Third Minded to Note

"Minded To" Indication on the Applications by Telegram and Roblox for a Restriction Order and Special Measures

"Minded to" notes

1. Where he considers it conducive to:
    a. The Inquiry fulfilling its Terms of Reference (including reporting on time);
    b. Obtaining the views and ensuring the fair participation of the Core Participants and media,

    the Chair may issue "minded to" notes providing provisional views.

2. Where a "minded to note" is issued, there will be provision (in the Chair's discretion) for one or both of:
    a. Submissions in writing from Core Participants and the media;
    b. Oral submissions.

3. In responding to "minded to" notes, the Chair encourages all those involved in the Inquiry to work constructively with him and the Inquiry Legal Team to ensure:
    a. That the Terms of Reference of the Inquiry (including reporting on time) are met;
    b. That appropriate procedures are adopted which recognise the need: to act fairly towards the victims and all witnesses and Core Participants; for the Inquiry to be open and transparent; for Core Participants to be meaningfully involved and able to participate; to minimise cost and delay.

Introduction to the Telegram Application

4. This is a "minded to" note on an application for a restriction order and special measures for the witness for Telegram Messenger Inc ("Telegram") when giving evidence to the Inquiry. For the purposes of this "minded to" note, I assign the witness the cipher Witness A.

5. Telegram has applied for anonymity and special measures for Witness A through an application which is supported by a CLOSED witness statement. Core Participants and accredited members of the media have been provided with the application and CLOSED witness statement on a confidential basis, and

subject to the redaction of Witness A's name. This "minded to note" will be published on the Inquiry website.

6. The following orders are sought:

> "34.1 the Applicant's name, image and other information liable to identify the Applicant shall not be published by the Inquiry;
>
> 34.2 the Applicant shall be allocated a cipher for use in publicly disclosed statements, documents and transcripts; and
>
> 34.3 if the Applicant is called to give oral evidence, proportionate measures shall be adopted to prevent public identification, which may include screening, remote evidence or such other measure as the Chair considers appropriate."

Discussion

7. The legal framework has been set out in full in the Decision on the Applications for Special Measures for the clinicians at Alder Hey Children's NHS Foundation Trust dated 1 September 2025. In order to grant the proposed anonymity orders there must be a compelling and convincing justification for restricting the reporting of Witness A's name, given the importance of freedom of expression as a critical part of the underpinnings of our democratic society when balanced against the private and family lives of the applicant.

8. The effectiveness of this process and the reassurance provided to the public will be markedly reduced if the proceedings are in private or if those who provide evidence are anonymous. Accountability is an important element of the Inquiry's evidence, even in Phase 2 where the Inquiry is not considering a single set of facts but is nevertheless giving close scrutiny to the issue of online harms and the role that technology platforms play in addressing them.

9. On the other hand, giving evidence can be an anxious process for witnesses, and the judicial body conducting the proceedings should provide relevant and necessary protections, based on properly presented and persuasive evidence as to what is reasonably required. Moreover, the Inquiry cannot breach a witness's rights under Articles 2 and 3 and must balance the rights of a witness under Article 8 against the Article 10 rights of the media and at common law.

10. The Chair has carefully considered the application. Witness A goes to significant lengths to ensure that their identity and role are not public knowledge. This is a strong demonstration of the extent of their concerns. Their name is not linked to Telegram in open source materials, nor in the knowledge of those outside their

colleagues, close friends and family. Telegram itself also takes steps to protect the identities of its employees. If the Inquiry were to publish Witness A's name then those steps will no longer be effective. As the application identifies, once that association has been made, it cannot effectively be withdrawn.

11. In terms of whether that risk has a compelling and convincing justification, the supporting evidence provided is in large part generic, and in some cases historic. Nevertheless, the issues raised could foreseeably apply to the circumstances of Witness A, given their role and profile at Telegram. The evidence demonstrates that Telegram does have a different risk profile to many other technology platforms. It evidences the risk of transnational repression (activity directed by foreign states against individuals) to persons in positions similar to Witness A. This could include intimidation, doxxing, phishing, social engineering, surveillance or other hostile targeting and potentially physical harm. Furthermore, there is anecdotal evidence of the targeting of a Telegram colleague of Witness A.

12. The Chair is not persuaded that the high threshold of engaging Article 2 is established. There is no evidence of Telegram staff's lives being put at risk. It is possible that Article 3 is engaged but that is not established on the balance of probability. Nevertheless, the Chair is provisionally satisfied that Article 8 is engaged on the basis of the impact that revealing Witness A's identity would have on their private and family life. There is a real prospect of harassment of them, their family and their colleagues. In addition, although the application does not specifically refer to this, should Witness A's identity become widely known, then their future career with Telegram, or in other similar roles, may be jeopardised. Finally, there are public interest reasons based on the necessary protection of freedom of speech for those using Telegram under oppressive regimes.

