

Anonymity Protocol

Introduction

1. This Protocol sets out the approach that will be taken by the Cranston Inquiry ('the Inquiry') to the determination of an application for anonymity by any person.
2. The Terms of Reference for the Inquiry are available [here](#).
3. In this Protocol, "anonymity" is the protection of a person's identity from disclosure.
4. This Protocol should be read in conjunction with the Inquiry's Redaction Protocol, Disclosure Protocol, and Privacy Notice. The Inquiry anticipates that the terms of the Redaction Protocol, which restrict the conditions permitting publication of individuals' names and personal data, mean that applications for Anonymity will be required in only a small minority of cases.
5. The Inquiry will give notice in due course of the opening date for anonymity applications, together with further details of the application process and timetable.

General principles governing anonymisation

6. The Inquiry aims to balance the public interest in examining in an open manner the events of 24th November 2021, as required by the Inquiry's Terms of Reference, with the need to protect persons' rights and manage the risk of harm.
7. In this context, risk of harm includes risk of death or injury and risk of harm to the United Kingdom, including to its national security, international relations, and national economic interests. Reference to the protection of persons' rights means those rights enshrined in the Human Rights Act 1998, including the right to life (Article 2) and the right to respect for private and family life (Article 8).
8. The Inquiry is also mindful of respecting persons' data protection and privacy rights in a manner which fulfils its obligations as a Data Controller under the UK General Data Protection Regulation and the Data Protection Act 2018.

Requests for anonymity, security risks and notification

9. The Inquiry will receive and determine requests for anonymity from persons who are or who may be named in evidence in the course of the Inquiry, including documentary evidence, hearings or in the Inquiry report. The Inquiry makes no assurances that those who have requested anonymity will be granted it.
10. In addition, the Inquiry may of its own instigation consider and determine whether it is appropriate to grant anonymity to a person in circumstances where an application has not been made.

11. In reaching a determination, the Chair of the Inquiry will have regard to:
 - a. The public interest in transparency and openness;
 - b. The need to meet the requirements of the Inquiry's Terms of Reference;
 - c. The risk of harm to persons and/or the United Kingdom;
 - d. The potential impact of identification on the subject's human rights; and
 - e. Such other factors as the Chair of the Inquiry considers relevant to the determination.
12. Where a determination is made that a person's identity should be anonymised, written reasons and an Anonymity Order ('the Order') will be produced by the Chair of the Inquiry. An 'open' copy of the determination and Order will be published on the Inquiry website, with identifying details redacted as necessary to avoid frustrating the order. A 'closed' confidential copy of the Order will be provided to the person who is the subject of the determination.
13. The Inquiry will not make a determination under this protocol which frustrates an anonymity order or reporting restriction imposed in separate legal proceedings.
14. It is a matter for the Chair to determine what identifying information should be anonymised on a case by case basis, having regard to the risk of jigsaw identification and the factors set out above at paragraph 10. Relevant information could include a person's name, address, date of birth, job title, image, or such other identifying information as the Chair considers necessary to give effect to the Order.
15. The Inquiry may seek to obtain information regarding the potential risk of harm or impact on persons' rights from full participants, other participating organisations and/or open source material before making a determination. In doing so, the Inquiry will not act in a manner which frustrates a pending application for anonymity.
16. The Inquiry will permit Full Participants an opportunity to make representations prior to making a determination of anonymity. The period of time for response and the extent of disclosure to Full Participants regarding the application and underlying material will be a matter for the Chair to determine on a case by case basis, having regard to the matters at Paragraph 10 above.
17. The Inquiry acknowledges that some anonymised persons may already have been identified to an extent in open source material, or may remain identifiable to those with prior knowledge of the matters in question if their name is anonymised. In those circumstances, an application for anonymity may still be made. The extent of the existing disclosure and the consequent efficacy of any Order will be a relevant factor in the Chair's determination.
18. Where an Order has been made, the Chair may disclose the identity of the subject to a Full Participant on a confidential basis. The threshold for disclosure will be high and will only be met where it is strictly necessary to enable effective participation in the Inquiry's processes. When considering a limited disclosure on this basis, the Chair of the Inquiry shall have regard to the matters set out at Paragraph 10 above.

19. The Inquiry will provide at least 14 days' notice prior to disclosing the identity of a person who has been granted anonymity pursuant to paragraph 16 above, in order to allow the subject an opportunity to make representations.