Manston Inquiry

Provisional Notice of Determination

1. By letter dated 13 March 2026, the Ministry of Defence ("MOD") wrote to the Inquiry in relation to the redaction of names and contact details of junior civil servants. Specifically, this letter set out the grounds upon which the MOD submits that the following should be redacted from the Inquiry's disclosure:

    A. The names of MOD junior civil servants (and their military equivalents), together with e-mail addresses and direct line professional phone numbers; and

    B. The direct line professional phone numbers and e-mail addresses of MOD Senior Civil Servants.

2. I have treated the MOD letter as a formal application for the redaction of the information set out above. It has not been supported by any evidence.

3. Although the MOD letter suggests that the issue of redaction arises in "anticipation of the forthcoming commencement of the Material Provider Review ("MPR")", the Inquiry commenced disclosure to Inquiry Participants in February. This initial disclosure (which is ongoing) comprises exhibits to an important statement of behalf of the Home Office. Some of these exhibits may include information of which the MOD now seeks redaction (because they mention MOD officials' names). The MOD's letter means that the Home Office exhibits which mention MOD officials' names are being withheld from future tranches of disclosure pending resolution of this application. The MOD has not

provided the Inquiry with a list of the names of junior civil servants to which this application refers.

4. I also note that the MOD's disclosure to the Inquiry commenced on 8 August 2025. The MOD did not raise the question of the redaction of junior civil servants' names with the Inquiry until 17 December 2025. Although the Inquiry responded inviting engagement on the point, the MOD did not raise the issue again until late February 2026 when the Inquiry Legal Team sought to initiate the Material Provider Review process. The MOD should not have waited until after disclosure had commenced, to raise what, on any view, would be an application for an extensive redaction exercise and one that might require the Inquiry to seek submissions from other Inquiry Participants. Moreover, all IPs were informed at the Preliminary Hearing on 15 January 2026 that it was the Inquiry's intention to start making outward disclosure in February. Had this application been raised in a timely manner, it could have been resolved before the point that materials were being disclosed to Inquiry Participants. The result is that this application is now delaying the disclosure of some Home Office exhibits and MOD materials to Inquiry Participants.

5. It is also an application which is being made at the point of disclosure to Inquiry Participants not to the public at large. What is ultimately disclosed to the public is likely to be a much smaller pool of documents comprising those which have been put to witnesses in the course of oral evidence or which might be referred to in the Inquiry's report and therefore published on the Inquiry's website.

6. I have approached this application in the following way. I regard the most significant part of the application to be the application set out at A, that the names of junior civil servant (and military equivalents) be redacted.

7. As regards B, the direct line numbers of any civil servant (junior or senior) would be redacted by the Inquiry regardless of this application.

8. As regards the redaction of the email addresses of MOD civil servants, it is usually permissible (if it is useful), to agree to redact contact details contained within the email addresses (that is, the part of the email including the number immediately before the '@' and the remainder of the details after the '@'). I am minded to agree to this but wish to make clear that this is on the basis that the information contained in the MOD letter about the specific context within which some civil servants within the MOD may work. For the reasons set out below, I am not satisfied that this information meets the threshold required for the routine redaction of junior civil servant names. I am minded

to agree that MOD email addresses can be replaced with a cipher to make clear that the email address was an MOD one. However, I am minded not to redact the names of senders, recipients and copy recipients. This approach will apply to junior and senior civil servants within the MOD.

9. As indicated, I am minded to decline the application that the names of MOD junior civil servants (and their military equivalents) be redacted. This is a provisional decision and I will permit the application to be renewed (subject to the conditions set at the end of this determination). The reasons for my provisional decision are set out below.

10. Where I refer to junior civil servants in the course of this Ruling this should also be read as including reference to their military equivalents.

Redaction of Junior Official Names

11. In *IAB v Secretary of State for the Home Department* [2024] 1 W.L.R. 1916, the Court of Appeal upheld a first instance decision of Swift J that it was not permissible for Secretaries of State, as matter of routine, to redact the names of civil servants outside the Senior Civil Service from documents disclosed in proceedings. The Court of Appeal upheld Swift J's Judgment and indicated its strong agreement with it [§36]. I have referred to Swift J's Judgment where it is particularly relevant to points made on behalf of the MOD in this application.

