

Scottish COVID-19 Inquiry

Protocol on applications for Restriction Orders

1. Introduction

- 1.1. This Protocol sets out the process for parties to apply for a Restriction Order and the process that the Chair and the Inquiry's legal team will follow when dealing with such applications.
- 1.2. The Chair will take such steps as he considers reasonable to:
 - 1.2.1. Provide public access to the documents given, produced or provided to the Inquiry, and
 - 1.2.2. Enable members of the public to attend the Inquiry hearings or to see and hear a transmission of the Inquiry proceedings.
- 1.3. The Inquiry recognises that there may be instances where evidence provided to the Inquiry ought to be excluded from disclosure to the public. In circumstances where the release of any information contained therein would be likely to cause substantial harm to a person and would not be in the public interest then the Inquiry may choose to redact that information. Such harm may include, but is not limited to, physical or emotional harm, or psychological distress.
- 1.4. Sometimes a party may have a valid reason to object to disclosure or publication of certain documentation. That party may apply to the Chair for a Restriction Order in accordance with section 19 of the Inquiries Act 2005. The Inquiry's process for the application for a Restriction Order is outlined in paragraph 2 below.

- 1.5. Annex 1 to this Protocol contains a note of the definitions of terms used in this Protocol.
- 1.6. This Protocol should be read in conjunction with the Inquiry's Protocol on Public Access to Documents. Any defined terms in that Protocol will carry the same meaning in this Protocol.

2. The application process for a Restriction Order

- 2.1. Any individual or organisation who has supplied documents to the Inquiry, either in the form of a document or in the form of a witness statement, can apply to the Chair for redactions to be applied as part of an application for a Restriction Order (as set out in the template at Annex 2 to this Protocol).
- 2.2. Should an application for a Restriction Order requiring redaction be granted, the relevant information will be redacted.
- 2.3. The onus is on the individual or organisation providing documentation to the Inquiry to consider whether they wish any part of the documentation to be redacted and, accordingly, whether they should make an application for a Restriction Order.
- 2.4. Any such application should follow the template as set out in Annex 2 to this Protocol and attach any relevant supporting evidence if considered necessary by the applicant.
- 2.5. The application will be considered by the Chair in accordance with the Inquiry's Statement of Intent: redactions.
- 2.6. The Chair may vary the procedure as appropriate.
- 2.7. Applications for a Restriction Order should be made in writing to the Solicitor to the Inquiry; they should be addressed to the Solicitor and submitted by email to contact@covid19inquiry.scot.

3. Version Control

- 3.1. This is the second version of the Protocol on applications for Restriction Orders. It was approved 25 January 2025 and is issued under the authority of the Chair.

Annex 1 – Definitions

In this protocol:

- '**2005 Act**' means the Inquiries Act 2005.
- '**2007 Rules**' means The Inquiries (Scotland) Rules 2007.
- '**Chair**' means the Chair of the Inquiry.
- '**Core Participant**' means a person designated as such under rule 4 of the 2007 Rules.
- '**Inquiry**' means the Scottish COVID-19 Inquiry.
- "**Party**" means any individual, group of individuals, or organisation. Being a core participant is not a prerequisite to being a Party.
- '**Solicitor**' means the Solicitor to the Inquiry.
- '**Redaction**' means obscuring text, parts of text or images in a document. Redactions are applied by blanking out, covering, or otherwise obscuring or rendering inaudible parts of images, audio recordings and parts of audio recordings from a document. This means that persons outside the Inquiry team can have access to redacted documents but will not be able to read certain text, see certain images or hear certain audio contained within. Redactions may be applied to witness statements, transcripts of hearings, and documentary evidence (which will be published on the Inquiry website

and circulated amongst core participants as part of bundles for hearings). Redactions will be embedded into the disclosed document in such a way to ensure that it is not technically possible to see the redacted content.

- **'Restriction Order'** means an order made under section 19(2)(b) of the 2005 Act

Annex 2 - Restriction Order application template

Scottish COVID-19 Inquiry ("the Inquiry") Restriction Order ("RO") Application Template

This application template should be read in conjunction with the Inquiry's Statement of Intent: redactions and the Inquiry's Protocol on applications for Restriction Orders which are available on the Inquiry website and outline the information subject to the Inquiry's redaction process.

This form should be completed by individuals or organisations whose witness documents contain information which could be restricted as per the information contained in the above noted documents.

If you require further information or assistance in the completion of this form, please submit by email to contact@covid19inquiry.scot.

1. **With reference to the Inquiry's 'Statement of Intent: redactions' what information contained in your statement would you wish the Chair to consider to be restricted/unrestricted in the publication of your statement? (max. 300 words)**

2. **With reference to the Inquiry's 'Statement of Intent: redactions' what are the reasons you believe the information at point 1 of this application form should be redacted? Please include as much information as possible. (max. 300 words)**

3. **What harm(s) (if any) would be caused to yourself or others should the Chair not grant your request to restrict/unrestrict? (max. 300 words)**

4. **Is there any other information pertaining to your application that you believe the Chair should be made aware of? (max. 300 words)**