

# UNDERCOVER POLICING INQUIRY

## In the matter of section 19 (3) of the Inquiries Act 2005

### Applications for restriction orders in respect of the real and cover names of officers of the National Public Order Intelligence Unit and its predecessor/successor units

#### Ruling 2

1. I make or refuse to make the following restriction orders under section 19(3) of the Inquiries Act 2005 in the cases of the individuals identified below for the reasons set out below and, where appropriate, in closed notes.

Nominal	Position
EN26	I refuse to make a restriction order in respect of the real name of EN26.
EN28	I refuse to make a restriction order in respect of the real name of EN28.
EN29	Neither the real nor cover name can be published.
EN30	The real name cannot be published.
EN31	I refuse to make a restriction order in respect of the real name of EN31. I also refuse to order the preparation of a further risk assessment.
EN32	The real name cannot be published.
EN49	The real name cannot be published.
EN50	I refuse to make a restriction order in respect of the real name of EN50.
EN51	The real name cannot be published.
EN52	The real name cannot be published.
EN53	The real name cannot be published.
EN54	I will not make a restriction order in respect of the real name of EN54.
EN291	The real name cannot be published.
EN407	I will not make a restriction order in respect of the real name of EN407.
EN506	The real name cannot be published.
EN508	The real name cannot be published. I refuse to make an order in respect of the cover name of EN508.

## Reasons

### EN26

*I refuse to make a restriction order in respect of the real name of EN26.*

2. The reasons are fully set out in the closed note dated 24 October 2018 and in lines 13 – 20 on page 14 of the transcript of the closed hearing on 23 November 2018. Because the real name of EN26 will not be made public until evidence is sought from others, for reasons connected with the health of EN26, the open reasons which can be given for this decision are limited. They are in essence that the foundation and early management of the National Public Order Intelligence Unit and the interactions of its officers with private sector investigators before and after EN26 retired from police service cannot be fully investigated unless EN26 gives evidence in public and others have the opportunity to give evidence about EN26. For both to occur, the real name of EN26 must be made public.

### EN28

*I refuse to make a restriction order in respect of the real name of EN28.*

3. The reasons are fully set out in open [‘Minded to’ note 3](#) (dated 15 November 2018) and in the accompanying closed note dated 5 September 2018.

### EN29

*Neither the real nor cover name can be published.*

4. The reasons are fully set out in open ‘Minded to’ note 3.
5. The [submissions](#) made on behalf of the non-state core participants dated 11 June 2021 are, of necessity, made without knowledge of the detailed material upon which those reasons are based. The assertion that “there is no risk attached to the disclosure of EN29’s cover name” is, in my judgement, wrong. The risk arises from criminal investigations in which EN29 has participated and remains significant. It would not be justified to run that risk on the off chance that disclosure of the cover name might prompt recognition by those whom EN29 may have encountered during service with the National Public Order Intelligence Unit.

### EN30

*The real name cannot be published.*

6. The reasons are fully set out in the closed note dated 2 November 2018. Of necessity, they cannot be, and have not been, addressed by the non-state core participants in their submissions dated 11 June 2021.

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### EN31

*I refuse to make a restriction order in respect of the real name of EN31. I also refuse to order the preparation of a further risk assessment.*

7. The reasons for the restriction order are fully set out in open 'Minded to' note 3.
8. For reasons set out in a closed note dated 1 September 2021, I have rejected an application that I should require the National Police Chief's Council to undertake a further risk assessment in respect of EN31.

### EN32

*The real name cannot be published.*

9. The open reasons for the decision are those set out in open 'Minded to' note 3 and have not changed.
10. The reasons of public interest set out in the closed note dated 5 September 2018 remain in substance the same, despite a change since then in EN32's circumstances. A further closed note accompanies this ruling.

### EN49

*The real name cannot be published.*

11. The reasons for the decision are set out in open 'Minded to' note 3 and the closed note dated 7 September 2018. Of necessity, the non-state core participants cannot address those reasons.

### EN50

*I refuse to make a restriction order in respect of the real name of EN50.*

12. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 6 September 2018.

### EN51

*The real name cannot be published.*

13. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 6 September 2018. The non-state core participants submissions do not address the decision made.

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### EN52

*The real name cannot be published.*

14. Since 'Minded to' note 3 was published, I have been provided with further information about the current and likely future activities of EN52/HN367. They include duties performed in the public interest which cannot be identified in this ruling and which require that the real name is not made public.
15. Evidence about the duties performed by EN52 in the Special Demonstration Squad and National Public Order Intelligence Unit will be given under a cypher, but in public to the extent consistent with the safety of others.
16. These reasons are explained and supplemented in a closed note.

### EN53

*The real name cannot be published.*

17. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 7 September 2018.

### EN54

*I will not make a restriction order in respect of the real name of EN54.*

18. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 7 September 2018 and because in a note dated 15 November 2018 EN54 indicated that he would not resist the disclosure of his real name.

### EN291

*The real name cannot be published.*

19. The reasons for the decision are set out in open 'Minded to' note 3. Dr Busuttil has since confirmed his opinion after a further consultation and reading EN291's medical notes in a medical report dated 9 June 2019.

### EN407

*I will not make a restriction order in respect of the real name of EN407.*

20. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 2 November 2018.

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### EN506

*The real name cannot be published.*

21. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 2 November 2018.

### EN508

*The real name cannot be published. I refuse to make an order in respect of the cover name of EN508.*

22. The reasons for the decision are set out in open 'Minded to' note 3 and in the closed note dated 7 September 2018.
23. The Inquiry will fulfil its statutory duty to afford access to its open proceedings to "reporters". If, contrary to my understanding, Guardian News and Media are [submitting](#) that this imposes on the Inquiry a duty not to make a restriction order in respect of the real name of a deployed undercover officer, I do not accept that submission. I am required by section 6 Human Rights Act 1998 to determine whether the interference which publication of the real name would occasion with the right to respect for the private and family life of EN508 is justified under Article 8(2) of the European Convention on Human Rights. I have concluded, for the reasons given, that it would not be.

01 September 2021

Sir John Mitting  
Chairman, Undercover Policing Inquiry