Manston Inquiry

MANSTON INQUIRY

OPEN RULING: MOD

RENEWED APPLICATION IN RELATION TO REDACTIONS

Introduction

1. By way of a provisional notice of determination dated 27 March 2026, I set out my decision in response an application by the Ministry of Defence ("MOD") for the redaction of the names of MOD junior civil servants (and their military equivalents) in the Inquiry's disclosure. These are referred to jointly as "junior personnel" in this determination. The MOD also applied for the redaction of the e-mail addresses and direct line professional telephone numbers of these officials (and their military equivalents) and the direct line professional telephone numbers and e-mail addresses of MOD Senior Civil Service.

2. This is my open, final determination on this application. There is also a closed version of this determination which refers to some evidence which is redacted in the MOD statement in support of this application and to some of the exhibits to that statement which have not been disclosed to Inquiry Participants (because they formed part of the MOD's closed application).

3. My provisional decision was to decline to redact the names of any MOD civil servants (or military equivalent) but to indicate that the Inquiry would redact MOD email addresses (and that these would be replaced with a cipher indicating that they were MOD email addresses).

4. In making this provisional determination, I noted that the redaction of junior officials' names had previously been done as a matter of course but that following *IAB v Secretary of State for the Home Department* [2024] 1 W.L.R. 1916, it was not permissible for Secretaries of State, as a matter of routine, to redact the names of civil servants outside the Senior Civil Service from documents disclosed in proceedings. Although this was a decision of the Court of Appeal it heavily endorsed the first instance judgment of Swift J (*IAB and others v Secretary of State for the Home Department and another* [2024] 1 W.L.R. 1876). His principal conclusion (at paragraph 22 of his Judgment) was that names should not be redacted on grounds that they are irrelevant (unless the name is unrelated to the decision under challenge but some other issue) and that:

> "*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*."

5. Few public inquiries have considered the application of *IAB* to the specific context of an inquiry. One example is the Omagh Bombing Inquiry and I noted in my provisional determination that Lord Turnbull found the duty of candour owed to a public inquiry to be no less exacting than that owed in judicial review proceedings. In that instance, Lord Turnbull, applying *IAB* refused an application for the redaction of civil servants' names.

6. In my provisional determination, I rejected the application for reasons which included the following:

   (i) The application was not supported by evidence.

(ii) The application relied heavily upon the fact of employment by the MOD *per se* (and that the MOD had a higher proportion of officials (or military equivalents) with developed vetting as compared to other government departments). It was difficult to see how this did not amount to a blanket claim that all MOD officials should have their names redacted.

(iii) It was also difficult to understand why there should be any difference between junior and senior officials in this regard.

(iv) The MOD application appeared to amount to an argument that no one who worked for the MOD should disclose this fact publicly but the MOD had not provided any evidence of what approach the MOD took to this (this was important because if junior MOD officials were in fact permitted to put their names and positions into the public domain, this undermined the rationale for the application (and also the suggestion that the Inquiry was creating a novel risk)).

(v) The MOD had not pointed to any precedent for redaction of junior MOD officials' names on the basis of this rationale.

(vi) The MOD had not provided an adequate explanation as to what risks were of not redacting names.

(vii) To the extent that the MOD submitted that a significant number of junior MOD personnel currently work, or may in future work, within particularly sensitive operational roles:

- The MOD application provided little insight in how many people this affected.
- It did not explain how, if officials *currently* work in a sensitive role, the sensitivity of this role would be clear if their names were not redacted in the Inquiry's disclosure.
- In relation to the future (that is, that a civil servant may do a job in future that is particularly sensitive), the MOD did not explain why if their name was not redacted now, this would create a risk in relation to a future job.
- The MOD relied upon the sensitivity of individuals being MOD staff within Counter Terrorism and UK Operations, the Standing Joint Command and the

Joint Inter-Agency Task Force but did not explain how this would be apparent if their names (related to events in 2022) were not redacted.

