

**TYPE 2 RESTRICTION ORDER:
DISCLOSURE OF OPERATIONALLY SENSITIVE CONTENT TO CORE
PARTICIPANTS (INSPECTION)**

**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 listed at **ANNEX 2** 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 listed at **ANNEX 2** 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** content by inspection at a specified location, subject to the terms of this order at paragraphs 9b-d below.
 - b. RLRs shall notify STI in writing of the names of those Authorised Persons that require access to the **SENSITIVE** content by inspection at a specified

location. Written authorisation from the Chairman is required before an Authorised Person is permitted access to the **SENSITIVE** content by inspection at a specified location.

- c. All Authorised Persons permitted to inspect the **SENSITIVE** documents must have returned a signed copy of the Inquiry's Confidentiality Undertaking to STI.
- d. Any Authorised Person granted permission to be shown **SENSITIVE** documents must sign a register on each occasion that they attend a specified location to view **SENSITIVE** documents.
- e. The **SENSITIVE** documents must not be photocopied, photographed, scanned, replicated or transcribed, in full or in part, 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.

D. Use of the SENSITIVE documents

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

- a. A CP is permitted to inspect the **SENSITIVE** documents where accompanied by an Authorised Person. Where the CP is an organisation or public body, the individual / individuals acting as the Authorised Persons's client, whose name(s) and role(s) have been identified to STI in writing, can inspect the **SENSITIVE** documents accompanied by an Authorised Person.

- 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 inspect **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. Any CP or a named person who is not a CP that has been granted permission to be shown **SENSITIVE** documents must sign a register on each occasion that they attend a specified location to view **SENSITIVE** documents.
- e. 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

11. 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.

- d. “Specified location” means the offices of STI or some other location identified to CPs by STI where the **SENSITIVE DOCUMENTS** may be made available.

PENAL NOTICE

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

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ANNEX 2 [Updated 01.10.2020]

	Unique ID	Description	Material Provider	Page Count
1	INQ001885R	BTP Pegasus Tactical Options; BTP Counter-Terrorism Patrol Strategy, v2.1, dated 30/04/18.	British Transport Police	25
2	INQ025726R	PSIA notes for Manchester Victoria Station, dated 2016.	British Transport Police	18
3	INQ012175R	Manchester Victoria Station Threat and vulnerability assessment, dated 11/08/2014.	Department for Transport	72
4	INQ012177R	Email from Mark Billington, Network Rail, to Sandra Iles, DfT regarding Manchester Victoria Threat and Vulnerability Risk Assessment, dated 16/5/16.	Department for Transport	19
5	INQ008372R	JESIP - Responding to a Marauding Terrorist Firearms Attack and Terrorist Siege - Joint Operating Principles for the Emergency Services. Edition 3, January 2016	North West Fire Control	40
6	INQ001680R	Guidepost Report: New Security Posture, Manchester Arena, dated 22/08/2017.	SMG Europe	16
7	INQ032862R	Manchester Arena Security Audit dated 26/06/2019	SMG Europe	26