

Emma Caldwell

INQUIRY

RESTRICTION ORDER ON ANONYMITY Q&A

In this document you will find information about a restriction order issued by the Chair of the Inquiry, Lord Scott, that grants anonymity to certain categories of people.

The Chair is committed to an open and transparent Inquiry. He wants to ensure public access to the evidence and hearings, as far as possible. He has also spoken about the importance of the Inquiry taking a trauma-informed approach to its work.

The Chair is aware that, due to the subject matter of this Inquiry, some people may have concerns about their identities being made public. He wants to ensure the Inquiry gets all the evidence it needs to investigate matters fully. With this in mind, he has made this restriction order to make sure that, as far as possible, the work of the Inquiry does not cause further trauma or harm to witnesses or participants.

What is a restriction order?

A restriction order is an order made by the Chair under section 19 of the Inquiries Act 2005 that can be used to limit the disclosure or publication of evidence provided to a public inquiry. It can be used in a number of scenarios, such as granting anonymity to witnesses, limiting disclosure of certain pieces of evidence or restricting public access to certain hearings.

Why are restriction orders used?

Restriction orders can be put in place for a number of reasons, usually to prevent harm to individuals, protect confidential information or for reasons of national security.

Why is this restriction order in place in this Inquiry?

The restriction order is in place to grant anonymity to certain categories of witnesses or people whose names appear in the Inquiry evidence. Witnesses and other people covered by the restriction order are known as “protected persons”.

Who is granted anonymity by the restriction order?

The restriction order will cover the categories of protected persons noted in section 13 of the restriction order. Protected persons are defined within the restriction order as follows:

- people involved, or formerly involved, in prostitution;
- people involved, or formerly involved, in drug misuse;

- victims and survivors of sexual violence;
- people identified in the Inquiry's evidence as having purchased sex; and
- suspects identified by Strathclyde Police or Police Scotland for the murder of Emma Caldwell, unless they were, at any stage, charged in connection with the murder of Emma Caldwell.

If you are a protected person as defined by the restriction order you will automatically be granted anonymity, subject to certain exceptions. To be clear, as a protected person you won't have to apply to the Chair to be granted anonymity as it will be given to you automatically.

What is the effect of the restriction order?

The names of protected persons will not be disclosed in documents that are shared by the Inquiry with core participants or published on the Inquiry's website. Anonymity for protected persons will also be retained throughout the Inquiry's evidential hearings.

Can I apply for anonymity if I am not covered by the restriction order?

Yes. If you are not a protected person and not covered by the restriction order but wish to be granted anonymity, you or your legal representative can apply directly and confidentially to the Chair for a separate restriction order. You will find more information on how to do this in the [restriction order application protocol](#).

What happens if the restriction order is breached?

Breaching a restriction order is a very serious matter that can lead to legal action.

What should I do if I have information that may be useful to the Inquiry but wish to remain anonymous?

In the first instance, contact the Inquiry confidentially at legal@emmacaldwellinquiry.scot. The Inquiry team will then advise you on the next steps.

Who should I contact if I need more information about the restriction order?

In the first instance, contact our legal team at legal@emmacaldwellinquiry.scot.

What is a trauma-informed approach?

The Chair recognises that some of those participating in the Inquiry have been affected by difficult or upsetting experiences. Taking a trauma-informed approach means making sure we treat everyone in a way that is safe, supportive and respectful, and working hard to ensure we don't cause further harm or distress.