- The application stated that staff from all three of these teams might play a direct role in responding to the regional conflict in Iran but did not explain how a reference to someone's name in 2022 would demonstrate that they *now* have a role in responding to conflict.

- The MOD provided no detail as to how disclosure of an individual official's name could compromise their safety or national security operations. This was asserted (absent any detail).

- The MOD submitted that a document that appeared innocuous may reveal damaging information when put together with information from another document. But there was no indication of what sort of documents might create this risk (and what the risk actually was).

- The application also stated that junior staff would inevitably move up over the coming years to much more senior and sensitive roles (this argument also appeared to presuppose that documents would be made public by the Inquiry; published on the web and capable of being fed into AI engines). It was difficult to see the significance of officials doing a more significant role *in the future* when the redaction of senior officials' names was not sought and they were *currently* undertaking significant roles. This appeared speculative given that only a proportion of inquiry materials would ever be disclosed to the public.

- Whilst the MOD relied upon historical incidents of the MOD being targeted by hostile state actors through hacking, the MOD had not differentiated the position of the MOD from that of many civil servants across government vulnerable to hacking. In addition, the MOD 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.

(viii) The MOD submitted that public authorities 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. This was not an accurate statement of the Article 2 operational duty.

(ix) Insofar as the MOD relied upon the submission that redaction was necessary for good and sufficient reason, it had demonstrated that it would be justifiable to redact names for reasons of national security or demonstrated that there is evidence of a real risk to the personal safety of the individual concerned. The claim that there would be a risk to national security if the names were not redacted was not particularised; appeared speculative and did not provide the Inquiry with an adequate basis upon which to judge the risk to national security.

(x) The MOD had not provided evidence of a real risk to the personal safety of junior civil servants if their names were not redacted.

7. My provisional determination, to reject the MOD application, permitted the MOD to renew its application. If it elected to do so, I required the MOD to file evidence in support of its application. In renewing its application, the MOD duly filed open and closed submissions and an open and closed statement from [redacted]. The MOD open submissions and [redacted] open statement were circulated to Inquiry Participants. [redacted] also produced a number of exhibits, the majority of which were not disclosed to Inquiry Participants because they formed part of the closed application.

8. In its renewed application, the MOD also indicated that if the Inquiry redacted the names of junior officials (or military equivalents), role titles could be left unredacted and that where it was necessary to identify an individual across documents, that the MOD would be agreeable to that individual being ciphered. This determination is therefore based upon the premise that names that will be redacted but that where a job title appears, it will not be redacted.

The open statement of [redacted]

9. In making this final determination, I have given very careful consideration to the statement of [redacted], Chief of Staff in Defence, Security and Resilience within the MOD. In her open witness statement (dated 16 and 17 April 2026), [redacted] sought to address the shortcomings in the MOD application, identified in the

provisional determination, and clarified a number of the points relied upon. This determination does not set out all relevant points made by [redacted] but rather summarises those aspects of her evidence which address the principal concerns I expressed in my provisional determination. In summary, [redacted] states (at paragraph 38 of her statement), that the disclosure of the identity of these individuals could or would result in tangible risk to those individuals and to the security of the UK. She states (at paragraph 43(b)) that disclosure of the identities of junior personnel by the Inquiry would furnish hostile actors with information by which they could more effectively target cyber-attacks at individuals. [redacted] She explains (at paragraphs 21 and 23), that MOD personnel are attractive targets to hostile actors and that because of this, MOD personnel *are* prohibited from sharing sensitive information including about their roles on social media. In her open statement, [redacted] refers (at paragraph 23) to the existence of policies in relation to the publication by MOD personnel of information on social media. The detail of these policies is redacted in the open statement but [redacted] goes on to state (at paragraph 26) that, in light of its guidance, the MOD expects that that its personnel would not publish any sensitive information on Social Media or LinkedIn including details of their security clearance and sensitive role details (which often includes the title of the role itself).