12. At first instance (*IAB and others v Secretary of State for the Home Department and another* [2024] 1 W.L.R. 1876), Swift J rejected that the names of junior civil servants could be redacted on the basis that most of the names were irrelevant to the issues in the claim [§17]: " … *A document that has been disclosed in judicial review proceedings ought not, absent good reason, be redacted on grounds of relevance in any way that impairs either the actuality or the appearance of a 'cards face upwards' approach*." He explained the general proposition at [§22]:

> *"22. Drawing these points together, the principle that ought to guide the approach in judicial review proceedings is that absent good reason to the contrary (which might, for example, include that the information in question was subject to a legal obligation of confidentiality), redaction on grounds of relevance alone ought to be confined to clear situations where the information redacted does not concern the decision under challenge. The names the*

Secretaries of State seek to protect are not in this class. Names of civil servants should not routinely be redacted from disclosable documents; redaction should take place only where it is necessary for good and sufficient reason. This conclusion is consistent with the obligation of candour and with the general principle of co-operation between public authorities and the court that is one foundation for judicial scrutiny. This approach will also guard against the practical difficulties caused by excessive redaction …"

13. Swift J also rejected the existence of any general justification for redacting junior officials' names on grounds including that it led to practical difficulties [§18]. For example, it meant that it would be unknown by whom or to whom documents were sent, forwarded, or copied. Swift J cited the examples of successive strings of e-mail correspondence, pages long, which were entirely anonymised or names redacted in the body of correspondence or other documents. It also risked undermining confidence that appropriate legal scrutiny was taking place under fair conditions, because routine redaction built in a possibility that the sense or significance of a document might be overlooked. [§20]

14. Having set out the general position at [§22], Swift J considered whether there was nonetheless sufficient reason to redact the names of junior civil servants, as a matter of routine. But he rejected that junior civil servants had a reasonable expectation of confidentiality and concluded that they were *"…exercising public functions as part of the public service of the country."* [§25]

15. The Court of Appeal upheld the first instance decision. It concluded that [at §24] there was no authority which supported the routine redaction of names, or other detail not directly relevant to the outcome of the dispute. Judicial review was not akin to routine civil litigation in this regard. The Court of Appeal concluded:

"27. The redaction of the names of everyone taking part in discussions at meetings or sending or receiving e-mails, even if excluding ministers and the top 2% of civil servants, would result in disclosed documents which were covered in black spaces. Such documents are far more difficult to understand than documents which give the names of those involved. Without ciphers the documents, especially e-mail chains, might be barely intelligible; but the process of replacing the names with ciphers would often be extremely laborious. One would think that members of the Government Legal

Department, even junior ones, had better things to do with their time. With respect to Sir James, I agree with Swift J that it is glib to say that the only argument against redaction is that it may make a document "a bit less easy to read" and that this counts for little when weighed in the balance against his arguments on relevance."

16. The Court of Appeal accepted that there would be cases in which redactions were justified. This would include parts of a document (for example a note of a meeting) concerned with a *wholly* different subject matter from that in issue or for reasons of national security or where there was evidence of a real risk to the personal safety of the individual concerned. The extent of such risks did not justify a general practice of redaction [§29].

17. *IAB* thus provides clear authority for the following propositions:

    (i) There is no general principle which justifies the redaction of junior civil servants' names and that, to the contrary, there are important reasons why their names should not be redacted.

    (ii) Junior civil servants do not have a reasonable expectation of confidentiality.

    (iii) Whether specific information in a relevant document is irrelevant is to be construed narrowly by reference to whether it is a different subject matter to the matter being litigated.

    (iv) It may be justifiable to redact names for reasons of national security or where there is evidence of a real risk to the personal safety of the individual concerned.

18. The MOD (having indicated to the Inquiry that it would seek the redaction of junior officials' names) was asked to provide to the Inquiry examples where public inquiries had agreed to the redaction of junior civil servants' names.

