

Phase 1 Disclosure Protocol

Introduction and purpose of this Phase 1 Disclosure Protocol

1. This Protocol is provided further to the Manston Inquiry's (the 'Inquiry') Phase 1 Overview Protocol (available on the website) which sets out the intended scope of the Inquiry's work in Phase 1. This Protocol sets out the initial approach that will be taken by the Inquiry in respect of the inward disclosure of material to it by Material Providers (as defined below). This Protocol should also be read alongside the Inquiry's Privacy Notice and the Terms of Reference for the Inquiry (both are available on the website).
2. As indicated in the Inquiry's Phase 1 Overview Protocol, the purpose of this Protocol is to facilitate, in accordance with Inquiry deadlines, the prompt delivery of documents to the Inquiry by ensuring that all providers of documents and material and the public are aware of and understand the Inquiry's procedures for the provision of documents. This will enable the Inquiry to review material to identify all relevant issues and determine future phases of its work.
3. A separate Phase 1 Redaction and Anonymity Protocol sets out the Inquiry's approach to the redaction of Relevant Material and anonymity issues.
4. As detailed above, this Protocol is intended to govern the Inquiry's approach to inward disclosure during Phase 1 of the Inquiry's work. The procedures outlined in this Protocol are not intended to cover every eventuality or every procedural issue that may arise. It follows that, in exceptional cases, where the interests of justice and fairness require it, the Inquiry may need to depart from this Protocol.

Definitions

5. In this Phase 1 Disclosure Protocol, the following definitions shall apply:
 - a. "Material" means anything in which information of any description is recorded whether in paper or electronic form. It includes, but is not limited to, policy

documents, policy statements, reports, reviews, audio recordings, video footage, photographs, physical evidence, information stored electronically on computer systems, meeting/attendance notes and minutes, manuscript notes, memoranda, leaflets, spreadsheets, correspondence (post and/or fax), internal and external email communications, social media communications and data, SMS messages, WhatsApp messages, design plans, technical drawings and contract documents.

- b. “Material Provider” (‘MP’) means any person, institution or organisation which has been requested to provide Potentially Relevant Material to the Inquiry or which has provided Potentially Relevant Material voluntarily to the Inquiry. For the avoidance of doubt, Material Providers may include His Majesty’s Government and any Department of State or Minister of the Crown.
- c. “Potentially Relevant Material” means Material which is in the control of MPs and, having regard to the Inquiry’s Terms of Reference, it is likely that the Inquiry would wish to be provided with it and/or such Material has been specifically requested by the Inquiry. For the avoidance of doubt, Material is in an MP’s control if that MP has a) physical possession of it; or b) a right to possession of it; or c) a right to inspect or take copies of it.
- d. “Relevant Material” means Potentially Relevant Material which has been reviewed by the Inquiry and has been confirmed as relevant to the Inquiry’s Terms of Reference.

How the Inquiry will obtain Relevant Material during Phase 1

- 6. The Inquiry will normally make a request for the production of Potentially Relevant Material by means of a letter from the Solicitor to the Inquiry to the relevant MPs. The Chair expects that all MPs to whom a request of this kind is addressed will co-operate fully with the Inquiry.
- 7. The Inquiry would also welcome anyone who holds Potentially Relevant Material and who has not received a request to supply the same to the Inquiry. Anyone who possesses such Potentially Relevant Material should contact the Inquiry Secretariat as soon as possible at info@manston.independent-inquiry.uk so that the necessary arrangements can be made for receipt of that Material.

Provision of Relevant Material during Phase 1

8. MPs, including their legal representatives, should provide Potentially Relevant Material without delay and in accordance with the time limits requested by the Inquiry. Where necessary, applications for extensions of time to provide that Material can be made to Solicitor@Manston.Independent-Inquiry.uk and will be considered on their merits.
9. MPs are required to undertake comprehensive, thorough and rigorous searches in response to the Inquiry's request for Potentially Relevant Material. MPs should keep a detailed written record of searches undertaken in response to the Inquiry's request for Potentially Relevant Material so that a disclosure statement can, in due course, be prepared and provided to the Inquiry in accordance with paragraph 10.
10. The Inquiry will require MPs to provide disclosure statements to the Inquiry. The purpose of such a statement is to verify an MP's search methodology to provide assurance to the Inquiry that any requests made have been met so far as is reasonable in all of the circumstances and to explain what may have become of Potentially Relevant Material which can now no longer be located or identified.
11. Potentially Relevant Material disclosed to the Inquiry should be provided as follows:-
 - a. all Potentially Relevant Material should be provided together with an accompanying index (a draft of which will be provided to each MP by the Inquiry) with the files of such material numbered sequentially at the document level and named to correspond to its relevant index number.
 - b. all Potentially Relevant Material should be provided electronically and in its original native format where possible.
 - c. documents not provided in their original native format i.e. hardcopy documents, should be provided as a multipage PDF or alternatively in single-page TIFF format with a supporting image loadfile.
 - d. scanned hardcopy documents should not be grouped into one large PDF and similarly a single hardcopy document should not be scanned as individual pages but as one single multipage PDF.