10. [redacted]

[redacted]

11. [redacted] explains (at paragraph 29) why the position of junior personnel is different to that of senior personnel: the names of senior personnel tend to already be in the public domain; senior personnel are extremely conscious of the risk of being targeted and they have already been appointed having gone through substantial due diligence. Overall, the statement provides a clearer understanding as to why the compromise of a junior official (because their identity and role is in the public domain making them vulnerable to coming to the attention of a hostile actor) may have a bearing upon their future roles.

12. The original application provided very little understanding as to the numbers of people potentially affected if their names were not redacted and what their roles are. The statement remedies this to some degree (I note that the numbers referred to appear to be overall numbers). The statement identifies three components to the MOD involvement in Manston: JIATF; SJC (UK) and CT and UK Ops. [redacted] states (at paragraph 31) that JIATF was set up for the purposes of Operation Isotrope (and no longer exists). It was comprised of **30** staff in headquarters and military cells of **150-200** sitting beneath (although only a proportion of those in military cells would be on email chains). The vast majority of these people are still serving and a significant proportion would have had developed vetting clearance. [redacted]

13. According to [redacted] (at paragraph 34), SJC (UK) which supports UK resilience had about **20** members who were involved in Operation Isotrope. SJC (UK) remains in existence and those individuals are likely to still work together (the statement suggests that disclosing the identities of groups of people who still work together creates additional risk of being targeted by hostile actors). In addition, [redacted] explains (at paragraph 36) that **eight** individuals were members of CT and UK Ops (which

undertake military operations in the UK including counter terrorism operations). Again, this is an extant part of the MOD and the individuals concerned are likely to still work together. [redacted] emphasises that disclosure of their identities would be *particularly dangerous* (inherent in their having a counter terrorism role) and that there would be an increased risk if the identities of this group of individuals became known.

14. [redacted]

15. At paragraph 40 of her statement, [redacted] explains the elements of the information which if disclosed would create a risk. The elements are the names of individuals; their job titles (usually at the end of emails); the nature of their work (which may also be apparent from the component part of the MOD within which they worked) and who they worked with within that component (which may be evident from emails). At paragraph 41 the statement gives examples (the detail of which is redacted) of how such information may be of value of hostile actors. At paragraph 42, [redacted] explains the ways in which information about the names of individuals (coupled with information about them) might be valuable to hostile actors. [redacted] also provides an explanation (at paragraph 42(c)) as to how an innocuous document which, coupled with a second document, could then provide a jigsaw of information that could create risk.

16. [redacted] also deals with the point made in my provisional determination that disclosure would not be to the world at large but to Inquiry Participants and that only a proportion of disclosure would enter the public domain. That point related to parts of the MOD application which proceeded as though all disclosed information would enter the public domain and so, for example, the MOD point that AI could be used to trawl disclosed information, had to be seen in this light. Through [redacted] (at paragraphs 39 and 45), the MOD makes the different point that disclosure to Inquiry Participants

carries risk because once disclosed the Inquiry loses control over of disclosed information and because it is highly likely that Inquiry Participant receiving systems will be considerably less secure than those of the Inquiry or the MOD.

MOD SUBMISSIONS

17. The MOD filed an open and closed submission in support of the renewed application. Although it has advanced ten reasons for redacting the names of junior personnel, the MOD's case is that these points combine to demonstrate good reason to redact the names of junior personnel. The good reason is principally because of the risks to national security if their names (coupled with information about their job titles; their work and their colleagues) were disclosed. The risks to national security arise because MOD personnel are increasingly targeted for attacks, intended to elicit information, and this risk is heightened in the current global climate. Information about junior personnel would enable hostile actors to target them with greater specificity and increased effectiveness.

