

**ANNEX A TO COUNSEL TO THE INQUIRY'S EXPLANATORY NOTE ON PRIVACY:
ILLUSTRATIVE EXAMPLE OF A TRANCHE ONE INTELLIGENCE REPORT**

EDITED TO SHOW HOW ANNEX A WOULD LOOK FOR PURPOSES OF PUBLICATION

Sample report

1. The following information has been received from a secret and reliable source:

1.1 "A meeting of the South West London Revolutionary Campaign Movement took place in an upstairs room of the King's Head Public House, South West Street, at 8pm on Tuesday 20th February 1979.

1.2 The meeting was chaired by Andrew [redacted]. He was rather more than usually fired up. He suggested that, at the next demonstration, the group should take aerosol cans of red paint to spray over the uniforms of officers policing the demonstration. [Barbara Bennett, the group treasurer], was concerned that paint could get into the eyes of police officers and injure them, or upset a police horse, at which point [Andrew] launched into a tirade to the effect that political change was not going to be achieved without action, it was politically indefensible to hold back and he was the only one who ever did anything. [redacted] since [redacted] does not, typically, do much at all, it was difficult to avoid the impression that the entire outburst was motivated principally by an attempt to impress his new boyfriend. **GIST: comment by the reporting officer about the sexuality of one the meeting participants** Chris [redacted] (5'9, shoulder length dark hair, mole on left cheek), who had been brought along and was watching from the back of the room. Bennett diffused the situation by explaining that her real concern was the impact that any injury to an animal would have on fundraising efforts. She then presented her financial report: the coffers are empty again.

1.3 The demonstration in Putney on 14th February had not been a great success in promoting the Movement's agenda. It had been hoped that a violent overreaction by the police would attract public censure and call attention to the cause. In the event, the police presence had been limited and blood had been shed by only two attendees: Derek [redacted], who had become intoxicated and fallen down in the crush, bruising and grazing his left side (he was abusive to a uniformed officer who attempted to come to his assistance, was taken to sober up in a police cell, and was fined £5 for being drunk and disorderly at South Western magistrates' court the

Commented [RB1]: No need for this to be redacted as it is already in the public domain on BB's Wikipedia page – see note vi below

following morning) and a uniformed police officer who sustained a cut to one corner of his eye from when he caught the edge of a placard held by Emma [redacted] (the officer's shoulder number, FF1234, had been noted down by Bennett). ["Emma"], normally one of the loudest of the Movement in calling for violent revolution and the overthrow of all authority by any means, seemed shocked and rather embarrassed to have caused any actual injury, even inadvertently; she was subdued and left early.

Commented [RB2]: Redact unless the Inquiry is satisfied that DD is deceased

1.4 Speakers from other groups had not been well received. Gianpreet Grewal, the Revolutionary Party candidate for Twickenham at the next election, had addressed the assembled protesters but her speech had rambled, and had confirmed doubts about her doctrinal purity, despite her assertions that standing for Parliament is a means to subverting Parliamentary democracy from the inside. Harald [redacted] and Ian [redacted] spoke on the usual lines. John [redacted], the leader of the South West London University Students' Revolutionary League was criticised all round for cancelling his attendance on grounds of inclement weather and a head cold.

Commented [RB3]: The fact that he was the leader of SWLUSRL might need to be redacted if it makes it possible for him to be identified via internet search

1.5 On this depressing note, the meeting broke up. The next meeting will take place on 27 February."

2. References of persons known to have attended:

Andrew [redacted]	400/33/19
Barbara Bennett	400/33/82
Chris [redacted]	No trace
Emma [redacted]	400/33/179
Gianpreet Grewal	406/15/361
Harald [redacted]	Mentions re RCM
John [redacted]	410/75/224
Kelvin [redacted]	Mentions re RCM, USRL
Lynnette [redacted]	No trace
Martin Menzies	400/33/5

Commented [RB4]: Presumably these are SB file references? If so they should be redacted, but gisted as "Special Branch file reference"

Inquiry notes

- i. The South West London branch of the Revolutionary Campaign Movement was infiltrated between 1976 and 1980 by an undercover officer, NOOO, whose cover name was Martin Menzies.
- ii. The officer, NOOO, is deceased. He has been refused anonymity and the Inquiry has published his cover name, dates and group on its website, but has not been

contacted by any person with evidence to give about the officer and has no core participants who have any connection to the officer or the group.