- e. scanned images of hardcopy documents should show all information on the paper, including all corners and both sides of the paper (where applicable) and any annotations. No data should be cut off during the scanning process. If the paper that is being scanned has any attachment (e.g. post-it notes or cover sheets) it should be scanned twice, both with and without the attached note.
- f. all Potentially Relevant Material should be provided in unredacted format, unless agreed with the Inquiry beforehand.
- g. where an MP wishes to provide Potentially Relevant Material in a language other than English, the Potentially Relevant Material should be provided to the Inquiry in its original form. An MP who is legally represented should also provide a certified translation of the Potentially Relevant Material made by a qualified translator and, where possible, with the date of the translation and contact details of the translator. If the MP is not legally represented, the Inquiry will obtain a translation and will take such steps as it considers appropriate to ensure that the MP is satisfied that the Potentially Relevant Material is correctly captured by the English version.

Full technical specifications for the provision of Potentially Relevant Material will be supplied to each MP when the Inquiry makes requests for the same.

- 12. Original Potentially Relevant Material must be retained by MPs along with original copies of Potentially Relevant Material provided electronically and they must not be amended or altered by MPs in any way.
- 13. Once Potentially Relevant Material has been located and collated, the Inquiry will make arrangements for the secure transfer of the same with MPs. Potentially Relevant Material will be held securely by the Inquiry.
- 14. As requests for Potentially Relevant Material creates an ongoing duty of disclosure on MPs, MPs should establish procedures to ensure that any new Potentially Relevant Material that is created, acquired or discovered is identified and drawn to the attention of the Inquiry as soon as possible. Steps should also be taken to ensure that it is preserved, not destroyed, distorted or otherwise altered. This ongoing duty will cease once the Chair has fulfilled the Terms of Reference, any report is published and the Inquiry's work is finished.

Review of Relevant Material during Phase 1

15. Future phases of the Inquiry's work will address the disclosure of Relevant Material beyond the Inquiry. During Phase 1, however, Potentially Relevant Material supplied to the Inquiry by MPs will not be subject to disclosure beyond the Chair and the Inquiry Team. This is subject to the following exceptions as detailed in the Inquiry's Privacy Notice:-

- a. any requirement from the Inquiry to transfer information, including relevant categories of personal data, to third-party contractors acting for it; or
- b. to allow the secure storage and review of such information on the Inquiry's document management system and related systems; or
- c. the transfer of personal data and Potentially Relevant Material to an MP who supplied the same in order to inform further requests for Potentially Relevant Material.

16. The Inquiry team will conduct a review and assessment of the Potentially Relevant Material that has been supplied to it by MPs on its document management system. This will assist the Inquiry to identify:-

- a. what evidential gaps exist in the Potentially Relevant Material and what further requests should be made in this regard.
- b. which Potentially Relevant Material is Relevant Material.
- c. the relevant issues to inform its investigation.
- d. future phases of its work.

17. Additionally, in respect of the future phases of the Inquiry's work, the review of such Potentially Relevant Material may assist the Chair in forming a provisional view as to whether public hearings are required in order for the Inquiry to comply with Article 3 of the European Convention on Human Rights and in accordance with the procedure set out in paragraph 6 of its Phase 1 Overview Protocol.

18. During its review of Potentially Relevant Material on its document management system, the Inquiry may also apply appropriate redactions to Relevant Material in respect of applicable categories of personal data in line with its Phase 1 Redaction and Anonymity Protocol.

Subsequent phases of Inquiry work

19. As the Inquiry determines the scope of work to be covered in subsequent phases, this Protocol may be extended, added to or replaced in due course. Any such amendment, extension or replacement versions will be published on the Inquiry website and will, as necessary, be notified to MPs.

At the conclusion of the Inquiry

20. At the conclusion of the Inquiry, all documentation retained as part of the historic record will be transferred to the National Archives. All other data that it is not necessary to retain (digital or otherwise) will be destroyed.

Issued under the authority of the Chair on 09 July 2025.