13. The Chair has balanced those risks carefully against the fundamental principle of open justice and the Article 10 rights of the media. While recognising the importance of these, the balance does not come down in their favour. Witness A is not a witness of fact of the kind that the Inquiry heard in Phase 1 and their evidence may be subject to scrutiny even in the absence of their identity being available to those following and reporting on the Inquiry.

14. The impacts on open justice and Article 10 can be mitigated by the provision of Witness A's CLOSED statement to Core Participants and accredited members of the media, subject to a condition of confidentiality and the redaction of Witness A's name. The Chair is mindful that the risk faced by Witness A is from hostile states and therefore of the view that this is a proportionate measure. It will allow the application to be appropriately scrutinised and Witness A's circumstances to

be known to Core Participants, to the extent this does not lead to the risks that the application is designed to protect. The Chair accepts Telegram's submission that it should not be distributed more widely than is necessary and considers that Core Participants and the accredited media can appropriately scrutinise Witness A's evidence and application without knowing their name. Nevertheless, Witness A's identity cannot be made public.

15. Core Participants and the media can make submissions on this proposed approach in response to this "minded to" note.

Conclusion on the Telegram Application

16. Having regard to these considerations, the Chair is minded to make a Restriction Order in the following terms:

> "a. If Witness A is called to give evidence:
>
> i. They shall be anonymised and referred to as Witness A.
>
> ii. They shall be screened from members of the public but will be visible to the Chair, Counsel to the Inquiry, Core Participants and their legal representatives and accredited media.
>
> iii. There shall be no public broadcast of their evidence. This will not preclude the publication of transcripts of their evidence.
>
> b. Whether or not Witness A is called to give evidence, there shall be no publication of their name or such information as would likely result in their identification."

The Roblox Application

17. By two consecutive applications, Roblox seeks:
    a. Anonymity for the employee of Roblox who provided the first witness statement in response to the Inquiry's request for a statement from Roblox under Rule 9 of the Inquiry Rules 2006 ("Witness B");
    b. Special measures for the employee of Roblox who provided a second witness statement, Ms Katie Stevens. Ms Stevens seeks to give evidence remotely and that any evidence concerning information that is subject to a Type 1 restriction order be heard in private.

18. The legal principles for the anonymity application are the same as those set out above in relation to Telegram (and set out in full in the Decision on the

Applications for Special Measures for the clinicians at Alder Hey Children's NHS Foundation Trust dated 1 September 2025).

19. The Roblox application sets out that Witness B has previously been a victim of "doxxing" and online targeting, as a result of their work. It therefore engages, at the least, Witness B's rights under Article 8 and at common law. Moreover, the relevance of Witness B's identity has receded because Ms Stevens has now provided a statement in which she confirms that she oversees Witness B's team, has a good understanding of the matters addressed in Witness B's statement and is able to provide evidence to the Inquiry in relation to those matters. Both Witness B and Ms Stevens are giving evidence on behalf of Roblox and are not, themselves, witnesses of fact. In those circumstances, where Ms Stevens can give the same evidence without seeking anonymity, the Chair is minded to grant Witness B anonymity on a Type 1 basis. This means that Core Participants will be able to see Witness B's identity but on a confidential basis and their identity may not be referred to in public. In these circumstances, the Chair does not consider it necessary to provide the application to the media in order to receive any submissions in response to the minded to decision.

20. The Chair is prepared to permit Ms Stevens to give evidence remotely. The Inquiry has heard evidence remotely, including from X's witness due to logistical challenges in Phase 1, which did not cause insurmountable problems. In the circumstances of Ms Stevens, it is proportionate that she gives evidence remotely, given the issues to her professional work attending in person would cause, and the likely duration of her evidence, set against the issues caused by hearing remote evidence.

21. The Inquiry will hear evidence on behalf of a number of American technology companies under Topic 2 and does not wish to encourage further applications for remote evidence from all witnesses based abroad. The Chair considers that evidence in person is preferable but will consider each application on its own individual merits.

22. The Chair is minded to order that Roblox's evidence concerning information that is subject to a Type 1 Restriction Order be heard in private. This is the consistent with the usual position for Type 1 Restriction Orders. The Inquiry has not thus far needed private hearings to deal with Type 1 material and will seek to avoid the need to do so where possible, including by way of OPEN gist of Type 1 material. Nevertheless, the Inquiry can sit in private where necessary and appropriate.

Invitation to make submissions

23. The Chair wishes to emphasise that the indications given above are only "minded to" indications and are subject to submissions that may be made.

24. Submissions are invited from Core Participants, Telegram, Roblox and the media on the "minded to" indications given above.

25. The Chair requests that such submissions should:
    a. be provided by no later than 4 pm on 5 November 2026;
    b. be in Word Format;
    c. be concise and should not generally exceed 15 pages in length;
    d. should only cite authorities insofar as it necessary to establish the proposition of law the authority establishes.

Southport Inquiry

29 October 2026