- iii. The Undercover Research Group has, however, published a profile of the officer. Footnotes to the profile indicate that its researchers have received information, directly or indirectly, from Emma Evans although it is not clear on the face of the profile whether she is the only member of the group who has provided information to them.
- iv. The Inquiry wishes to examine whether the officer's deployment into the group was justified and (so far as possible consistently with the privacy rights of the individuals mentioned) to make public evidence relevant to this issue. It also wishes to publish the report and thousands of others like it (again, so far as possible consistently with the privacy rights of the individuals mentioned) so that members of the public can see what the Special Demonstration Squad did (i.e. as part of the detailed factual narrative), follow the Inquiry and understand the evidence on which its conclusions will be based.
- v. Internet searches for 'Andrew Anderson Revolutionary Campaign Movement' suggest that an individual who seems likely to be the same person was alive and politically active as recently as 2016, although the name being a common one it is not possible to reach a conclusive view that the search results relate to the same individual. There is no significant information about him online, and nothing that suggests any means of contacting him. However, the Inquiry has seen a large volume of reporting on him which suggests that he was the leader of this local group, that the group's ideas and decisions nearly all came from him, that he spoke at rallies and demonstrations on numerous occasions, and may well be remembered as the leader of the group by a large number of people who were active in the same political circles at the time. Other intelligence reports in the file also make clear that he had a wife at the time of this meeting.
- vi. Barbara Bennett went on to stand for and to be elected to Parliament, and was briefly a junior minister. Her Wikipedia page contains the information that she was treasurer of the Revolutionary Campaign Movement in the late 1970s. She is now retired.
- vii. Chris Carter went on to found a different group which was also infiltrated by the SOS. This group is of significant interest to the Inquiry, but the investigation is at a less advanced stage because evidence about the group is due to be heard in Tranche 3. The Inquiry believes that Mr Carter is still alive and that it will be able

to trace him; it is likely to do so in due course in order to ask him to provide evidence in Tranche 3.

- viii. Internet searches for the name "Derek Dentoncole" reveal a number of online obituaries for an individual who died in 2012. The deceased Derek Dentoncole was born in 1953 and the obituaries are consistent with him being in the London area in 1979. They make no reference to the Revolutionary Campaign Movement or to anything else beyond the unusual name that would definitively identify him as the person referred to. They say that he was a civil servant, and that he was survived by his wife and three children. The Inquiry has not asked the police to search for his record of convictions. A conviction resulting in a fine would normally have become spent six months after the date of the conviction, but since the rehabilitation period may be affected by subsequent convictions, it is only by obtaining the record of convictions that the Inquiry would be able to say definitively that the conviction is now spent.
- ix. The name "Emma Evans" appears to be too common for any useful result from web searches, though there is, as noted above, a possibility that she is in contact with the Undercover Research Group.
- x. The Inquiry has not asked the police to identify FF1234, but has been told that, while it would be possible for attempts to be made to identify him, these are likely to be time consuming and difficult.
- xi. Gianpreet Grewal lost her deposit in the Twickenham seat, but remained politically active. She has recently published several books, and there are numerous articles online in which she sets out her political views.
- xii. Harald Hough pursued a career in acting and became a minor celebrity. He currently presents a gardening programme on Radio 4.
- xiii. John Jackson, Kelvin King and Lynette Leigh are entirely untraceable online. The Inquiry notes from other documents that Kelvin King was in his early 60s in 1979. This means that he would now be over 100 years old if he was still alive.

Questions

1. If the Inquiry was to redact out all private information, what (if anything) could be published? **See suggested redactions to text.**

2. In particular, to what extent is it sufficient to redact out the names of the individuals given that the individuals in question would still be identifiable at least to one another? Documents for publication should be redacted so that sensitive information falling within the categories identified at §118(b) of the NPNSCP submissions will not be referable to an identifiable individual, unless s/he has consented to disclosure. In respect of information not within those categories, it is sufficient that documents for publication should be redacted to ensure that those named are not identifiable to members of the general public. There will be exceptions where it is proportionate for individuals named in the document to be identifiable to members of the public – see, e.g. below in relation to BB and GG.
3. What, if anything, can be done about the fact that Andrew Anderson and Barbara Bennett can potentially be identified by members of the public by reference to their role in the organisation, even if their names are redacted? If the role (or other descriptor) would enable an individual to be identified by the general public (e.g. by way of internet search) then it ought usually to be redacted unless the individual concerned has consented to disclosure, or there is some other reason why it is necessary and proportionate for the information to be published notwithstanding that it is identifying – e.g. in BB’s case, the fact that she was treasurer of RCM in the late 70s is on her Wikipedia page – see note vi above.
4. If the other names (initials C - L) were redacted, would it then be permissible to publish the document without attempting to contact any of them? If not, which would need to be contacted? First, the Inquiry should take the steps set out in the “notification” section of the NPNSCP submissions to maximise the prospects of those whose data is being processed by the Inquiry being able to learn that this is the case and to contact the Inquiry in order to exercise their fundamental data protection rights should they so wish. Second, as set out in the NPNSCP submissions, surnames and other details which would enable members of the general public to identify a non-state individual referred to in a document should be redacted prior to publication unless the individual concerned has consented to disclosure, or there is some other reason why it is necessary and proportionate for the information to be published notwithstanding that it is identifying.
5. If the Inquiry concluded that there were reasons why it was necessary to publish the information in relation to any given individual in full, including their name, in order to fulfil the terms of reference, which (if any) would it be disproportionate to contact? See response to 4. above. It is difficult to conceive of circumstances in which it would be necessary to publish information that would identify a non-state individual to the general public without the Inquiry having sought to make contact with that individual. If the information is of sufficient importance to make publication necessary, it is hard to see how it would not also be necessary for the Inquiry to