Inquiry Participant Submissions

18. The Inquiry received three responses to the MOD's renewed application (and which were circulated to all Inquiry Participants):

    A. Joint submissions by Deighton Pierce Glynn, Bhatt Murphy, Bindmans, Duncan Lewis, Gold Jennings and Wilson Solicitors on behalf of their respective Inquiry Participants (dated 1 May 2026). I will refer to these as submissions on behalf of detained people. I am conscious that there were many different types of people who were detained and referring to them in this way is intended only as a short form of expression for the purpose of this determination.

    B. A letter from the Cabinet Office (dated 1 May 2026); and

    C. Submissions on behalf of the Ministry of Justice (dated 6 May 2026).

Submissions on behalf of detained people

19. I wish to thank Deighton Pierce Glynn, Bhatt Murphy, Bindmans, Duncan Lewis, Jennings and Wilson Solicitors, on behalf of detained people, for their efficient and constructive approach to these submissions. Their joint submission raises a preliminary issue that if, having evaluated the 'confidential'/CLOSED material, I am minded to grant the renewed application on the basis of any of it that I should first consider (a) whether all the redactions are strictly necessary and justified in accordance with PII principles (b) whether material that is redacted by the MOD on grounds of 'confidentiality' can and should be disclosed pursuant to the Inquiry's confidentiality undertaking, and (c) whether in the interests of fairness and effective participation, Inquiry Participants can be provided with further information about the nature and content of the 'confidential'/CLOSED evidence.

20. It is often the case, where individuals or organisations seek the redaction of names or make anonymity applications, in inquests or inquiries, that they have to rely upon closed information. It is often impossible (or would defeat the purpose of the application), if applicants were required to disclose all of the information upon which they relied to support the application. This is not a conventional Public Interest Immunity process because this is information that I am being asked to consider in determining the application. If it was a conventional PII application, the MOD would not be seeking to rely upon the information at all (see *R (Terra Services Ltd) v The National Crime Agency, The Secretary of State for the Home Department, Inner London Crown Court, Inner London Crown Court* [2019] EWHC 3165 as to this distinction).

21. I have assessed whether the information provided to me in a closed form ought to be provided in an open form. I am satisfied that it is appropriate that this information is not made open. I am satisfied that (taken together) it would tend to reveal to hostile actors detail about MOD concerns about the targeting of personnel and the steps taken to reduce the risks of this.

22. My provisional determination set out my concern that the MOD application lacked an evidential foundation and I identified those areas where I considered that there was a particular lack of clarity. [redacted] open statement has been redacted in a way which provides Inquiry Participants with some understanding as to the headline point being addressed by reference to closed material. I am satisfied that Inquiry Participants have been able to make submissions on the basis of the open material and I have been assisted by those submissions made on behalf of detained people as to the points which the MOD needed to establish or clarify in order for me to properly consider this application.

23. Turning to the substantive points made on behalf of detained people, these include points which may be summarised as follows. The disclosure of the names of junior MOD personnel to Inquiry Participants does not mean that those names would enter the public domain. Rather what is envisaged is disclosure to the pool of Inquiry Participants; on a disclosure platform; in circumstances where Inquiry Participants are bound by confidentiality undertakings; for a specific and important purpose and pursuant to an Article 3 investigative duty.

24. It is also submitted that the gaps and omissions in the MOD's application have not been rectified by the further submissions or the witness statement of [redacted]. The application remains a class-based claim premised upon generalisations and lacking a formalised risk assessment. The submission also maintains that the MOD rationale for the redaction of junior personnel names applies with at least equal force to senior staff. It is reiterated that junior personnel have no reasonable expectation of confidentiality; they exercise public functions and redaction the of information about them is permitted only for "good and sufficient reason".

25. The submission is also critical of the MOD for not addressing the ruling of Lord Turnbull in the Omagh Bombing Inquiry. It notes that the MOD has not provided any basis to substantiate the argument made in the original application that Article 2 is engaged.

