

NOTE ON THE USE OF LIVESTREAMING AT THE INQUIRY

1. The purpose of this note is to explain how, as far as it will be used during the Inquiry's oral hearings, the livestreaming of witness evidence will operate on a day-to-day basis.
2. Section 18 of the Inquiries Act 2005 provides that:
 - (1) *"...the chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able—*
 - a. *to attend the inquiry or to see and hear a simultaneous transmission of proceedings at the inquiry;*
 - b. *to obtain or to view a record of evidence and documents given, produced or provided to the inquiry or inquiry panel.*
 - (2). *No recording or broadcast of proceedings at an inquiry may be made except—*
 - a. *at the request of the chairman, or*
 - b. *with the permission of the chairman and in accordance with any terms on which permission is given.*
 - (3). *Any such request or permission must be framed so as not to enable a person to see or hear by means of a recording or broadcast anything that he is prohibited by a notice under section 19 from seeing or hearing.*
3. Pursuant to section 17 of the 2005 Act the procedure and conduct of the Inquiry are to be such as the Chairman of the Inquiry may direct. In managing the procedure and conduct of the Inquiry, the Chairman must act with fairness and with regard also to the need to avoid any unnecessary cost (whether to public funds or to witnesses or others).
4. Bearing in mind the above legal principles and the requirement of openness in section 18 of the 2005 Act there will be a presumption that each day of the Inquiry's oral hearings will be livestreamed, subject to any application for a restriction order under section 19 of the 2005 Act. This will ensure that the public and media can access the evidence that is heard during the Inquiry.
5. The livestream will operate in two ways:
 - a. The evidence will be livestreamed, i.e. visual footage and audio, to a media annex within the court building, to a venue for use by the families and, other locations as deemed necessary by the Chairman.
 - b. The evidence will be livestreamed on the Inquiry's website to any member of the public who wishes to follow the proceedings.
6. In both cases there will be a delay in the broadcast of the livestream. The length of the delay will be a matter for submissions but on other inquiries it has usually been no more than 4 to 5 minutes, including where there are national security concerns such as the Litvinenko inquiry.

7. The purpose of the delay will be to ensure the broadcast is stopped before any sensitive information that should not be is transmitted. In other words, so that nothing is broadcast either to the locations receiving the livestream or on the website that is subject to a restriction order and therefore should not be made public or, which is said to require a restriction order to be made to protect the information from being made public. This may include, for example, information that is said to be operationally sensitive or that is otherwise sensitive and irrelevant to the Inquiry's Terms of Reference.
8. There will be a presumption that the media will be able to attend and listen to the evidence in the hearing room but, if they choose to do so, they will not be permitted to liveblog, Tweet or otherwise comment in real time from the hearing room on the evidence that is being heard. This is to ensure that nothing is broadcast by a member of the media or public who is present in the hearing room that may be subject to a restriction order. Any breach which results in the broadcast or publication of information that is subject to a restriction order may result in enforcement proceedings, pursuant to section 36 of the 2005 Act.
9. Should any member of the media or the public wish to liveblog, Tweet or comment on the Inquiry's evidence in real time they may do so provided they use the media annex or follow the livestream on the website. This will mean that they only report the evidence that is subject to the short security delay to ensure that nothing is broadcast which should not be.
10. Should a pause in proceedings be required because an issue arises which means evidence should not be broadcast on the livestream, it is envisaged that the following steps will be taken:
 - a. Counsel to the Inquiry will invite the Chairman to pause the livestream of the evidence whilst the issue is resolved. If necessary, the Chairman may rise but it is anticipated that stopping the livestream whilst the issue is addressed is likely to be sufficient.
 - b. Any legal team may request a pause in the proceedings but, for efficient hearing management, this will be best done through Counsel to the Inquiry.
 - c. The livestream will be stopped immediately and no further evidence will be heard until the issue that has arisen is resolved.
 - d. No one present in the hearing room will be permitted to report, liveblog, Tweet or otherwise comment on the evidence heard which has not been broadcast.
 - e. There will be ushers present in the locations where the livestream is being broadcast to ensure that the link has stopped. A member of the Inquiry team will check that the website livestream has stopped.
 - f. If necessary, closed submissions may be made whilst the livestream is switched off. The purpose of the submissions would be to enable the Chairman to decide whether to make a restriction order. The submissions themselves, if required, would also be subject to any restriction order.
 - g. Once the issue has been resolved the livestream will resume.
 - h. To the extent that it is necessary, any legal submissions that can be made in open will only be made once the livestream is restored so that all those following

on the livestream can understand the reason for the delay (as far as it can be broadcast).

- i. If necessary, the Chairman will be invited to explain the reason, as far as it is possible to do so, for the break in the proceedings.
 - j. Everyone present, including the media and public, will be reminded about the restriction order(s) in force and/or a new restriction order will be made to prohibit disclosure of the information which gave rise to the pause in proceedings.
11. It is anticipated that the livestream on the website will be setup so that it is only possible for users to 'listen now' rather than to listen to the evidence from the beginning of the day or, to select a specific start point to listen to the evidence. In due course, the livestream for each day will be posted on the website but only once the Inquiry is satisfied that the recording does not include any evidence that is subject to a restriction order and does not fall to be broadcast.
12. If the Chairman hears evidence from an anonymous witnesses for whom special measures are made as part of a restriction order, consideration will be given to the arrangements for the livestreaming of their evidence. Steps must be taken to ensure the witness is protected, as far as the Chairman is satisfied that is necessary. The presumption to livestream the evidence will remain, subject to any restriction order application, but changes may be made as to how the evidence is broadcast. For example, not showing the witness on camera and/or only broadcasting the audio of the evidence.
13. In addition to the livestreaming of evidence, at the end of each hearing day a transcript of the evidence heard will be posted on the Inquiry's website, together with any evidence that was shown in court (as far as it is appropriate to be uploaded to the website). Any transcript will be edited to remove reference to evidence that is subject to a restriction order and which was not broadcast on the livestream.

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