

Sensitive Information

This protocol addresses:

- what categories of evidence, information and documents are regarded as sensitive and so must be heard in private and cannot be released into the public domain.

The Inquiry has agreed with HMG procedures for releasing into the public domain, or making public reference to, evidence, information and documents provided to it by HMG or by serving or former public servants. Those procedures are intended to avoid the release of anything the disclosure of which would, or would be likely to:

- a. cause harm or damage to the public interest, guided by the normal and established principles under which the balance of public interest is determined on grounds of Public Interest Immunity in proceedings in England and Wales, including, but not limited to,
 - i. national security, defence interests or international relations;
 - ii. the economic interests of the United Kingdom or of any part of the United Kingdom;
- b. endanger the life of an individual or otherwise risk serious harm to an individual;
- c. make public commercially sensitive information;
- d. breach the principle of legal professional privilege (LPP);
- e. prejudice, in the case of legal advice (following any voluntary waiver of LPP) rather than material facts, the position of HMG in relation to ongoing legal proceedings;
- f. breach the rules of law which would apply in proceedings in England and Wales under the provisions of Section 17 of the [Regulation of Investigatory Powers Act 2000](#);
- g. breach the rules of law applicable to the disclosure of information by the Security Service, SIS or GCHQ, the third party rule governing non-disclosure of intelligence material or other commitments or understandings governing the release of sensitive information;
- h. breach the [Data Protection Act 1998](#); or
- i. prejudice the course or outcome of any ongoing statutory or criminal inquiry into matters relating to the information proposed for release.

Addendum (added 5 January 2010)

This addendum to the Protocol addresses the circumstances in which the Chairman will order that up to one minute of footage should not be broadcast. This will only occur where evidence given, if broadcast, would or would be likely to:

- a. cause harm or damage to national security;
- b. endanger the life of an individual or otherwise risk serious harm to an individual.

Broadcasting of public hearings will not be suspended in any other circumstances or to protect any material that does not fall into either of the categories above. The decision to suspend the broadcast of footage is that of the Committee Chairman.

Where the broadcast is suspended, a transcript of the hearing will be published as soon as practicable, usually the evening that the evidence was given. Only that part of the evidence that falls into the categories above will be redacted from the transcript. Any part removed from the transcript will be visibly redacted on the face of the transcript.