26. As regards the point made by [redacted] that different sources of information, if revealed in public, could be pieced together or trawled by AI, it is argued that this is speculative and vague. Instead, it is submitted that the MOD ought to present an individualised case in respect of each individual who falls within the definition of junior personnel and to demonstrate the risks that would pertain to that individual should their name be made public.

27. Insofar as the MOD's renewed application relies upon *Dana Astra IOOO v Secretary of State for Foreign, Commonwealth and Development Affairs* [2025] EWHC 289 (Admin), it is submitted on behalf of detained people that there are important distinctions between the sanctions context and the context of this Inquiry. These distinctions include that the names of officials were of "peripheral relevance" to the pleaded issue in *Dana Astra 1000* which principally went to the legality of designation and was not a broader fact-finding exercise. It is also submitted that the evidence relied upon in that case, to demonstrate the risk, was specific and more clearly demonstrated a nexus between the litigation and the risk. In this regard, the submissions point out that what is in issue here is the processing of people for the purposes of immigration and events which occurred more than 36 months ago.

28. As regards the implications of redaction, it is submitted on behalf of detained people that it threatens the intelligibility of documents and "most importantly", the loss of confidence in scrutiny. Citing *Khuja v Times Newspapers Ltd* [2017] 3 WLR 35, per Lord Sumption at paragraph 13, it is pointed out on behalf of detained people, that the significance of the principle of open justice has if anything increased in an age which attaches growing importance to the public accountability of public officers and institutions and to the availability of information about the performance of their functions importance to the public accountability of public officers and institutions (and to the availability of information about the performance of their functions). The submission also emphasises the imperative that an inquiry commands confidence (through its transparency and scrutiny) as articulated in *R (Wagstaff) v Secretary of State for Health* [2001] 1 WLR 292, 320) and it cites *MA v SSHD* [2019] EWHC 1523 (Admin) paragraph 75) as authority for the proposition that an Inquiry should work

towards the restoration of dignity of those affected (and that part of the way that this can be achieved is through 'open dealing'). Having regard to the work of this Inquiry in investigating the conditions in which people were kept at Manson, it is submitted that Inquiry Participants must be able to follow who gave instructions to who, what was escalated and to whom, and who knew, or ought to have known, what conditions were like.

Submissions by other Government Departments

29. In its letter to the Inquiry, the Cabinet Office states that it is committed to ensuring the safety and wellbeing of civil servants; that security is important to mental health (especially in relation to junior civil servants) and for that reason the Cabinet Office supports the MOD application. The Ministry of Justice repeats submissions made by the MOD and states that it supports those submissions.

Legal Framework

30. I set the legal framework out in my provisional determination and, for ease, I repeat aspects of that framework here. In his first instance Judgment in *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 simple basis that they were irrelevant to the issues in the claim [paragraph 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*." Swift J stated the general proposition which applied to redaction:

> *"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 …"

31. Swift J also rejected (at paragraph 18) the existence of any general, principled, justification for redacting junior officials' names. He also 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."* (at paragraph 25).

32. The Court of Appeal (*IAB v Secretary of State for the Home Department* [2024] 1 W.L.R. 1916), upheld the first instance decision of Swift J and indicated (at paragraph 36) its strong agreement with it. It concluded that 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.

33. 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.

34. *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.

35. I do not understand there to be any dispute, as between the Inquiry Participants, as to the two key principles which therefore apply to the MOD's application. First, the names of junior officials should not routinely be redacted from disclosable documents. Second, redaction should take place only where it is necessary for good and sufficient reason.