19. The MOD has cited [at §10 of its letter] the following (in summary):

    A. *Covid Inquiry – The Covid Inquiry set out in its 'Inquiry Protocol on the Redaction of Documents', which is available publicly on its website, that the Inquiry would "provisionally redact the names of junior officials and staff members where the Material Provider can demonstrate that, by virtue of their junior position, the official*

or staff member has a reasonable expectation of privacy". We are instructed that save for some exceptions in one of the Inquiry's modules, names of junior civil servants were otherwise requested to be redacted by MOD on an individual basis and this was largely agreed to by the Inquiry.

B. *Independent Inquiry relating to Afghanistan – The Independent Inquiry relating to Afghanistan routinely redacts the names of junior officials, however there are some exceptions.*

C. *Dawn Sturgess Inquiry –The Rt Hon Lord Hughes of Ombersley made a ruling dated 12 February 2024 in respect of redaction of HMG names. Again, this is publicly available. It was determined that save in certain circumstances (which are addressed in the ruling), redactions would be applied to the myriad of government names. This was considered to be justified.*

20. As regards the Covid Inquiry, I note that its redaction policy dates back to 2022. It does not appear to have been updated following ***IAB*** and does not therefore deal with the rejection of the argument in ***IAB*** that junior civil servants are entitled to a reasonable expectation of confidentiality.

21. The Independent Inquiry relating to Afghanistan does not appear to have a published redaction policy which enables assessment of the consistency of its practice with ***IAB***.

22. The Dawn Sturgess Inquiry ruling was published very shortly after ***IAB*** but does not refer to it. At §10, Lord Hughes, referring to a Restriction Order ruling he gave at an early stage in the disclosure process, stated that two factors had become apparent since disclosure had been provided. They were, in essence, that the Inquiry had a tight timetable by which it needed to get all disclosure out. Second that, there were a large number of people whose names appeared who were of marginal or no significance to the issues that had to be determined (per the Inquiry's terms of reference). He concluded that:

> *11. The extra perspective on these two factors that the progress of the disclosure exercise now being carried out provides demonstrates to me that to attempt to determine individually the issue of the redaction of every name which appears on every document (many of whom will be of marginal or no significance to the issues the Inquiry must decide) carries a marked danger*

(indeed the probability) of frustrating the fulfilment of my Terms of Reference by preventing my concluding the work of this Inquiry within a reasonable time. Even if it were possible to identify a descriptor that reliably tested for 3 the existence of everyone subject to one or both of the 'twin risks', whilst excluding all others, the task of determining which individuals fall within the descriptor would be extremely lengthy, would occupy time which ought to be used to prepare for the hearing, and would jeopardise the Inquiry.

12. Accordingly, on 9 January 2024, I issued a provisional ruling indicating that I was minded to conclude that a restriction order in relation to myriad government names generally appears to be justified as conducive (indeed necessary) to fulfilling my terms of reference. I was minded to make such orders subject to three qualifications; a. Where, an individual is likely to be a witness, it will remain necessary to consider separately whether any application for anonymity ought to be granted; if yes, then ciphering may be necessary, and if no, then any decision on redaction of the name will need to be re-examined. b. If any core participant seeks to have disclosed the identity of any person whose name appears redacted in initial disclosure, then providing a prompt written application is made to me for individual consideration of the case, that consideration will be given. Such an application might, in principle, be receivable if a particular person assumes greater significance as the Inquiry progresses. c. There may be some names of whom it is apparent from reading the document(s) in question that the individual concerned is one within the category mentioned at para [11] of the 2022 Ruling, for whom a restriction order can serve no useful purpose; in such instances I am minded to refuse redaction at initial consideration."

23. It is conspicuous that Lord Hughes determined that a restriction order permitting the large- scale redaction exercise was warranted by reference to grounds which were regarded as not justifying redaction in ***IAB*** (convenience and relevance).

24. The MOD did not cite examples of any public inquiries which had taken a different approach. I am aware that the Omagh Bombing Inquiry is one such example. It issued a Ruling in 2025 in response to an application by the Northern Ireland Office for the blanket redaction of junior civil servants' names. This application was made, in part, on grounds that the identities of junior officials were irrelevant [§20]. In rejecting the application, Lord Turnbull determined that ***IAB*** could not be distinguished on the basis

that the NIO material was provided to the Inquiry unredacted or that it was premised upon the duty of candour as owed in judicial review proceedings. Lord Turnbull found the duty of candour owed to a public inquiry to be no less exacting than that owed in judicial review proceedings [§39].

