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## COUNSEL TO THE INQUIRY'S EXPLANATORY NOTE TO ACCOMPANY THE FOURTH 'MINDED TO' NOTE IN RESPECT OF APPLICATIONS FOR RESTRICTION ORDERS OVER THE REAL AND COVER NAMES OF OFFICERS OF THE NATIONAL PUBLIC ORDER INTELLIGENCE UNIT AND ITS PREDECESSOR/SUCCESSOR UNITS

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### Applications

1. On 18 January 2022, the Chairman published a fourth 'Minded To' note ([Minded To Note 4](#)) regarding applications for restriction orders over the real names of a number of individuals who carried out senior management roles in connection with the deployment of undercover police officers seconded to the National Public Order Intelligence Unit or other senior roles as a result of which it considered likely that those individuals will have relevant evidence to give to the Inquiry.
2. The purpose of this Explanatory note is to summarise:
  - a. The provisional decisions made by the Chairman to date, as set out in Minded To Note 4 dated 18 January 2022; and
  - b. The Inquiry's approach to receiving and determining the applications for anonymity made by those individuals who are the subject of Minded To Note 4.

### The 'Minded to' position and overview

3. The position set out in the Chairman's Minded To Note 4, dated 18 January 2022, is as follows:

| Nominal | Position  |
|---------|---|
| EN59    | The real name cannot be published. I refuse to make a restriction order in respect of the name by which he was known during his police service. |
| EN69    | The real name cannot be published.  |
| EN107   | I refuse to make a restriction order in respect of the real name.   |
| EN108   | The real name cannot be published.  |
| EN121   | The real name cannot be published.  |
| EN292   | The real name cannot be published.  |
| EN401   | The real name cannot be published.  |
| EN433   | The real name cannot be published.  |

## UNDERCOVER POLICING INQUIRY

| Nominal | Position                           |
|---------|------------------------------------|
| EN447   | The real name cannot be published. |
| EN620   | The real name cannot be published. |

4. A summary background to the National Public Order Intelligence Unit is set out in paragraphs 12 to 14 inclusive of Counsel to the Inquiry's [explanatory note](#) which accompanied the first 'Minded To' note, in respect of National Public Order Intelligence Unit anonymity applications, dated 2 May 2018.
5. The Chairman has previously considered and ruled upon applications for anonymity made on behalf of (i) undercover officers who were deployed for significant periods of time by the National Public Order Intelligence Unit; and (ii) officers who acted as cover officers<sup>1</sup> for the National Public Order Intelligence Unit: see [ruling dated 30 October 2018](#) and [ruling dated 1 September 2021](#).
6. As set out above, this part of the anonymity exercise in relation to undercover policing carried out by the National Public Order Intelligence Unit has focused on individuals who performed either senior management roles within the National Public Order Intelligence Unit or other senior roles as a result of which it is considered likely that those individuals will have relevant evidence to give to the Inquiry.
7. As a result of its investigations carried out to date, the Inquiry identified 27 individuals who carried out such roles and from whom the Inquiry considered it likely that evidence would be sought. Each of those 27 individuals was given the opportunity of making an anonymity application. In many instances, no such application was made. However, anonymity applications were received from the ten individuals who are the subject of the Chairman's Minded To Note 4. It is important, therefore, to note the context in which these ten minded-to decisions in Minded To Note 4 sit: these ten individuals form only a part of the cohort of individuals from whom the Inquiry is likely to take evidence regarding the management of undercover policing operations carried out by the National Public Order Intelligence Unit.
8. In terms of progress, therefore, the Chairman's Minded To Note 4 contains the final set of anonymity decisions in respect of undercover policing carried out by the National Public Order Intelligence Unit. Of course, if the Inquiry considers in due course, as a result of its ongoing investigations, that any other individual should be asked to provide evidence, then further anonymity applications may need to be considered in the future on a case by case basis.

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<sup>1</sup> A cover officer is an officer allocated to an undercover officer, who is responsible for matters such as security and welfare. For security reasons, a cover officer may be provided with a cover identity to preserve the sterile corridor between the undercover officer and the relevant operational unit.

### **The Inquiry's approach to receiving and determining these applications for anonymity**

9. An explanation of the Inquiry's approach to receiving and determining applications for anonymity made on behalf of officers seconded to the National Public Order Intelligence Unit is set out in paragraphs 15 to 22 inclusive of Counsel to the Inquiry's [explanatory note](#) which accompanied the first 'Minded To' note, in respect of National Public Order Intelligence Unit anonymity applications, dated 2 May 2018.
10. An explanation of the Inquiry's approach to receiving and determining applications for anonymity made on behalf of officers who acted as cover officers for the National Public Order Intelligence Unit is set out in paragraphs 10 and 11 of Counsel to the Inquiry's [explanatory note](#) which accompanied the third 'Minded To' note, in respect of National Public Order Intelligence Unit anonymity applications, dated 15 November 2018. That explanatory note explains why anonymity applications from National Public Order Intelligence Unit cover officers are being treated by the Inquiry as real name only applications.
11. The anonymity applications which are the subject of the Chairman's Minded To Note 4 are 'real name only applications'. Those individuals did not use cover identities in the roles which have resulted in the Inquiry identifying them as persons from whom the Inquiry is likely to wish to take evidence.
12. Following any hearing which is required following publication of the Chairman's Minded To Note 4, and prior to the media and any core participant who wishes to take issue with these proposed orders being required to submit written representations, the Inquiry will publish OPEN versions of the relevant application material. For the avoidance of doubt, in respect of real name only applications, where the Chairman is minded to restrict the real name, the Inquiry will publish OPEN versions of both the applications and the supporting evidence. This approach is consistent with the Chairman's [statement](#) on anonymity applications, dated 22 February 2018, which was issued following the Inquiry's consultation in respect of the process of applying for and determining anonymity applications.

STEVEN GRAY

18 January 2022