36. In renewing its application, the MOD also relies upon *Dana Astra IOOO v Secretary of State for Foreign, Commonwealth and Development Affairs* [2025] EWHC 289 (Admin). This is a decision of Saini J in which he permitted the redaction of 49 civil servants' names in underlying disclosure in a judicial review (related to the sanctions regime). The names of 12 other civil servants were not redacted because they were likely to be sufficiently identifiable and associated in the public domain with sanctions designation work. The application was not opposed. Saini J acceded to the application in short terms:

> "100. I will summarise the position and my reasons for acceding to the application in OPEN. In short, the Government of Belarus poses a threat to UK national security, both directly and through its close relationship with Russia. The Belarusian security and intelligence apparatus has close operational and other links with its Russian counterpart, and has adopted a military doctrine which identifies the "*Anglo-Saxon alliance*" (understood as a reference to the US and UK) as Belarus's main external security threat. Against that background,

four particular threats arise in relation to the disclosure of the names of officials working on the UK sanctions regime: (i) threats of hostile cyber activity (as to which a Belarusian cyber-espionage group with suspected links to Russian counterparts was identified in August 2023 with a focus on targeting foreign embassies and compromising the devices of embassy staff from a number of countries); (ii) threats of espionage (in circumstances where UK sanctions decisions, which represent a key pillar of UK foreign and security policy, are likely to be of interest to hostile foreign powers including Belarus and Russia); (iii) threats of retaliatory measures (which would be consistent with threats issued by President Lukashenko and the Belarusian Foreign Ministry, against the backdrop of suggestions by Dmitry Medvedev (Deputy Chairman of the Russian Security Council) that civil servants are considered legitimate targets for such retaliation, and evidence of a number of security incidents involving FCDO officials apparently relating to their work on Russia-related matters); and (iv) threats of reciprocal sanctions.

101. In my judgment, this evidence amply satisfies the requirement to show "*good and specific reasons*" of the type and nature contemplated by IAB. To be balanced against the risks to national security posed (in the particular context of this case) by disclosure of the names of civil servants is the peripheral relevance of those names to the issues in dispute. The identities of relevant officials are not themselves relevant to the pleaded issues. At best, they provide some context to the decision-making process and improve the overall comprehensibility of the disclosed documents. That marginal benefit is outweighed by the serious and concrete risks identified in the evidence."

Determination

37. Before setting out my reasoning in response to this application, I wish to reiterate some preliminary points. The first is that I agree that the duty of candour owed to an inquiry is the same as that owed in judicial review proceedings. Second, I agree with the submissions on behalf of detained people as to how important it is, in any inquiry, that it commands public confidence and that it does not too readily accede to any applications which impair public scrutiny or result in issues not being properly

ventilated in public. I note that in *R v Secretary of State for Health ex parte Wagstaff* [2001] 1 WLR 292, the issue was whether the Inquiry should be held in private and that the Judgment was therefore considering the implications for public confidence in hearing all of the evidence privately. In *MA, BB v The Secretary of State for the Home Department v The Equality and Human Rights Commission* [2019] EWHC 1523 (Admin) the issues related to the requirements of an effective Article 3 investigation and whether the usual form of a Prison and Probation Ombudsman investigation could achieve this. May J identified that one of the purposes of an effective investigation, was to identify and confront those responsible for the wrongdoing caused (in that case involving allegations of physical and mental abuse) so far as it is possible. The process had to be adequate to this need. These cases are about the basic procedural framework required in investigations like this Inquiry (rather than the approach which ought to be taken to redaction). They nonetheless underscore the importance of enabling scrutiny of decision making and the conduct of individuals who may be responsible for failures or errors or misconduct or unlawful conduct.

38. However, what is in issue in this application, is more limited than the procedural limitations considered in *Wagstaff* or *MA*. The Inquiry's process is a public one and MOD personnel will give evidence in public hearings. This is not an application that any witnesses be granted anonymity. It is not an application that there be any closed process for the provision of evidence by the MOD on the substantive issues.

