

**UNDERCOVER  
POLICING  
INQUIRY**

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Sir John Mitting  
Chairman  
Inquiry into Undercover Policing

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By email only

Dr. Raphael Schlembach  
Senior Lecturer in Criminology  
University of Brighton

12 April 2019

Dear Dr. Schlembach,

Thank you for your letter dated 25 March 2019. I am grateful for your interest in the Inquiry's work.

I acknowledge and agree with your observations about the importance of the preservation of material for the purposes of academic research.

The present issue that I have been considering is how material that the Inquiry has received may be processed and/or published by us during the course of our work, in light of Article 8 of the European Convention on Human Rights, the General Data Protection Regulations ('GDPR') and the Data Protection Act 2018. I hope that you will have seen my statement published on 11 April 2019 about the course that the Inquiry proposes to adopt; a copy is attached to this letter.

The point that you and your colleagues raise is slightly different, albeit associated – it is a concern about the extent of material that the Inquiry will publish during its currency. You correctly acknowledge that all material that the Inquiry intends to publish will be subject to redaction, where necessary, principally due to public interest or privacy/private rights concerns, by use of my power to restrict material arising under section 19 of the Inquiries Act 2005 ('the Inquiries Act'). In making a decision whether to restrict all or part of a document, the public interest in disclosure of the information is one of the matters that I must, and do, consider.

You will appreciate that the process of seeking applications for restrictions to documents, both for public interest and for privacy/private rights purposes is a difficult and time-consuming exercise. The recent submissions and subsequent hearing about the effect of GDPR and the Data Protection Act 2018 provide a clear illustration of a number of the problems that arise. The administrative burden on the Inquiry and its participants in processing large amounts of material for publication is also substantial.

These two issues together are such that I need to exercise judgement about the degree to which it is reasonable to publish material to permit effective understanding of and participation in the forthcoming evidence hearings. Section 18(1) of the Inquiries Act makes it clear that publication of Inquiry material is subject to it being reasonable to do so. I also need to have regard to fairness and the need to avoid unnecessary cost, by virtue of section 17(3) of the Inquiries Act. It is these considerations that led me to make the statements that you set out in paragraphs 7 and 8 of your letter.

However, all documents which come into the possession of the Inquiry are or will be electronically filed and preserved as part of the record of the Inquiry. When the Inquiry's work is finished, it will be open to you and your colleagues to seek access to that record for research purposes. In making any such requests, and in processing any such material, you will of course need to consider your own position under the GDPR and Data Protection Act 2018, which will be different from that of the Inquiry.

Yours sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'J' followed by a horizontal line that tapers to the right.

Sir John Mitting  
Chairman, Undercover Policing Inquiry