



# INDEPENDENT INQUIRY CHILD SEXUAL ABUSE

## DETERMINATION RESTRICTION ORDER APPLICATION

1. The hearings in the Inquiry's Westminster investigation are due to commence on Monday 4 March 2019. As part of the preparation for those hearings, the Inquiry has reviewed documents held by each of the three intelligence and security agencies - MI5, SIS and GCHQ. Each of the three agencies has provided the Inquiry with a corporate witness statement addressing documentation that is within the scope of the investigation and other relevant matters. My present intention is to call the makers of each of the three statements to give oral evidence at the Inquiry hearings in March.
2. SIS, MI5 and GCHQ have all made applications for Restriction Orders pursuant to section 19 of the Inquiries Act 2005. The SIS application is dated 14 January 2019 and the GCHQ and MI5 applications are dated 6 February 2019. All three applications seek the same, limited, restriction, namely that the names of the officers who have made the statements to which I have referred above should be anonymised.
3. Each of the applications describes in broad terms the work of the agency in question and the secrecy that is inherent to that work.
4. The particular risks that the anonymisation of the officers' names are designed to meet are described in a few sentences in each of the applications, and I will set out the relevant passages of each of the applications below.
5. The SIS application states:

*"It is the longstanding legal and policy position that SIS officers below the level of Service Chief are not named in any public document or forum, for both the security of the officer and the protection of wider national security. SIS asserts that the identity of the witness providing the statement in response to the Inquiry's request should be protected, in line with that policy. Should the identity of the officer not be redacted from the witness statement, there would be a significant risk that this could result in harm or damage to national security or the officer themselves."*
6. The GCHQ application states:

*"GCHQ has a limited number of senior officials who are formally avowed, such as the Director of GCHQ. GCHQ's witness in this matter is not formally avowed. Other than those staff members who are formally avowed, GCHQ treats staff identities as sensitive (albeit not secret) in order to help protect the security of the officer. GCHQ requests that the identity of the witness*



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*providing the statement be protected, in order that the officer is not unnecessarily associated with GCHQ in a high-profile matter. Should the identity of the officer be revealed, there is a risk that those hostile to GCHQ (or UKIC as a whole) could target the officer for intelligence purposes or physically.”*

7. The MI5 application states:  
*“The reason why disclosure would cause such harm is that information relating to the identity, appearance, deployment or training of current and former members of MI5, would endanger or risk endangering them or other individuals or would impair or risk impairing their ability to operate effectively as members of the Service or the ability of the Service to recruit and retain staff in the future.”*
8. The Inquiry’s starting point is of course one of openness. However, having considered the applications with care, I am satisfied that the grounds advanced are sufficient to justify granting anonymity to each of these three witnesses. In reaching this decision I have had regard to the fact that all three witnesses are corporate witnesses. They will give general evidence relating to the present and historic conduct of their respective organisations. Their evidence will not cover any contentious factual issues and their credibility will not be in question. These factors militate in favour of granting the applications.
9. I accordingly grant the applications.
10. As I have said, I intend to call all three witnesses to give oral evidence at the hearings in March. It will therefore be necessary for those representing these witnesses to liaise with the Solicitor to the Inquiry as a matter of urgency to discuss if they seek any protective measures over and above those normally afforded to anonymous witnesses at the inquiry when these particular witnesses come to give their evidence.

**Professor Alexis Jay OBE**  
**Chair, Independent Inquiry into Child Sexual Abuse**

**8 February 2019**