39. It is important to put this in further context. As the Inquiry's investigations stand, it has identified some important and systemic issues which it has (and will continue to seek) evidence from the MOD about. These issues include the nature of the MOD's roles and responsibilities in the operation of the Manson site and how they evolved; the limitations of its role and whether or to what extent the MOD (or any individual including Ministers) were in a position to influence the factors which led to the deterioration of the conditions at Manston. The Inquiry also wishes to understand more about what information was shared with and escalated to and within the MOD (for example when allegations were made about the misconduct on the part of individuals who worked at Manston or when safeguarding issues were raised) and what its response

was. In significant part, the Inquiry expects that these issues will be answered by the evidence of senior MOD officials or be apparent from communications between or to senior personnel.

40. It is my understanding from the Inquiry Legal Team, that as investigations stand, redacting the names of junior personnel (and the other identifying information) and the direct dials and email addresses of MOD personnel is unlikely to impede understanding of the substantive issues. In relation to junior personnel, this is because they are likely to appear in the send or copy lists of emails or in notes of meetings. Redacting these names would not affect the *substance* of what is said in those emails or meeting notes. Whilst I accept the general point that the names of junior personnel are not irrelevant in the sense that Swift J meant in *IAB*, it is my current assessment that, *generally*, the names of junior MOD personnel are peripheral to the issues that the Inquiry is considering.

41. I recognise that this may change. I cannot rule out that evidence may emerge of wrongdoing by specific junior MOD personnel or it may become apparent that a junior member of personnel had a significant role in events or was routinely provided with information about the conduct of people who were employed on the site or there may be other grounds to seek a witness statement from a junior member of MOD personnel. However, should that eventuality arise, it would be open to the Inquiry to apply, on a *case by case* basis, a cipher to the name of such individuals or to name that *specific* individual. The Inquiry will continue to have the unredacted versions of MOD materials and so it will be able to see the names of any individuals who appear to be significant.

42. I regard this as important in light of the *Dana Astra IOOO* Judgment and the approach which Saini J took to striking a balance between the risk to national security by disclosure of the names of civil servants and the peripheral relevance of those names to the issues in dispute.

43. I accept that there are distinctions between *Dana Astra 1000* and this Inquiry insofar as the remit of this Inquiry is broader than any judicial review. However, this does not alter the position, that the redaction of the names of junior MOD personnel (and the other information) is unlikely to inhibit understanding of the issues that the Inquiry is investigating. I would add to this, the point that if, in *specific* instances, this was not the case, the Inquiry could consider ciphering or naming any individuals. I also consider that there are distinctions between judicial review and inquiries that may (in a balancing exercise) militate in favour of redaction in an Inquiry context. For example, there may be many more participants in an Inquiry as compared to a judicial review (making control over disclosed information more difficult); the volume of disclosure in an inquiry is likely to be far more voluminous in an Inquiry as compared to a judicial review and this may make it harder to assess the risks of jigsaw disclosure and or make it more likely that very many people will be named who are not in any way central to the Inquiry's investigations. Given the volume of disclosure in this Inquiry (and given that MOD junior personnel are also named in the materials disclosed by other Inquiry Participants), it is my view that the risks to which the MOD has pointed (if names are not redacted) are increased.

44. Turning to the reasons why I provisionally rejected the application. I was not satisfied, in light of *IAB* and the need for rigour, that the MOD had provided me with a sufficient evidential basis upon which to decide the application. In other words, I was not satisfied that the MOD had provided a proper basis upon which I could determine that redaction in the terms sought was necessary and for good reason.

45. I am content that the MOD has now provided sufficient evidence of what the risks of revealing the identities of junior personnel would be. The application provides a clearer rationale as to why that risk exists in the first place and why putting the names of junior personnel into the public domain would increase the risk of their being targeted by hostile states. The risk here is not linked to the subject matter of the Inquiry *per se*. The situation is not analogous to those cases or inquiries where the risk is linked to the subject matter of the claim or inquiry. The risk here *is* a more generalised one. It is the risk that hostile actors will use information about junior personnel, put in the public

domain, in order to more effectively target them and those individuals with whom they work. The MOD has provided evidence about the guidance provided to individuals to protect their identification to hostile actors [redacted]. In summary, the statement of [redacted] provides a proper basis for assessing how the revelation by the Inquiry, of the identifies of junior personnel, would increase any risks of these individuals being targeted by hostile actors. The MOD has, in summary, provided me with an understanding of how the Inquiry could potentially cause novel risks, or increase the risks to MOD personnel in this regard. [redacted]

