

Scottish Child Abuse Inquiry

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Protocol on redaction and the Inquiry transcript

Introduction

The protocol sets out the Inquiry's approach to redaction of information from documents before they are shared or published.

The protocol also explains how the Inquiry prepares and publishes its transcript of hearings, and how you can apply to the Inquiry if you think there is a mistake in the transcript.

Use of Redaction

“Redaction” is the removal of information from a document . The Inquiry's redactions usually involve blacking out words . It can be used to protect people who have told us they were abused (and their relatives), to protect people accused of abuse, and to protect some others. For further details, see the Protocol on [Information](#) and the General Restriction Orders made by the Chair of the Inquiry.

Redaction is used to protect personal data including sensitive personal data. The meaning of “personal data” and “sensitive personal data” is defined by the Data Protection Act 1998 and is explained below. Further, redaction is used to protect a person's privacy as required by the Human Rights Act 1998.

When redacting to protect identity, the Inquiry will remove the following from all documents (including witness statements) before they are shared or published:

- name;
- date of birth;
- other dates which might identify the person;
- address(es);
- names of family members (and their addresses, dates of birth etc);
- events from the person's life which might identify them.

Witness statements will be redacted to remove information (including names) about other people . For example, this would include information which could identify:

- other children in care;
- some of the staff at care institutions, whether or not alleged to be abusers;
- family members.

The names of senior members of staff of organisations and institutions responsible for the residential care of children will not normally be redacted. For example, they will not be redacted if their identity is, or was, a matter of public record such as in the case of some chief executives, trustees, chairs, head teachers and their equivalents.

Redactions may be made other than for the purpose of protecting anonymity or personal data. For example, some witness statements may contain information that does not directly relate to the Inquiry's Terms of Reference or assist with context. Such information will also be redacted.

Personal data

Personal data means information from which a living person can be identified whether by using that information alone, or by combining it with other information.. Personal data includes a person's name, address and date of birth.

Personal data" consisting of information about a person's racial or ethnic origins, political opinions, religious or other similar beliefs, membership of a trade union, physical or mental health, sexual life, commission of any crime or about them being the subject of prosecution for any crime is known as "sensitive personal data". Personal data will be protected by the Inquiry. For example, this includes a person's name, address (current and past), date of birth, phone numbers, email address and any sensitive personal data.

This redaction process will be carried out by the Inquiry as a matter of course before we share, disclose or publish any documents. It is not dependent on there being a restriction order in place.

Recovery of documents by the Inquiry

Documents recovered by the Inquiry in response to its requests and under its statutory powers can contain large amounts of personal data.

The current holders of such documents should provide the Inquiry with unredacted originals. We will be responsible for protecting the personal data in the documents.

The current holders of the documents may propose redactions but the decision about what redaction is required will, ultimately, be ours.

Some of the documents collected by the Inquiry will not be shared or disclosed at all. Any such documents will, accordingly, not require to be nor will they be redacted.

All members of the Inquiry team must comply with the Inquiry's protocol on [Information](#) and other internal policies to ensure that any personal data in the documents we handle are protected at all times.

Inquiry transcripts

Transcripts of all its hearings are published by the Inquiry on its website.

Transcripts are scrutinised on an ongoing basis throughout the hearing and they are thoroughly checked at the end of each day before publication. For example, they are checked for spelling accuracy and they are checked by reference to the audio recording if any words are missing from the written version.

The identity of some people will not, however, be shared or published by the Inquiry. There is more information on this in the [Protocol on Anonymity and protective measures](#). Information identifying such a person will be redacted from documents before they are shared or shown in public at a hearing.

The name of such a person, or other information which could help to identify them, may be mentioned by mistake during a hearing. Whilst the Inquiry team will always try to ensure that this does not happen, it is sometimes not possible to prevent witnesses accidentally saying the name or giving information about such an identity. If this happens the Inquiry Chair may, at the time, direct all those present at the hearing, including the press, not to disclose the identity or information in any way.

Also, any such evidence about the person's identity will be redacted from the transcript. Where such evidence was given, it may take longer than usual to check the transcript before it is published.

If a hearing – or part of a hearing – was held in private the Chair may decide that no part of the transcript for that hearing or part of it will be published.

Correction of the transcript

Anyone present at a hearing who believes that the published transcript does not accurately reflect what was said, and wants to apply to have it corrected, should get in touch with the Inquiry immediately and, in any event, within 2 working days of the transcript being published, by emailing to: solicitors@childabuseinquiry.scot. Your application should specify the correction(s) you request and why.

Stylistic changes – such as to try to improve grammar or the use of language – cannot be made to the transcript.

Where an application to correct the transcript is granted, if the correction is a substantial one, Inquiry Counsel will formally explain it, at the next opportunity during a hearing. Minor changes to the transcript will not be referred to at a hearing. They will be notified in writing to anyone who applied for the correction and to those people or organisations who had leave to appear at the relevant hearing.