

**TYPE 1 RESTRICTION ORDER:
DISCLOSURE OF OPERATIONALLY SENSITIVE CONTENT TO CORE
PARTICIPANTS (ACCESS ON MAGNUM)**

**RESTRICTION ORDER PURSUANT TO SECTION 19 OF THE INQUIRIES ACT
2005**

This Restriction Order is made pursuant to section 19(1) of the Inquiries Act 2005 (“the Act”) and binds all members of the public and media, including Core Participants (“CPs”).

Any threat to break such an order, or any breach of it, can be certified to the High Court or Court of Session under section 36 of the Act, and the Court will deal with it as though the breach had occurred in proceedings before that Court.

IT IS ORDERED THAT:

A. General

1. This Order is made on 19 February 2020 and remains in force indefinitely.
2. The Chairman may vary or revoke this Order by making a further order at any point.
3. Any breach of this Order by any means whatsoever shall be notified in writing to the Solicitor to the Inquiry (“STI”) immediately upon identification of the breach.

B. Documents

4. The documents included in the **SENSITIVE MATERIAL FILE** on Magnum (as defined in this Order) will be disclosed to CPs in two formats:
 - a. **OPEN** – These documents have been redacted to remove operationally sensitive content and/or irrelevant and sensitive content and/or content that is subject to the Data Protection Act 2018. The reasons for each redaction are specified in the document. (“The **OPEN** documents”)

- b. **SENSITIVE** – These documents contain only the operationally sensitive content that has been redacted from the **OPEN** version of the document. (“The **SENSITIVE** documents”)
5. The documents included in the **SENSITIVE MATERIAL FILE** may be varied by the Chairman.
6. Subject to this Order, no person may reveal, disclose, share or publish the operationally sensitive content contained within the **SENSITIVE** documents.
7. Subject to paragraph 6 above, the **OPEN** documents are not otherwise restricted by this Order.
8. The restriction imposed by paragraph 6 above does not apply where publication or disclosure is required by law, or to:
 - a. The person who gave, produced or provided the document to the Inquiry.
 - b. Any member of staff of the Inquiry (which expression includes counsel to or instructed by the Inquiry, and is to be broadly construed), where the disclosure or publication is to another member or members of the staff of the Inquiry, or to an expert to the Inquiry, or to any person carrying out processing of information on behalf of the Inquiry whilst and only whilst doing so, and is for the purposes of the Inquiry.

C. Access to the SENSITIVE documents

9. Access to the **SENSITIVE** documents is restricted as follows:
 - a. Recognised legal representatives (“RLR”) and those working for a RLR on behalf of a CP (collectively referred to as "Authorised Persons") will be provided with access to all of the **SENSITIVE** documents through a designated file on Magnum, subject to the terms of this Order at paragraphs 9b-d below. The designated file on Magnum is entitled **SENSITIVE MATERIAL FILE**.

- b. Only Authorised Persons are permitted access to the **SENSITIVE MATERIAL FILE**. For the avoidance of doubt, Authorised Persons are not permitted to share their Magnum access with any other person for any reason whatsoever.
- c. RLRs shall notify STI in writing of the names of those Authorised Persons that require access to the **SENSITIVE MATERIAL FILE**. Written authorisation from the Chairman is required before an Authorised Person is permitted access to the **SENSITIVE MATERIAL FILE**.
- d. All Authorised Persons granted access to the **SENSITIVE MATERIAL FILE** must have returned a signed copy of the Inquiry's Confidentiality Undertaking to STI.
- e. The **SENSITIVE** documents must not be printed, downloaded, copied, photographed or otherwise replicated or saved by any means whatsoever.
- f. Subject to this Order, the content of the **SENSITIVE** documents must not be revealed, disclosed, shared or published by any means whatsoever. However, this Order shall not prevent discussion or sharing of the content of the **SENSITIVE** documents (insofar as the same does not breach paragraphs 9(e) and 10 of this Order) between Authorised Persons, CPs, any member of staff of the Inquiry (which expression includes counsel to or instructed by the Inquiry, and is to be broadly construed), and experts instructed by the Chairman, where such discussion is related to and / or for the purposes of the Inquiry.

10. In respect of access to the **SENSITIVE MATERIAL FILE**, the following provisions apply:

- a. The **SENSITIVE MATERIAL FILE** shall not be accessed / viewed on a mobile phone.

- b. The **SENSITIVE MATERIAL FILE** shall not be accessed / viewed on any device connected to the internet on a public wireless network or a non-secured wireless network.
- c. The **SENSITIVE MATERIAL FILE** shall not be accessed / viewed in a public place. This does not prevent accessing / viewing of the **SENSITIVE MATERIAL FILE** in the Inquiry hearing room and in conference rooms / meeting rooms at the Inquiry hearing venue and the family conference centre.

D. Use of the SENSITIVE documents

11. Use of the **SENSITIVE** documents is restricted as follows:

- a. An Authorised Person can show the **SENSITIVE** documents to a CP. Where the CP is an organisation or public body, the Authorised Person can show the **SENSITIVE** documents to the individual / individuals acting as their client whose name(s) and role(s) have been identified to STI in writing.
- b. An Authorised Person may request permission from the Chairman to show **SENSITIVE** documents to a named person who is not a CP. Written authorisation from the Chairman must have been received in advance of showing **SENSITIVE** documents to a named person who is not a CP.
- c. To view **SENSITIVE** documents, a CP or a named person who is not a CP must have returned a signed copy of the Inquiry's Confidentiality Undertaking to STI.
- d. No reference shall be made to the content of the **SENSITIVE** documents, either orally or in writing, in submissions / applications concerning restriction orders. This does not prevent the INQ reference and / or relevant page and / or paragraph and / or line numbers of the **SENSITIVE** documents being referred to.

E. Interpretation

12. For the purposes of this Order:

- a. “Core Participant” means a Core Participant in the Inquiry’s published list of Core Participants.
- b. “Operationally sensitive content” means content the publication of which, whether taken alone or based on all the available disclosure (i.e. the mosaic effect), would be capable of assisting those who would wish to carry out future terror attacks.
- c. “Recognised legal representative” has the meaning given by Rule 6(1)(a) of the Inquiry Rules 2006.

PENAL NOTICE

13. The High Court and the Court of Session have the power to imprison or fine for any breach of this Order.