25. In rejecting the application, Lord Turnbull also determined that the Inquiry legal team would only disclose documentation which it considered relevant. Per *IAB*, it was unrealistic and overly simplistic to assert that the identity of all junior civil servants associated with these documents was irrelevant. Editing a relevant document to remove names risked removing information that explained its provenance and context. Lord Turnbull also rejected that junior civil servants had an expectation that they would not be named or that not redacting their names would be incompatible with Article 8.

26. As part of his analysis Lord Turnbull considered, separately, risk to junior civil servants as a class. He also rejected that redaction was justified on grounds of risk. He noted that there was no assessment of whether any individual civil servants were at risk. The risk relied upon was speculative [§59].

The Basis of the MOD's Application

27. I have not, in this part of my ruling, set out every submission made by the MOD but have attempted to summarise its principal arguments. In essence, I understand the MOD to submit that it can demonstrate a good reason for the general redaction of the names of MOD junior civil servants' names or that it is justifiable to redact their names for reasons of national security or that it is justifiable having regard to their personal safety. The MOD makes this submission based upon the following points.

The inherent sensitivity of the MOD's work

28. The MOD submits that it is unique insofar as its principal concern is the protection of the United Kingdom. Much of its work is inherently sensitive and frequently undertaken within highly classified environments. It also submits that all MOD personnel are required to hold, at a minimum, Security Check (SC) clearance and that a significantly higher proportion of MOD staff—relative to other government departments—hold Developed Vetting (DV) clearance. It submits that given this, there is an inherent risk associated with the (largely accurate) assumption that MOD personnel, including junior civil servants, may routinely encounter highly classified national security material.

29. This submission appears to amount to an argument that there should be a class redaction of all MOD officials' names (or military equivalents) in judicial reviews or public inquiries because all hold at least SC clearance or are develop vetted. Logically this argument applies as much to senior officials as to junior officials.

30. The MOD has not cited any authority or inquiry ruling in which it has been accepted that MOD officials are entitled to have their identities withheld simply on account of the inherent sensitivity of being in the MOD or because of their security clearance.

31. Nor am I satisfied that the MOD has provided an adequate explanation as to what risks this gives rise to. It appears to amount to an argument that to work for the MOD is so sensitive, that this is not information that should be made public. This is a far-reaching proposition and not supported by any evidence or specific information. The MOD has not for example explained whether civil servants in the MOD are barred from publicly referring to the fact of their employment within the MOD or barred from referring to this on social networking sites like LinkedIn.

Junior civil servants' expectations

32. The MOD submits that junior civil servants work without any expectation that their identities or professional contact details might be made publicly available. This appears to invert the correct test which is whether junior officials have a reasonable expectation of confidentiality (that is, a reasonable expectation that their names will not be made public in litigation or public inquiries). As set out above, ***IAB*** rejected that junior civil servants are entitled to any such expectation given the public nature of their functions. The MOD has not pointed to any authority or inquiry ruling which establishes that MOD civil servants (distinct from other civil servants) are entitled to a reasonable expectation of confidentiality.

Junior civil servants currently undertaking sensitive work (or who might in the future)

33. The MOD submits that a significant number of MOD personnel currently work, or may in future work, within *particularly* sensitive operational roles, for example, those engaged in Counter Terrorism and UK Operations team. Public disclosure of their role would give rise to a real and tangible security risk.

34. The MOD has not explained how many officials this relates to (in order to demonstrate that this justifies the redaction of all junior civil servants' names). But aside this, it has

not explained, as part of its application how, if officials *currently* work in a sensitive role, that the sensitivity of this role would be clear if their names were not redacted in this Inquiry's disclosure.

35. In relation to the future (that a civil servant may do a job in future that is particularly sensitive), the MOD has not explained why if their name was not redacted now, this would create a risk in relation to a future job.

