

RESTRICTION ORDER FOR ANONYMITY OF WITNESS HSC0122 PURSUANT TO SECTION 19 OF THE INQUIRIES ACT 2005

The Chair has the power under section 19 of the Inquiries Act 2005 (“the Act”) to make orders restricting the disclosure or publication of evidence and documents given, produced or provided to the Inquiry.

This Restriction Order is made pursuant to section 19(1) of the Act. It binds all members of the public and media, witnesses, legal representatives, core participants and all members of the Inquiry team.

Any threat to breach such an order, or any breach of it, can be certified to the Court of Session or the High Court 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:

1. General

- 1.1. This Order is made on 1 March 2024 and remains in force indefinitely, unless otherwise ordered.
- 1.2. The Chair may, by Order, vary or revoke this Order by at any point during the course of the Inquiry.
- 1.3. Any breach of this Order by any means whatsoever must be notified in writing to the Solicitor to the Inquiry immediately upon identification of the breach.

2. Interpretation

For the purposes of this Order:

- 2.1. "Core Participant" means an individual or organisation who is designated by the Chair as such in terms of Rule 4 of the Inquiries (Scotland) Rules 2007.
- 2.2. "Recognised legal representative" has the meaning given by Rule 5(1) of the Inquiries (Scotland) Rules 2007.
- 2.3. "Witness Statements" means the witness statements and any documents referred to in the witness statements, provided by the witnesses to the Scottish COVID-19 Inquiry.

3. Order

- 3.1. This Order applies to any and all evidence given in the course of the Inquiry's proceedings, including oral evidence and any evidence which is published on the Inquiry's website, insofar as such parts give rise to information relating to the identity of witness HSC0122 ("the Witness").
- 3.2. Reference to information which is capable of leading to the identification of a person includes, but is not limited to,
 - 3.2.1. the witness's name,
 - 3.2.2. the witness's address,
 - 3.2.3. the witness's date of birth
 - 3.2.4. the witness's place of birth or country of origin,
 - 3.2.5. the witness's nationality,
 - 3.2.6. the names of any relatives of the witness,
 - 3.2.7. the identity of the witness's place of work,

3.2.8. any still or moving image of the witness and information that may tend to identify the witness and the witness's family members, which may include deceased family members.

4. Restrictions

4.1. There will be no reporting or publication of any information capable of leading to the identification of the witness. Particular provisions relevant to this restriction include, but are not limited to, the following:

4.1.1. There will be no reporting or publication of any information provided in the course of any oral witness evidence during the Inquiry's hearings which is capable of leading to the identification of the identity of the Witness.

4.1.2. A redacted transcript of the Witness's live evidence may be made available. Any information which is capable of leading to the identification of the Witness will be removed.

4.1.3. Materials adduced in evidence during the Inquiry's oral hearings which identify the Witness will be redacted to remove any such identifying information before they are published on the Inquiry's website.

4.1.4. No still or moving image of the Witness will be made publicly available via livestream (whether delayed or otherwise) on YouTube (or any other medium).

4.1.5. No audio recording of the Witness's evidence will be made publicly available.

5. Disclosure of Witness Statements

5.1. Any Witness Statements provided to the Inquiry that identify the Witness will be redacted to remove any identifying information before they are published on the Inquiry's website or disclosed to Core Participants.

5.2. Nothing in this Order prevents:

5.2.1. A witness statement being referred to by the person who gave, produced or provided the evidence or document to the Inquiry, other than while giving oral evidence.

5.2.2. The contents of the witness statement being referred to by any member of staff of the Inquiry, including counsel to, or instructed by, the Inquiry, 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.

6. Penal notice

6.1. The Court of Session and the High Court have the power to impose a custodial sentence or fine for any breach of this Order.

Dated 1 March 2024

Lord Brailsford

Chair of the Scottish COVID-19 Inquiry