

Southport Inquiry

PROTOCOL ON THE REDACTION OF DOCUMENTS

Introduction

1. This Protocol sets out the approach the Inquiry will take to the redaction of documents.
2. This Protocol should be read in conjunction with the Inquiry's 'Protocol for the Receipt and Handling of Documents' and 'Protocol on Applications for Restriction Orders'.
3. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol. Further, this Protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.

Aims

4. This Protocol is designed to ensure that Material Providers and Core Participants understand how the Inquiry will prepare documents for disclosure and publication during the course of the Inquiry.

Definitions

5. In this Protocol:

“AR” means Axel Rudakubana, the perpetrator of the attack;

“Document” means anything in which information of any description is recorded, whether in paper or in electronic form;

"Redaction" – is the removal of information from a document, usually by obscuring text in a way that makes it clear that the information has been redacted. Redactions will be embedded in the disclosed document in such a way to ensure that it is not technically possible to see beneath it;

"Disclosure" – is the making of relevant documents available to Core Participants and (if required) to persons from whom the Inquiry proposes to take evidence. Material is disclosed to the Core Participants subject to a strict undertaking to the Inquiry of confidentiality by recipient (and their legal representative) not to reveal the contents to third parties who have not signed

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undertakings unless and until the material is published during the course of Inquiry hearings;

“CP” means Core Participant;

“Material Provider” means any person, institution or organisation, which has been asked to provide documents to the Inquiry or which has provided documents to the Inquiry (and includes any CP who has been asked or required to provide documents to the Inquiry). For the avoidance of doubt, it includes His Majesty’s Government and any Department of State or Minister of the Crown;

“Restriction Order” – is the name given to an order made under section 19 of the Inquiries Act 2005 (‘the Act’) which restricts disclosure or publication of information.

Process

6. The Inquiry will operate a three-stage disclosure process.

First stage:

7. First, it will make requests from Material Providers for documents which are considered to be of potential relevance to its Terms of Reference. The scope of each request will be set by the Inquiry's legal team.
8. All documents must be provided in electronic form where possible, with the electronic version retaining all original features and data associated with the original document.
9. Where documents for any reason cannot be produced in electronic form, the document produced should be the original or, if the original is not available, the best available copies, intact and in unredacted form.
10. The provision of documents must not be delayed on the basis of Material Providers seeking redactions to material.
11. Material providers are reminded that section 35(3) of the Act makes it an offence to intentionally suppress or conceal a document which the Inquiry is likely to wish to obtain, or to alter or destroy such a document.

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Second stage:

12. The Inquiry's legal team will review the documents provided to identify those which are relevant. It is for the Inquiry's legal team alone to determine the relevance of any particular document. Any document which is identified as relevant will be disclosed to CPs, subject to the application of any redactions made by the Inquiry. The Inquiry's approach to making redactions is set out at paragraphs 13 – 20 below.

Third stage:

13. Before documents are disclosed to CPs, the Inquiry will share such documents with the relevant Material Provider who will be given an opportunity to review and approve any redactions applied and identify any further redactions sought. The Inquiry's legal team cannot be responsible for identifying sensitivities which are specific to a Material Provider and expects these to be brought to the Inquiry's legal team's attention by the Material Provider at this stage.
14. The Inquiry's legal team will consider each request for further redactions and will either:
 - a. agree the request for further redaction, apply such redaction and then disclose the document(s) to CPs;
 - b. reject the request for further redaction, in whole or in part. In such circumstances, the Material Provider will be given a short opportunity to apply for a Restriction Order to prevent disclosure of the information which it seeks to redact. Please refer to the Inquiry's 'Protocol on Applications for Restriction Orders in relation to Documents' for further information.
15. The required reporting time of the Inquiry is such that only a short period can and will be allowed for Material Providers to respond to the stages set out above, and they must resource those working on the Inquiry accordingly.
16. The Inquiry expects Material Providers to adopt a measured approach when seeking redactions. The Inquiry will redact documents only where the case for redaction is properly made out. Material Providers should have regard to the relevant provisions of the Act and other relevant legislation. By section 18 of the Act the Chair is obliged to take reasonable steps to ensure that members of the public are able to view documents provided to the Inquiry, subject to any restriction imposed under section 19 of the Act.

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Redactions

17. Documents, or parts of documents, provided to the Inquiry may need to be withheld or redacted prior to disclosure to CPs. This may include content within documents which:
 - a. requires redaction to comply with Anonymity Orders made;
 - b. is considered to be both irrelevant to the Inquiry's Terms of Reference and sensitive;
 - c. constitutes personal data within the meaning of UK data protection legislation, further disclosure of which is prohibited by that legislation;
 - d. is subject to a Restriction Notice under section 19(2)(a) of the Act; is subject to a Restriction Order made under section 19(2)(b) of the Act; in the case of category 17(a) above, Anonymity Orders made by HHJ Menary KC on 1/8/2024 and Goose J on 23/1/2025 remain in place which prevent the reporting of certain identifying details (e.g. the names and details of both physical and psychological victims). The Inquiry is required to comply with these orders and will redact and/or anonymise the details which are subject to those orders before materials are published on its website or otherwise made public;
 - e. or includes the "mugshot" of AR which is publicly available and has been described by those affected by the attack as re-traumatising.
18. Where the Inquiry decides to redact 'irrelevant and sensitive' information (category 17(b) above), personal data (category 17(c)) or pursuant to the anonymity orders (category 17(f)), it will do so without the need for any restriction order or anonymity application. The Inquiry will decide whether any redaction is required on a case-by-case basis.
19. The Inquiry is a data controller with obligations under the UK GDPR and the Data Protection Act 2018. It will review all documents prior to their disclosure to ensure compliance with this legislation and aim to ensure that a consistent approach to the redaction of personal data is applied. The Inquiry's approach to the redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure. The Inquiry proposes to remove the following categories of personal data from all materials provided to Core Participants:

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a. Personal data

'Personal data' means any information relating to an identified or identifiable living Person (the 'data subject').

Examples of personal data include a person's:

- personal email addresses;
- address; and
- date of birth.

'Personal data' also includes photographs of the person and other biographical information.

b. Special category data

The GDPR refers to sensitive personal data as "special categories of personal data" (Article 9). These categories are considered to be more sensitive, and it is particularly important to consider the necessity of their disclosure. 'Special category data' includes data about an individual's:

- race;
- ethnic origin;
- politics;
- religion;
- trade union membership;
- health;
- sex life; or
- sexual orientation.

Personal data relating to criminal convictions and offences (including allegations of offences) is similarly sensitive, and the Inquiry will only disclose it where there is a particular legal basis to do so.

20. The basis for all redactions applied by the Inquiry will be identified on the face of the redaction itself to ensure all CPs are aware of the reason for it having been applied. For example, the Inquiry intends that redactions applied to personal data will have the text "DPA", for irrelevant and sensitive information "I&S", for anonymity "anon" and "mugshot" for the mugshot.

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11 June 2025.