

Protocol for the redaction and disclosure of documents

Purpose of the protocol

1. To provide guidance as to the approach the Inquiry is taking in respect of the redaction of documents in advance of disclosure and to ensure a consistency of approach.
2. This protocol should be read alongside the [protocol for the receipt and handling of documents](#).
3. The procedures outlined below are not intended to cover every eventuality or every procedural issue that may arise. Where the interests of justice and fairness require it, the Inquiry may depart from this protocol. Further, this protocol may be amended from time to time, in which case an amended version will be published on the Inquiry website.

Documents

4. In this protocol “document” includes information recorded in any form. This can mean it is in paper or in electronic form. It will include but is not limited to text messages, emails, social media posts, letters, statements, manuscript notes, meeting/attendance notes, legislation, reports, guidance, codes of conduct, protocols, photographs, video and audio recordings and metadata.

5. In this protocol a “material provider” means any individual, organisation or entity which has been asked to provide, or has provided, documents to the Inquiry.
6. A material provider should provide documents related to the terms of reference of the Inquiry in their original form, unredacted and unfiltered. The Inquiry will filter the documents received from material providers for their relevance and materiality to the terms of reference. The Inquiry will then apply redactions to the documents in accordance with this protocol prior to disclosure.

Redaction

7. Subject to any restriction orders or notices which may be made under section 19 of the Inquiries Act 2005 (“the 2005 Act”), the Chair must take reasonable steps to ensure that members of the public have access to a record of evidence given and documents produced at the Inquiry¹.
8. There are a number of reasons why documents or parts of documents provided to the Inquiry may require to be redacted prior to disclosure. These include (but are not limited to) the following:
 - a. The information contained in the document is both sensitive and irrelevant to the Inquiry’s work, for example it refers to details of a police investigation that has no connection or relationship to the investigation into the murder of Emma Caldwell;
 - b. The information in question constitutes personal data within the meaning of the UK General Data Protection Regulations (“GDPR”) and the Data Protection Act 2018 (“DPA”) further disclosure of which is incompatible with that legislation; and
 - c. The information in question is covered by a restriction notice or order made under section 19(2)(a) or (b) of the 2005 Act.

¹ The Inquiries Act 2005 section 18

9. Prior to disclosure, the Inquiry will review all documents to ensure that it complies with its own obligations as a controller of personal data under the GDPR and DPA. The Inquiry will apply redactions for personal data to all documents prior to disclosure. Personal data is any information that could directly or indirectly identify a living individual. While names relevant to the terms of reference will not be redacted, the Inquiry anticipates that the following personal data will be redacted. This is not intended to be an exhaustive list:

- a. Day and month of birth;
- b. Personal telephone numbers;
- c. Personal email addresses;
- d. Personal social media identifiers;
- e. Identification numbers, such as passport numbers and national security numbers;
- f. Home addresses, unless the address is itself relevant to the terms of reference;
- g. Places of work (for non-police witnesses) where these are sufficiently specific to identify the witness, unless the occupation and place of work is itself relevant to the terms of reference;
- h. Vehicle registration numbers, unless the vehicle registration is itself relevant to the terms of reference; and
- i. Signatures.

10. Without prejudice to the generality set out within Article 9 above, the Inquiry may, where necessary, rely upon the legal proceedings exemption as set out in Schedule 2 to the DPA. The Inquiry may disclose personal data where it is deemed necessary for the purposes of the Inquiry.

Redactions proposed by material providers

11. Once the Inquiry has redacted the relevant documents it will contact the material provider with whom it requires to consult on redactions prior to

disclosure in accordance with this protocol (“the appropriate provider”) to advise that documents they have provided to the Inquiry will be disclosed in redacted form. The Inquiry will advise the appropriate provider of its proposed redactions. The Inquiry will ask the appropriate provider to confirm whether they have any further suggested redactions prior to the disclosure of the documents.

12. Any appropriate provider who contends that a document should be further redacted or redacted otherwise than in accordance with the redactions already proposed by the Inquiry may make a proposal to the Inquiry by email to legal@emmacaldwellinquiry.scot (“the proposal”). The proposal should include a copy of the document with the suggested redactions clearly marked and a brief explanation of the reasons for the proposed redactions.
13. The Inquiry will consider the proposal and inform the appropriate provider of the decision made, and the redactions agreed or rejected, by email. In limited circumstances the Inquiry may seek further information or explanation from an appropriate provider to allow it to reach a view on any variation to the redactions proposed by the appropriate provider.
14. If the appropriate provider wishes to challenge the Inquiry’s decision to reject any redactions suggested within the proposal then it may apply to the Chair for a restriction order within a reasonable time limit set out by the Inquiry, following the process outlined in the Inquiry’s restriction order application protocol. Any insistence on a redaction requires to be accompanied by a detailed explanation as to why that information cannot be made public.
15. Material providers should have regard to the relevant provisions of the 2005 Act when giving reasons for proposed additional or amended redactions and must take a reasonable and proportionate approach when seeking redactions, whether within a proposal or any application for a restriction order. Before asserting legal professional privilege, a material provider should consider carefully whether they should waive that privilege to aid transparency and assist the Inquiry in its work in the public interest.

Appropriate and alternative providers

16. Where a document has been provided to the Inquiry by one material provider, that material provider will be regarded as the appropriate provider and consulted on redactions prior to disclosure.
17. Where the same document has been provided to the Inquiry by more than one material provider, the Solicitor to the Inquiry will determine which material provider should be consulted on redactions prior to disclosure as the appropriate provider. The decision by the Solicitor to the Inquiry will take into consideration a range of factors. These factors include considering:
 - a. Which material provider is best placed to advise on redaction, taking account of the content and sensitivity of the document;
 - b. Which material provider first ingathered or created the document;
 - c. Which material provider directed the document to be ingathered or created; and
 - d. In the case of correspondence, which material provider sent the correspondence.
18. In determining which material provider should be consulted on redactions prior to disclosure, the Solicitor to the Inquiry will at all times act with fairness and have regard to the need to avoid any unnecessary cost and the need to ensure expeditious progress of the Inquiry.
19. At the same time that a redacted document is shared by the Inquiry with the appropriate provider, other material providers who have shared the same document with the Inquiry ("alternative providers") will be advised of the document. The Inquiry will provide them with the document ID and title as provided by that alternative provider, to allow them to identify the document to be redacted. Those alternative providers may send comments to the Solicitor to the Inquiry, where such comments relate to the sensitivity of the document in question or the Inquiry's determination as to which material

provider is to be consulted on redactions as the appropriate provider.
Alternative providers will not be asked for comments in relation to redactions considered necessary under the GDPR.

Issued under the authority of the Chair on 10 December 2025.