

PROTOCOL – ANONYMITY OF WITNESSES

1. This Protocol deals with questions of anonymity of witnesses and related matters.
2. As previously indicated in earlier Protocols, this is a Public Inquiry and, as far as possible, it will conduct its business in an open manner. Accordingly, as a general rule, all witness statements and other relevant documents to be considered by the Inquiry will be distributed to represented parties, referred to at the Inquiry's public hearings and thereafter published on the Inquiry's website. Personal information, other than that relating to the name and designation of a witness, such as private addresses, telephone numbers, contact details or other information that might identify where an individual resides, will never be disclosed and will always be redacted or removed from statements or documents.
3. Any person providing a witness statement to the Inquiry who considers that as an individual s/he should be granted anonymity, or any person or organisation who considers a person or persons named in documents to be considered by the Inquiry should be redacted, should notify the Inquiry of this. The procedure with regard to witnesses and persons named in documents are dealt with separately below.

WITNESSES

4. Any witness who considers s/he should be granted anonymity must make a written application to the Inquiry for anonymity and set out in full their reasons in support of that claim. An application should also be supported by any relevant evidence in support e.g. medical evidence. A claim for anonymity by an individual witness must be made by the person concerned and not by an employer on his/her behalf. An employer may only support an employee's application.
5. All applications will be considered by the Inquiry Panel on a case by case basis, and all parties who have been granted representation will be consulted. The Inquiry Panel will consider all of the evidence and submissions and will make a decision on the merits of each case. The Inquiry Panel will also decide whether or not an oral hearing is needed in any case.
6. In considering applications for anonymity, the Panel will take account of all relevant matters, including:-
 - 1) The principle of Open Justice.
 - 2) Whether the applicant's name has already entered the public domain.

- 3) The level of any risk to the applicant that may arise through his/her name entering the public domain.
 - 4) The rights of the witness.
 - 5) The applicant's involvement in the matters under investigation, and whether there is a public interest in his/her name being known or not being known.
7. Any person making an application for anonymity must also consider whether if s/he is called to give oral evidence, s/he should be permitted to give his/her evidence behind screens, thereby disclosing his/her identity to the Inquiry Panel and legal representatives only. The use of screens can be an alternative to anonymity, in that although a person's name becomes known, his/her identity does not. The use of screens can also be additional to anonymity.
8. Any grant of anonymity will be subject to review by the Inquiry Panel throughout the Inquiry proceedings. The individual concerned will be notified and given the opportunity to make further representations should the proposal be to review anonymity that has previously been granted.

PERSONS NAMED IN DOCUMENTS

9. Any witness who has been granted anonymity in accordance with Paragraphs 4 to 6 above will automatically have his/her name removed from any documents to be considered by the Inquiry including the witness statements of other witnesses.
10. Other names will appear in documents to be used and published by the Inquiry (witness statements and other material), and if any person or organisation considers a name or names should be redacted or removed before distribution and publication, a written application must be made to the Inquiry, setting out full reasons and providing any evidence in support of the claim.
11. All applications will be considered by the Inquiry Panel, and all parties who have been granted representation will be consulted. The Inquiry Panel will consider all of the evidence and submissions and will make a decision. The Inquiry Panel will also decide whether or not an oral hearing is needed in any case.
12. In considering applications for the removal of names from documents the Inquiry will consider the relevance of the names to the matters under investigation. If the names are considered not relevant they will be redacted or removed.