36. In common with a number of the points relied upon, it is also not clear why this consideration does not apply with equal force to senior civil servants.

37. The application goes on to state that this concern is significantly heightened given the context of the conflict in Iran. Specifically, it is stated that MOD personnel are actively engaged in the operational response to the crisis including many of the individuals whose details appear in the documents disclosed to the Inquiry.

38. Again, the MOD has not explained how, if officials' names were not redacted, that fact that they *now* have an operational role in relation to Iran would be clear. Nor has the MOD explained how many people named in the disclosure now occupy an operational role in relation to Iran (so as to demonstrate that this justifies the redaction of all junior officials' name). It is unclear what logical difference there is between senior and junior officials in this regard.

39. The MOD also relies upon the disclosures to date containing references to MOD staff within Counter Terrorism and UK Operations, the Standing Joint Command and the Joint Inter-Agency Task Force during the Relevant Period.

40. It is not clear from the application whether (if the names of these individuals were not redacted) that it would be clear they work within these parts of the MOD. For example, whether, if the names of these individuals are just in email chains, this would be apparent.

41. But in any event, the MOD has not explained what *particular* risks pertain to it being known that individuals work within these areas (especially if the MOD is making the point that most of its civil servants hold DV security clearance and that this justifies all of its junior civil servants' names being redacted). Again, it is unclear why this argument does not apply with equal force to senior civil servants.

42. The application goes on to state that staff from all three of these teams *may* play a direct role in responding to the regional conflict. Public disclosure of the identities of these individuals therefore presents a tangible risk. It *could* compromise not only their personal safety but also the effectiveness and integrity of ongoing national security operations.

43. The MOD has not explained how (if their name was not redacted) it would be clear that an official *now* has any such role in responding to conflict. Nor has the MOD provided any detail as to how disclosure of an individual official's name could compromise their safety or national security operations. This is simply asserted but absent any detail.

Future Risk

44. The MOD submits that a document that appears innocuous may reveal damaging information when put together with information from another document. An individual may appear in one document to have a minor or uncontroversial role, but another document may show that the same person would be placed at risk if they were linked with that role.

45. I have found it difficult to follow this submission in the context of this Inquiry. The MOD has not indicated what sort of documents might create this risk (and what the risk actually is). This submission appears vague and speculative.

46. The application also states that junior staff will inevitably move up over the coming years to much more senior and sensitive roles. Having their individual work details published on the web and consequently fed into AI engines may significantly damage their security position. It is also suggested it would inhibit their ability to take on senior roles in the future, which require higher levels of security clearance.

47. This argument presupposes that documents will be made public by the Inquiry and thus published on the web (and capable of being fed into AI engines). This point has not yet been reached. As set out above, it is likely that the Inquiry will publish to the public a far smaller pool of documents than the documents disclosed to it.

48. The MOD accepts that the names of senior officials (that is, the names of senior civil servants presumably undertaking the most sensitive of all roles) *can* be disclosed. An

argument based upon the possibility of junior civil servants doing this role at some point in the future argument is difficult to reconcile with that concession.

49. In addition, the MOD has provided no detail as to the risk AI might present if an official's name is disclosed in a document in this Inquiry. The MOD must have some idea as to what sort of risk it is relying upon but there is no explanation of it.

50. The MOD submits that there is a very real risk of foreign state actors using information publicly disclosed to target MOD civil servants and military personnel. Historical incidents demonstrate that the MOD has been targeted by hostile state actors through hacking. Defence staff may be deliberately targeted.

51. I note that, again, this appears to amount to an argument that merely by revealing that an individual works for the MOD that this opens them up to a risk of hacking. I assume that many civil servants across government are vulnerable to hacking including those within the MOD. But I repeat the point that the MOD has provided no detail as to what restrictions are applied to MOD staff about what they are permitted to say in public about the fact of their employment.

Risk to personal safety

52. The MOD submits that public authorities (so both the Court and MOD) have a duty under the Human Rights Act to act in accordance with the ECHR, including the duty under Article 2 ECHR to take reasonable steps to protect life.

