

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

1. The question of what can be published depends first upon what information the Chairman decides is necessary to publish for the purposes of the Inquiry. In reaching decisions as to what is necessary to publish, the Chairman will of course have in mind the duty under s 17(3) of the Inquiries Act 2005 to act with fairness and the need to avoid any unnecessary cost.

Assuming publishing the report into the South West London Revolutionary Campaign Movement (SWLRCM) was considered to be necessary, and the Chairman decided that it was either necessary or desirable to anonymise individuals identified in it, the following redactions would probably be appropriate: (absent consents):

Paragraph	Redaction	Note
1.2	“Andrew Anderson”/ “Anderson”	all references; replace with cypher
	“Barbara Bennett”/ “Bennett”	all references; replace with cypher
	“the group treasurer”	potentially personally identifying of Bennett
	“his new boyfriend.”	sexual orientation is irrelevant personal information
	“Chris Carter”	all references; replace with cypher
	“(5’9”...left cheek)”	physical description of Chris Carter is irrelevant personal information
	“She then presented her financial report”	potentially personally identifying of Bennett
1.3	“Derek Dentoncole”	replace with cypher unless confirmed to be deceased
	“Emma Evans”/ “Evans”	all references; replace with cypher
1.4	“John Jackson”	all references; replace with cypher
	“the leader”	potentially personally identifying of John Jackson
2	“Andrew Anderson” “Barbara Bennett” “Chris Carter” “Emma Evans” “John Jackson” “Kelvin King”	replace all names with cyphers

	“Lynnette Leigh” “Martin Menzies”	
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Note: GG and HH appear to be mentioned in the context of having been speakers at a public event. It seems unlikely that they can have had any reasonable expectation of privacy, and anonymisation would not be appropriate for that reason. In the event this is misread and they were attendees at the private meeting, greater redaction may be required at paragraphs 1.4 and 2 above.

2. Individuals present in the same place at the same time who knew they were in the same place at the same time can properly be identified to one another. However, these individuals may be entitled to privacy protection in respect of the wider public.
3. Where a person may be identifiable by their role, redaction of the role would afford greater privacy to AA and BB (noting that identification of a person can be achieved by more than simply a name, so offering privacy protection by reasons of redaction of names only will, in some cases, be ineffective). If the Inquiry concludes it is necessary for its investigation that witnesses giving evidence are aware of the roles played, this may suggest that consideration of the whole document in a private hearing within a confidentiality ring offers a route by which the Inquiry can both respect the privacy of individuals mentioned and carry on its investigations.
4. It is difficult to see an objection to publishing the document if the names (C-L) were redacted, even if contact was not possible.

GG and HH: See Note in relation to Question 1 above. It may not be necessary to redact these names.

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 its terms of reference, whether contact should be attempted generally, or in particular instances, will depend upon the Inquiry’s assessment of what is fair and what is (or is not) an unnecessary cost. The Inquiry might conclude that it would not be appropriate to contact GG and HH on the basis that they cannot have a reasonable expectation of privacy¹, and the mere fact that someone is contactable (as GG and HH appear to be) will not necessarily mean that contact is required (for example, because there could be no arguable application for a restriction order).
6. The first question is whether the personal information is relevant and necessary and the Chairman considers it necessary to publish it. The second is whether there could be an arguable application. Only if both questions are answered in the affirmative could it become necessary to consider whether the individual is alive or dead. If this question needs to be answered, the most cautious approach would be to confirm the death of the individual from General Registry Office records.
7. The risk that an investigative step tends to reveal information already held by the Inquiry is probably unavoidable, and the impact of the risk eventuating should be considered before action is taken. The MPS is unable to comment further.

¹ Subject to the Note in relation to Question 1.

8. The shoulder number is not private information. It formed part of the officer's uniform on the day of the demonstration.
9. It seems unlikely that GG can have any reasonable expectation of privacy because she spoke at a public demonstration about her political beliefs. The fact that she was a parliamentary candidate further diminishes any entitlement to privacy in relation to her political opinions.
10. GG and HH cannot be said to have an expectation of privacy in this context, since they spoke publicly about their political opinions. As a former politician with a public profile on Wikipedia, it is likely that BB would be readily contactable (notwithstanding that any contact attempt will come with some degree of delay). If so, BB would under the current RP be afforded the opportunity to apply for a privacy based restriction order in relation to references to herself in the reporting.
11. If EE was unaware of the nature of the relationship between AA and CC, the Inquiry would probably conclude that redacting references in the report about AA and CC's relationship was appropriate; the Inquiry would also probably conclude that disclosing a document which recorded this relationship (the document then being open to further dissemination) would probably be inappropriate, unless there was some particular need to consider that part of the report.
12. (a) It is impossible to answer this question in the abstract. It would depend among other things upon the Inquiry's assessment of the need for the contents of EE's evidence to be considered in public. (b) *idem*. In cases where significant redaction was made on privacy grounds it may be easier on both witness and Inquiry to receive the oral evidence in private (whether within a confidentiality ring or not).
13. The extent that any restrictions would put on the questions to EE and her responses at a private hearing depends on who may attend the hearing and whether private information contained within her evidence and the documents is common knowledge among those who may be present at the hearing.
14. The time and/or financial cost of putting documents through the restrictions process for public consumption is an important consideration (see ss. 17(3) and 19(4)(d) Inquiries Act 2005). The Inquiry needs to ensure that it meets its terms of reference and also reports within a reasonable timeframe. The MPS invites the Inquiry to indicate what it considers to be the additional time and financial cost of taking certain measures, so that submissions from the core participants and any other interested persons about the best course of action are not made in the abstract.