

From: [Lydia Dagostino](#)
To: [Undercover Policing Inquiry](#)
Cc: [James Wilson](#)
Subject: Letter re SDS officers HN18 and Others
Date: 02 April 2019 15:13:00

Dear Inquiry Team

This letter stands as the response of those within the NPSCP group who have provided instructions to the Chair's directions of 21 February 2019 in relation to the proposed restriction of the real names of HN18, HN66, HN122, HN342 and HN344.

The NPSCPs maintain their previous submissions about inadequate disclosure in relation to real name anonymity applications and their previous submissions in support of disclosure of real names in the public interest in the openness of the Inquiry. We note that in relation to HN344, for example, the Chair expresses the view that "no good purpose would be served by publishing [his real name]". As we, and the media, have previously submitted, that is wrong in law: NPSCP submissions dated 5 October 2017, in particular, paragraphs [12]-[16] <https://www.ucpi.org.uk/wp-content/uploads/2017/10/20171004-NPSCPs-submissions-re-SDS-Minded-to.pdf>.

See also the submissions on behalf of Guardian News and Media Ltd dated 4 October 2017 and 20 November 2017 (below).

<https://www.ucpi.org.uk/wp-content/uploads/2017/10/20171004-Media-submissions-re-SDS-Minded-to.pdf>

and

<https://www.ucpi.org.uk/wp-content/uploads/2017/11/20171120-GNM-submissions-for-hearing-on-21-Nov-2017.pdf>

The ability of the public and the media to know and report on the names of those involved in proceedings is an important facet of open justice: In re Guardian News and Media [2010] 2 AC 697 [63]; In Re S (A Child) [2005] 1 AC 593 [34]. Open justice applies equally in the context of a public inquiry: Kennedy v Charity Commission [2015] AC 455.

Whilst in some circumstances there may be good reasons for restriction which outweigh the public interest in openness, it is simply wrong to say that there is "no good purpose" in publishing the real name of an officer who will provide evidence in the Inquiry.

There are also more specific instrumental reasons for not restricting real names: see NPSCP submissions of 5 October 2017 at [108] (see above).

We also raise the following specific points in relation to HN66/EN327 and HN344:

HN66/EN327: the cover names Edward David Jones / Bob the Builder / Edge / Dave have been disclosed. Please can you confirm whether this includes his NPOIU as well as his SDS cover names? We also note that this officer went on to work in private security after his departure from the police. This subsequent work is plainly of relevance to the Inquiry, because of the potential for the officer to have used information and techniques gained whilst deployed with the SDS and the NPOIU – as was the case, for example, with Mark Kennedy. In order for this issue to be investigated effectively the Inquiry will need to receive evidence from those on whom he reported during his private security work. This requires disclosure of the cover name(s) he used in the course of that work. Disclosure of his real name is also important to enable whistle-blower colleagues to come forward and for his career progression to be traced. Career progression is an important aspect of the impact of undercover policing, because of the potential for ongoing targeting of the same individuals and abuse of information and techniques gained whilst deployed in the SDS and NPOIU.

HN344: there is clear evidence of dishonesty on the part of this officer. “Minded to” note 8 makes clear that the account he originally gave to the MPS of his deployment was false and he has previously been arrested for unauthorised possession of official documents. Disclosure of his real name is necessary to enable his credibility to be properly tested. It also significantly increases the incentive on him to be truthful: he is less likely to want to be caught out in a lie in his real identity than if he can hide behind his cover identity. Further, no real reason has been advanced for restricting his real name. As above, the Chair has wrongly started from the assumption that there is “no good purpose” in openness. We note also that “Minded to” note 8 states that this officer’s cover names (plural) will be published. To date only one cover name has been disclosed. Even if the “confirmatory evidence” the Inquiry now has only supports one cover name, the other cover names the officer said he used remain relevant and should be disclosed. It may be, for example, that they were names that he used “unofficially” during his deployment, so do not appear in the official documents, but may prompt evidence from members of the public.

We understand that one of the NPSCP RLRs has written to you separately in relation to HN18.

Yours sincerely

Lydia Dagostino (on behalf of the NPSCP RLRs who have expressed a view)

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