

Grenfell Tower Inquiry

Protocol for the Redaction of Documents for Phase 2 of the Inquiry

Introduction

1. This Protocol sets out the approach that will be taken by the Inquiry to the redaction of documents for Phase 2 of the Inquiry. Its purpose is to ensure that providers of documents (“PoDs”) understand how the Inquiry will deal with documents it intends to publish.
2. This Protocol should be read in conjunction with the Protocol relating to Receipt and Handling of Documents.
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.

Documents

4. All documents must be provided in electronic form where possible.
5. All documents provided to the Inquiry must be originals or, if the original is not available, the best available copies, intact and in unredacted form. Provision must not be delayed on grounds that the PoD seeks redactions.
6. The Inquiry will be using an online document management review system. Electronic documents should be provided either in their native format, for example Microsoft Word, Microsoft Excel, MSG email files/PST email containers, or by converting any proprietary file formats to Adobe PDF.
7. When the Inquiry has decided which documents it intends to disclose to core participants with a view to putting them in evidence it will inform the PoD in accordance with paragraph 12 of this Protocol, so that it may indicate which part or parts of the document (if any) it seeks to have redacted. Reasons must be given for each proposed redaction.
8. The Chairman will consider all requests for redaction. If he does not consider that grounds for redaction have been made out, he will notify the PoD before the document in question is disclosed to the core participants.

9. The Inquiry expects PoDs to adopt a measured approach when seeking redactions. The Inquiry will redact documents only where the case for redaction is properly made out. PoDs should have regard to the relevant provisions of the Inquiries Act 2005 (the “2005 Act”) and other relevant legislation. By section 18 of the 2005 Act the Chairman 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 2005 Act.
10. Documents which may be put in evidence will be disclosed to core participants with such redactions as may have been approved by the Chairman. They will be available for use in evidence in redacted form and will be published in that form on the Inquiry’s website following the hearing.

Personal Data

11. The Inquiry will review all documents before disclosure to ensure that it complies with its own obligations under the General Data Protection Regulation and the Data Protection Act 2018. The Inquiry’s approach to redaction of personal data is governed by the relevance of that data to the Inquiry and the necessity of its disclosure, save where express consent for the disclosure or publication of the personal data has been provided by the data subject or their representative.
12. At Phase 2, the Inquiry will apply redactions for personal data to all documents prior to disclosure. PoDs will be provided with a marked up version of the document for review at that stage. Where a PoD identifies any personal data which has not been redacted and wishes to apply for its redaction on the grounds that its disclosure is not relevant and necessary for the purposes of the Inquiry, an application must be made in writing to the Solicitor to the Inquiry within the deadline set for review of the document.
13. The Inquiry will normally treat as personal data information such as private addresses, private telephone numbers and dates of birth. Such information will be redacted without the need for any restriction order or order for anonymity.
14. Anyone who contends that a document produced or provided to the Inquiry should be anonymised or redacted otherwise than in accordance with the preceding paragraphs of this Protocol may make an application to the Chairman in writing. Any such application must be addressed to the Solicitor to the Inquiry, include a copy of the document in question marked up with the proposed redaction(s) and must contain a brief statement of the grounds on which it is made.
15. Paragraph 14 of this Protocol is without prejudice to the right to apply for a restriction order under section 19 of the 2005 Act.

Issued under the authority of the Chairman on 7 December 2018