



RESTRICTION ORDER PURSUANT TO SECTION 19 OF THE INQUIRIES ACT 2005

General Restriction Order

The Chair has the power under section 19 of the Inquiries Act 2005 to make orders restricting disclosure or publication of documents given, produced or provided to the Inquiry. Any threat to break such an order, or any breach of it, can be certified to the High Court or Court of Session under section 36 of the Inquiries Act, which will deal with it as though the breach had occurred in proceedings before that court.

In exercise of the power, IT IS ORDERED THAT:

A. Medical Records

1. **General Provision:** No detail of the medical history or medical records of any person which has been provided to or obtained by the Inquiry may be published or disclosed by any person, unless express permission is given by the Chair of the Inquiry, or the Solicitor to the Inquiry acting on his behalf.
2. **Exceptions:** The general provision does not apply where publication or disclosure is required by law, or to:
 - a. information mentioned in a written statement provided to or obtained by the Inquiry and made by a person who is infected or affected, which relates to that person or any partner, child, parent, family member, carer, of that person or others close to that person.
 - b. the publication and/or disclosure of medical records where the person to whom those medical records principally relate consents to their publication and/or disclosure.
 - c. information which has already been published to a substantial section of the public.
 - d. disclosure to any legal representative acting for the individual who is infected or affected to whom the records principally relate.
 - e. any member of staff of the Inquiry (which expression includes counsel to or instructed by the Inquiry, and is to be broadly construed) where the disclosure or publication is to another member or members of the staff of the Inquiry, or to an expert to the Inquiry, or to any person

carrying out processing of information on behalf of the Inquiry whilst and only whilst doing so, and is for the purposes of the Inquiry.

B. Anonymity Order

3. **General Provision:** The maker of any written statement or other document disclosed or published by the Inquiry which is marked “Anonymous” is granted anonymity. The name and address of the witness and any other identifying information that is redacted in the witness’s written statement cannot be disclosed or published in any form, whether oral, written or electronic, or in any other way, unless express permission is given by the Chair of the Inquiry, or the Solicitor to the Inquiry acting on his behalf.
4. **Exception:** In accordance with paragraph 19 of Infected Blood Inquiry Statement of Approach - Anonymity and Redaction, where the written statement of the witness granted anonymity contains criticism of another person or organisation, the identity of the witness and the nature of the criticism may be disclosed to the person or organisation being criticised subject to any application to prevent disclosure made under paragraph 19. Anyone to whom information is disclosed in this way must keep it confidential and not disclose it to any other person, without the express permission of the Chair of the Inquiry, or the Solicitor to the Inquiry acting on his behalf
5. A confidential schedule of witnesses to whom this Order relates will be maintained by the Inquiry.
6. Any person who has applied and has been determined to fall within this Order may apply to the Chair of the Inquiry to amend (remove and/or vary) their anonymity at any time.

C. Redacted Documents

7. Where any document published or disclosed by the Inquiry appears on the face of it to have been redacted, no person may reveal what has been redacted to any other person by any means whatsoever unless permitted in respect of each specific redaction to do so by the Chair of the Inquiry or by the Solicitor to the Inquiry acting on his behalf.
8. **Exceptions:** The restriction imposed by paragraph 7 of this Order does not apply where publication or disclosure is required by law, or to:
 - a. the person who gave, produced or provided the document to the Inquiry.
 - b. any member of staff of the Inquiry (which expression includes counsel to or instructed by the Inquiry, and is to be broadly construed) where

the disclosure or publication is to another member or members of the staff of the Inquiry, or to an expert to the Inquiry, or to any person carrying out processing of information on behalf of the Inquiry whilst and only whilst doing so, and is for the purposes of the Inquiry.

D. Written statements containing criticism

9. **General Provision:** where a written statement provided to the Inquiry contains criticism of a named person or organisation, the witness' written statement may be disclosed to the person or organisation criticised for the purpose of obtaining their response to the criticism raised. Anyone to whom information is disclosed in this way must keep it confidential and it must not be disclosed to any other person unless express permission is given by the Chair of the Inquiry, or the Solicitor to the Inquiry acting on his behalf.
10. **Exception:** the general provision does not apply where:
- a. disclosure is required by law;
 - b. disclosure is for the purpose of obtaining legal or other professional advice in connection with the criticism and, in such circumstances, it is incumbent on the person criticised to ensure that their professional advisor(s) agree to keep the information confidential before the information is shared;
 - c. the information has already been published to a substantial section of the public.

E. General

11. This Order is made on 1 November 2018. It remains in force for the duration of the Inquiry and at all times thereafter, unless otherwise ordered.
12. The Chair of the Inquiry may vary or revoke this Order by making a further order during the course of the Inquiry.

PENAL NOTICE

You should be aware that the High Court and Court of Session have power to imprison or fine for any breach of this Order.

Dated 1 November 2018,
Updated on 1 March 2019

Sir Brian Langstaff
Chair