seek to make contact with that individual to invite his/her account of events. Certainly such a situation does not arise on the face of this example. If the requirement to publish the identity arises in order that links can be made with other reports, then that could be achieved by means of cipher.

6. Privacy rights apply to living individuals. What level of assurance does the Inquiry need that a person is dead, in order to be able to publish private information in relation to the individual? The Inquiry should satisfy itself that on the balance of probabilities the non-state individual is dead before publishing private information about him/her. The Register of Deaths is publicly available and, save where names are very common, it should in most cases be possible to ascertain with a relatively high degree of certainty whether an individual is deceased. Where the Inquiry intends to publish information which falls within the categories at §118(b) of the NPNSCP submissions, consideration should be given to the Article 8 rights of the surviving relatives. In many cases this may mean that where information falling within the sensitive categories is to be published, it should not be referable to an identifiable non-state individual, even where that individual is dead.
7. If it wants to publish the information about her, should the Inquiry contact the Undercover Research Group and ask it to provide contact details for Emma Evans? Are there circumstances in which the Inquiry's interest in contacting an individual is itself private information which should not be communicated to (for example) the Undercover Research Group? Would the position be any different if the Inquiry wished to ask Chris Carter for contact details for Andrew Anderson, if the latter was in fact still alive? As set out in the notification section of the NPNSCP submissions, the Inquiry should, subject to the provision of appropriate resources and the agreement of a suitable protocol, be making use of the URG and other NPNSCP networks to make contact with non-state individuals whose personal data has been collected. Disclosure to the URG and/or to others who may have contact with such an individual of the name of the individual, the group or groups with whom s/he was involved and the dates, for the purposes of inviting that individual to make contact with the Inquiry is a necessary and proportionate disclosure of personal data. This includes, in the context of this example, asking for assistance from Chris Carter in making contact with Andrew Anderson.
8. Is the shoulder number (FF1234) private information? No, shoulder numbers are required to be worn openly for the purpose of members of the public being able to identify the officer in question.
9. In relation to Gianpreet Grewal, to what extent (if at all) does it affect the position that the information recorded about her amounts to details of what she said at a public demonstration, and that she has published information about her current political beliefs? To what extent (if at all) does it affect the position that she was a parliamentary candidate? It is relevant for the purposes of publication that some of what is recorded about GG is reporting of what she said at a public meeting.

However, even public statements, if made a sufficiently long-time ago, may now attract privacy rights. That does not appear to be the case here as the example suggests that GG has continued to put her political views in the public domain. In those circumstances, the Inquiry is likely to be justified in publishing accounts of her public expression of political views. It should, however, be noted that not all of what is recorded about GG relates to what she actually said, most of it is the officer's comments upon what was said: "her speech rambled, and had confirmed doubts about her doctrinal purity". In this example, those comments do not appear to justify redaction, but the position might well be different, if, for example, the officer's commentary had made reference to a category of information falling within §118(b) of the NPNSCP submissions – for example, if the report attributed her rambling speech to drug use or mental illness.

The fact that GG was a parliamentary candidate is relevant as it increases the public interest in openness concerning her political views and suitability for public office. However, in striking the balance between publication and protection of private information, it will also be relevant that her candidacy was a long time ago and she was not in fact elected, so did not hold public office.

10. Does the fact that Barbara Bennett, Harald Hough and possibly Gianpreet Grewal are names that might be recognised by members of the public in any way affect the position? On the facts of this example, it makes a difference only in the sense that GG has put her political views in the public domain and, in light of the nature of the information contained in the report about her, there is no apparent basis for redacting her name. As suggested above and in the NPNSCP submissions, surnames of non-state individuals named in published documents should generally be redacted unless the circumstances are such that redaction is not justified (e.g. as with BB and GG; or if the individual has consented to disclosure). In relation to HH, on the information provided, it is unclear that disclosure of the name "Harald" would lead to the link being made with HH, but, in any event, given HH's public profile, he is likely to be readily contactable by the Inquiry and so, in accordance with the process set out in the notification section of the NPNSCP submissions, the Inquiry should, prior to publication, have taken steps to contact him in order to afford him the opportunity to make submissions about the publication and processing of his personal data.

