because:
  - a) The risk of a known third party disclosing HN355 real name is unquantifiable and so could be high; and
  - b) If the sterile corridor is breached then there would be a “catastrophic effect[s]” [I/S para 11 - 12, 14].
7. The impact on HN355 Article 8 rights and HN355's family Article 8 rights [I/S para 11 - 12] should weigh heavily against publishing dates of deployment, the group(s) infiltrated and cover name.

8. It is also submitted that HN355's deployment is unremarkable. The deployment was conducted some time ago against a group that HN355 cannot even remember the specifics of [R/A 13.1 p.16]. The risk assessor opines that on balance he takes the view that HN355 may not be remembered [R/A p.25].
  
9. Furthermore, the fact that the release of HN355's cover and real name would be contrary to HN355's reasonable expectations of confidentiality and privacy and HN355's subjective concerns about the possible consequences of this are both relevant to an assessment of the reasonableness and fairness of release, its capacity to serve a recognisable public interest and its proportionality for the purposes of Article 8. [I/S para 9].

**THE DESIGNATED LAWYERS (UCPI)**

5 April 2018

