Protocol on Ciphering and Anonymity

1. Introduction

1.1. The Statutory Independent Inquiry into Grooming Gangs ("**the Inquiry**") is expected to receive, consider and publish material relating to allegations of sexual abuse, sexual exploitation and related offending. That material may contain information capable of identifying a person as a victim or complainant of a qualifying sexual offence.

1.2. In discharging its statutory functions, the Inquiry is required to balance the importance of transparency and public scrutiny against the need to protect individuals whose identities are entitled to protection by law.

1.3. The Inquiry has therefore adopted a ciphering protocol for victims and survivors of qualifying sexual offences. The purpose of the protocol is to protect the identity of individuals entitled to statutory anonymity under the Sexual Offences (Amendment) Act, 1992 by replacing identifying references with a unique cipher. The Inquiry's use of ciphers seeks to protect the anonymity granted to victims and survivors whilst enabling material to be disclosed and published in a manner consistent with its legal obligations.

1.4. This Protocol sets out the Inquiry's approach to the use of ciphers for victims and survivors of qualifying sexual offences, the circumstances in which a protected person may consent to being identified publicly, and the way in which the Inquiry will consider any request affecting the continued use of a cipher.

2. Legal Framework

The Inquiry's Powers to Restrict Publication

2.1 The Inquiry is established pursuant to the Inquiries Act 2005 and is empowered to regulate the disclosure and publication of evidence and other material provided to the Inquiry.

2.2 Section 18 of the Inquiries Act 2005 requires the Chair to take such steps as the Chair considers reasonable to secure that members of the public are able to attend the Inquiry or see and hear a simultaneous transmission of proceedings, and to obtain or view a record of evidence and documents given, produced or provided to the Inquiry, subject to any restrictions imposed under section 19.

2.3 Section 19(1)(b) of the Inquiries Act 2005 permits restrictions to be imposed on the disclosure or publication of evidence or documents given, produced or provided to the Inquiry. Under section 19(2)(b), the Chair may impose such restrictions by making a restriction order during the course of the Inquiry.

2.4 Section 19(3) provides that such restrictions may be imposed where the Chair considers them conducive to the Inquiry fulfilling its Terms of Reference, or otherwise necessary in the public interest, having regard in particular to matters including:

a. the extent to which restrictions are conducive to the Inquiry fulfilling its terms of reference;
b. the extent to which restrictions are necessary having regard to the interests of justice;
c. the risk of harm or damage that could arise from publication;
d. the need to protect the privacy, safety and welfare of individuals; and
e. any statutory obligations applicable to the Inquiry.

2.5 The Inquiry's powers under section 19 exist alongside, and do not replace, statutory prohibitions on publication imposed by Parliament, including those contained in the Sexual Offences (Amendment) Act 1992.

Sexual Offences (Amendment) Act 1992

2.6 Section 1 of the Sexual Offences (Amendment) Act 1992 ("**the SOAA**") prohibits the publication, during the protected person's lifetime, of material likely to lead members of the public to identify a person against whom a qualifying sexual offence is alleged to have been committed. The protection arises when an allegation of a qualifying sexual offence is made, and continues, subject to the provisions of the SOAA, for the protected person's lifetime.

2.7 The prohibition extends beyond names alone. Section 1(3A) of the SOAA identifies examples of information capable of engaging the prohibition, including a person's name, address, educational establishment attended, place of work and any still or moving image of that individual. The list is not exhaustive, and the prohibition applies wherever published information, whether alone or in combination with other information, is likely to identify a protected individual.

2.8 Section 6 of the SOAA defines publication broadly. Material made available on the Inquiry's website, during a public hearing or otherwise to the public or a section of the public may constitute publication for the purposes of the SOAA.

2.9 Section 5 of the SOAA makes publication in contravention of section 1 a criminal offence. Section 5(2) provides a defence where the protected person has given written consent to the appearance of matter of the relevant description.

3. The Inquiry's Approach

3.1 This Protocol applies to any person, whom the Inquiry identifies as being entitled to statutory anonymity under the SOAA. Such a person is referred to in this Protocol as a "**protected person**".

3.2 The Inquiry has adopted a cipher-first approach to protect the anonymity granted to protected persons. Where the Inquiry identifies a protected person, it will allocate and apply a cipher before relevant material is disclosed or published.

3.3 The Inquiry does not require a protected person to make an application in order to receive the protection to which that person is entitled under the SOAA. Statutory anonymity is not

dependent upon participation in the Inquiry, witness status or a request by the person concerned.

3.4 A protected person may subsequently request for their anonymity to be waived by the Inquiry. Any request will be considered individually in accordance with section 5 of this Protocol.

3.5 Waiving of anonymity will not ordinarily result in the removal of the cipher from material already received, processed, disclosed or published by the Inquiry. The Inquiry will instead publish an approved statement associating the protected person's name with the continuing cipher.

3.6 This approach supports consistency, protects against inadvertent disclosure and avoids the need to alter multiple documents if a protected person later changes their position.

4. Allocation and Use of Ciphers

4.1 Each protected person will be allocated a unique cipher. Ciphers will be allocated sequentially in the format C1, C2, C3 and so on. A cipher does not convey any information about the protected person or the allegation to which the protection relates.

4.2 The Inquiry will use the same cipher consistently where the protected person is referred to by a name, former name, alias, initials, username, family relationship, pre-existing cipher or other direct reference, so far as the Inquiry is able to identify that the references concern the same person.

4.3 Where a name or other direct reference is replaced, the relevant cipher will be inserted in place of that reference.

4.4 Other identifying information will not ordinarily be replaced by the cipher. Addresses, educational establishments, workplaces, images, contextual details and other information capable of identifying the protected person will instead be redacted in accordance with the Inquiry's General Restriction Order.

5. Requests To Be Identified Publicly

5.1 Section 5(2) of the SOAA provides that publication of information identifying a victim or complainant of a qualifying sexual offence is permitted only where that individual has provided written consent to publication.

5.2 A victim or survivor who wishes to consent to the publication of information identifying them may do so by providing a signed witness statement to the Inquiry. The witness statement must:

a. identify the individual concerned;
b. identify the individual's allocated Inquiry cipher; and
c. confirm that the individual consents to the publication of information identifying them as a victim or complainant for the purposes of the Sexual Offences (Amendment) Act 1992.

5.3 A template witness statement for waiving anonymity can be found **here**.

5.4 Where written consent is provided, the Inquiry may share the witness statement or confirmation that such a statement has been provided, as appropriate

5.5 Owing to the serious consequences of any breach of the SOAA and the potential reputational impact of any inadvertent disclosure, the Inquiry's default position is that ciphers will continue to be used across all Inquiry documents, evidence, hearing materials and publications irrespective of whether a victim or complainant subsequently consents to being identified publicly.

5.6 Where an individual who has consented to waiving their anonymity subsequently wishes to withdraw that consent, the Inquiry will consider what steps are appropriate in the circumstances. Those steps may include amending, redacting or removing the witness statement or other material associating that individual with their allocated cipher. The provision of written consent does not affect the allocation or continued use of the individual's Inquiry cipher. The Inquiry's position is that ciphers will continue to be used across Inquiry documents, evidence and publications notwithstanding an individual's consent to be identified publicly.

5.7 The Chair may consider requests relating to an individual's cipher status on a case-by-case basis and may give such directions as considered appropriate in the circumstances.