11. If Emma Evans was contacted, was the person at the meeting, and was prepared to assist the Inquiry, would any privacy redactions be necessary before sharing the report, in confidence, with her for the purpose of refreshing her memory before making a witness statement? If so, what redactions? See the version of this document addressed to issues of disclosure to non-state individuals rather than publication.

12. If Emma Evans made a witness statement and gave her evidence about the meeting in public: (a) what privacy redactions would be required; and (b) what restrictions would those redactions put on the questions which could be put to her, and the responses which she could give at a public hearing? a) Other non-state individuals should be referred to by their first names only, save where there is reason to depart from this – e.g. where the individual concerned has consented to being identified by their full name, or where their political views associated with the meeting are already in the public domain, as with BB and GG. If EE's evidence refers to sensitive private information of the type identified at §118(b) of the NPNSCP submissions, then this should be done in a way which does not enable the subject of that information to be identifiable to members of the general public. Specific consideration will have to be given to the extent to which privacy redactions will be required to ensure that the subject of the information is not identifiable to those with relevant prior knowledge – e.g. where those with knowledge of the identities of attendees at a meeting will be able to work out who the sensitive private information refers to. It is not possible to make general submissions about how that balance should be struck in the abstract. b) In general, ensuring that non-state individuals are not referred to in a way which enables them to be identified by members of the general public (save where they have consented etc.) should be sufficient to ensure that full public evidence can be given. As above, situations where evidence relates to matters that are so sensitive and private that it may be necessary to ensure that the individuals referred to are not identifiable even to those with relevant prior knowledge, will require individual consideration in light of the particular facts. The views of the data subject will be a primary consideration.
13. In what ways would the answer to question 12 be different if Emma Evans was to give her evidence wholly in private? If EE were to give her evidence wholly in private, then further restrictions would not be necessary, but the consequence would be that the public and all CPs excluded from the private hearing would be deprived of the opportunity of seeing/hearing the parts of her evidence which could otherwise have been openly given. In the case of CPs excluded from the private hearing, they would be deprived of the opportunity to put questions to EE about the parts of her evidence that would otherwise have been open. In all but the most extreme cases, e.g. where a witness' evidence deals almost exclusively with private information of such sensitivity that it cannot be given openly even when those being referred to are given a cipher, giving evidence wholly in private is likely to be contrary to the Chair's obligations under s.18 of the Inquiries Act 2005 to take reasonable steps to secure public access to the Inquiry's evidence and proceedings.
14. To what extent do the time and/or the financial cost of putting documents through the restrictions process for public consumption, particularly in the context of there being many thousand Special Demonstration Squad intelligence reports affect

the approach which the Inquiry can and should take? Time and financial cost are both factors to which the Chair is required to have regard in determining whether to impose restrictions on public access to the Inquiry – see s.19(3)(b) IA 2005, read with s.19(4)(d). However, the factors telling against blanket privacy in the interests of temporal and financial expediency are:

- (i) this Inquiry was expressly established as a *public* Inquiry;
- (ii) as the legal principles ruling makes clear, the public concern that led to the Inquiry being established is unlikely to be allayed if much of its evidence is held in private;
- (iii) the effective investigation of the Inquiry's terms of reference requires that it receives evidence from non-state individuals, in particular those who were reported on. Documents will therefore have to be considered for the purposes of disclosure to them in any event. It is therefore not possible for the Inquiry to avoid document by document consideration. Given that the documents have to be considered for restriction anyway, the additional resources required to consider what, if any, further restriction is required for the purposes of publication should be manageable;
- (iv) likewise, the Inquiry has data subject access obligations under GDPR, as set out in the NPNSCP submissions. The Inquiry will therefore be required to give specific consideration to what redactions are necessary for the purposes of fulfilling those obligations. On this basis too, the bulk of the work involved in preparing documents for disclosure is likely to be required in any event;
- (v) as discussed above and in the NPNSCP submissions, it is likely that in the majority of cases the privacy rights of individuals referred to in evidence can adequately be protected simply by restricting surnames. That ought not to be an especially onerous task.

It is noted that the Chairman's "Statement about the conduct of evidence hearings", published on 19 December 2018, confirms his "hope and intention" that the majority of the Inquiry hearings will take place in public.