53. I do not accept that this is an accurate statement of the Article 2 operational duty. It is for the MOD to demonstrate to this Inquiry that there would a "real and immediate" risk to life if the Inquiry did not redact the names of junior officials. In *Re Officer L* [2007] 1 WLR 2135 remains the leading case where applications are made by witnesses for anonymity. In *L* the applicants were serving or former police officers who were due to be called as witnesses at a public inquiry into a death caused during an affray. The House of Lords held that under the common law and under Article 2 the tribunal had to ask itself whether there was a "real and immediate" risk to life which would be "materially increased" by compelling the witnesses to give evidence without anonymity. For this purpose, a "real risk" is one that is "objectively verified". For the purposes of Article 2, subjective concerns are not enough; fears of harm are only relevant if they are "objectively well-founded".

54. In *Re Officer L* concerned the risk to witnesses about their giving evidence in a hearing about the incident they were involved in. This is far removed from the circumstances of this application. I return to the point that the MOD appears to rely upon generalised assertions that there would be a risk to the lives of junior civil servants if it was known they worked for the MOD. That is another far reaching submission based upon an assertion (and lacking underlying detail) and unsupported by any evidence or any form of risk assessment.

Irrelevance and necessity

55. The MOD also relies upon the Inquiry's *Phase 2 Anonymity and Redaction Protocol* ('the Protocol'). Paragraph 10 of the Protocol permits redaction where an individual's identity is clearly irrelevant to the Inquiry's Terms of Reference.

56. Applying the approach in *IAB,* it cannot be said as a matter of generality that the identity of junior civil servants is simply irrelevant. This line of argument of was expressly rejected by Swift J in *IAB*. As set out above, irrelevant in this context will generally refer to information that does not concern the decision under challenge (in other words information which goes to a different subject matter than that in issue in litigation or a public inquiry).

57. The MOD also refers to the passage in the Protocol that it is "*the Inquiry's expectation that it will not redact the names of officials solely on the ground that they are below SCS (or their non-Civil Service equivalent) level*". The MOD does not dispute this as a general rule, but relies upon the unique sensitivities surrounding as requiring that MOD personnel be treated differently.

58. I am not satisfied, for all of the reasons set out above, that the MOD has demonstrated that these sensitivities are such that they warrant the redaction of junior civil servants' names. As I have explained, the logical conclusion of most of the MOD submission is that all MOD officials are entitled to have their names redacted in any proceedings because the risk stems from it being publicly known they work for the MOD.

59. The MOD also submits that *IAB* and *R (XY) v Secretary of State for the Home Department* [2024] EWHC 81 (Admin), [2024] 1 WLR 2272 supports its arguments

insofar as the disclosure of details of civil servants and military personnel should be redacted where necessary for good and sufficient reason.

60. I accept (per the approach of Swift J at §22), that redaction should take place only where it is necessary for good and sufficient reason. The Court of Appeal at §29 identified that it may be justifiable to redact names, for reasons of national security or where there is evidence of a real risk to the personal safety of the individual concerned.

61. I am not satisfied that the MOD has demonstrated that it is necessary to redact junior officials' names on grounds of national security for all of the reasons set out above. The letter asserts that there may be a risk to national security but this not particularised; it appears speculative and does not provide the Inquiry with an adequate basis upon which to judge the risk to national security. The MOD has not provided evidence of a real risk to the personal safety of junior civil servants if their names were not redacted.

Conclusion

62. I am minded to refuse the MOD's application for the redaction of the names of junior civil servants and their military equivalents. I am willing to permit the MOD to renew the application and to address the points I have made above, subject to the following conditions:

    A. Any such application must be made within 14 days of the service of this ruling.

    B. It must be supported by a witness statement which attests to the risks of not redacting the names of MOD junior civil servants and their military equivalents.

63. If the application is renewed, the Inquiry intends to permit Inquiry Participants to make submissions on the issue. Because of the need to resolve this application expeditiously, the MOD must inform the Inquiry within 24 hours of the service of this Ruling if it objects to the Inquiry circulating the MOD letter and this Ruling to Inquiry Participants in advance of the renewed application.

Sophie Cartwright KC

Chair to the Manston Independent Inquiry

27 March 2026