46. As set out in my provisional determination, I was concerned that the MOD application did not adequately differentiate between disclosure to Inquiry Participants and disclosure to the public. This is because only a small proportion of what is disclosed to Inquiry Participants is likely to be disclosed to the public. However, the MOD has provided evidence which explains the risks of disclosure to Inquiry Participants. I accept that once disclosed (and this includes to *all* Inquiry Participants and to people within other Inquiry Participant organisations), that there is a loss of control over that information. I also accept that the Inquiry cannot presume that all Inquiry Participants would apply the same levels of security to this information as the Inquiry or the MOD does. In addition, the MOD's evidence has provided me with a clearer understanding as to why the application for the redaction of names is made only in respect of junior personnel. In summary (and drawing all the strands together), if information about those individuals came into the public domain; enabled understanding of their role and created a risk of their being compromised or caused them to be compromised, that may affect their future prospects and what roles they could undertake.

47. I agree with the submissions on behalf of detained people, that the renewed application does not address the provisional determination in respect of Article 2 or the extent to which it is actually engaged in this context. The MOD's application simply refers to physical harm as one of the risks that might pertain if the names of junior personnel were revealed. However, I understand the MOD to renew this application on the basis that the risks to national security constitute good reason for the redactions sought as opposed to the risk to the life of any MOD personnel should they be named. I also note the argument that the MOD's submission does not address the ruling by Lord Turnbull in the Omagh Bombing Inquiry. I regard that ruling as significant because it applies *IAB* in an inquiry context and because of Lord Turnbull's observation that there is no distinction between the application of IAB in the context of a judicial review or an Inquiry. I also noted Lord Turnbull's concerns as to the lack of evidence provided to support the application made in that Inquiry. Ultimately his ruling demonstrates a fact sensitive application of *IAB*. It cannot and does not purport to establish any law as to what evidence is required in order to demonstrate that an application to redact ought to be granted. There is no authority for the proposition that a good reason for redaction requires the production of a risk assessment (it is simply one of the means by which a good reason for redaction may be made out). Nor is an applicant required to produce an individualised assessment in respect of each name which it seeks redaction of. In any event, I am satisfied that the MOD has provided sufficient evidence to demonstrate the risks that the Inquiry would create or contribute to if it did not redact the names of junior personnel (and other identifying information).

48. I do accept that the names of junior personnel (and some of the identifying information) is likely to provide some context to the decision-making process and would be capable of improving the overall comprehensibility of the disclosed documents but this benefit is outweighed by risks identified in [redacted] evidence. I am satisfied that the renewed application meets the threshold established in *IAB*: the MOD has demonstrated that redaction of junior officials' names is necessary for good and sufficient reason.

49. I will make an order to this effect but I wish to make it clear that this order will be conditional. First, the Inquiry will keep this order under review. Second, if there is

evidence to suggest wrongdoing by any junior member of MOD personnel or which suggests that a member of junior personnel may have had a significant role in events or if there is a reason to seek a witness statement from a junior member of MOD personnel then the Inquiry will consider, on a case by case basis, whether than individual should be ciphered or named in the Inquiry's materials.

50. As noted above, the MOD suggested that if the names of junior personnel were redacted, then their job title could be left unredacted. The Inquiry intends to proceed on this basis. I note that the MOD's application for the redaction of the direct line professional telephone numbers and e-mail addresses MOD Senior Civil Service omits reference to their military equivalent. For the avoidance of doubt, the order also extends to them.

Sophie Cartwright KC

Chair to the Manston Independent Inquiry

15 May 2026