

The Scottish COVID-19 Inquiry

Protocol for Receipt and Handling of Information

1. Introduction

- 1.1 To fulfil its objectives, the Scottish COVID-19 Inquiry needs to gather information that relates to matters within its [Terms of Reference](#).
- 1.2 This Protocol describes how the Inquiry will obtain and handle the information it receives.
- 1.3 The Inquiry also has a [Privacy Policy](#) for the purpose of data protection, which explains how it will handle personal information.
- 1.4 The Appendix to this Protocol contains a note of
 - 1.4.1 the definitions of terms used in this Protocol and
 - 1.4.2 legislation and rules relevant to this Protocol.

2. Voluntary production of information

- 2.1 Where possible the Chair intends to rely on voluntary co-operation for production to the Inquiry of information the

Chair considers necessary to fulfil the Terms of Reference.

- 2.2 A request for voluntary production of information will normally be made by means of a letter or email to the person believed to have custody or control of the information.
- 2.3 The Chair expects that all parties to whom a request for voluntary production of information is addressed will cooperate fully with the Inquiry. Should information not be provided in full to the Inquiry, or should there be a delay in supplying information, that may delay the Inquiry's progress in fulfilling its Terms of Reference. Parties should give a broad interpretation to any request, and provide all information requested, together with any other information relevant to the request. All information should be provided without delay and within the time limits specified in the request.
- 2.4 Where a party is unable or unwilling to produce information voluntarily, a full explanation should be provided in writing to the Inquiry as soon as possible.

3. Compulsory production of information

- 3.1 Where a party fails to produce information to the Inquiry voluntarily, or where the Chair otherwise decides, the

Chair may elect to use the Chair's powers under section 21 of the 2005 Act to require the production of information.

- 3.2 Where the Chair elects to require the production of information under section 21, the Inquiry will send a notice under section 21 to the person believed to have custody or control of the information.
- 3.3 The notice under section 21 will require the person to provide the information specified in the notice within such period as may be specified. The notice will normally also specify the consequences, under section 35 of the 2005 Act, of failing without reasonable excuse to do anything required by the notice.

4. **How information should be supplied to the Inquiry**

- 4.1 Where a request is made or a notice is issued in respect of information sought by the Inquiry, the party it is addressed to should undertake comprehensive, thorough and rigorous searches for all relevant information.
- 4.2 Once information has been identified, every care should be taken to ensure that it is preserved in its original form.

- 4.3 All information provided to the Inquiry must be in original form, or if not available or appropriate, in the best available copy, intact and in unredacted form. Production must not be delayed on the ground that redactions are desired.
- 4.4 All information should be accompanied by an inventory listing the information and signed by or under the authority of the party or person providing the information.
- 4.5 All information should be provided electronically unless otherwise requested by the Inquiry. The Inquiry will be using an online document management review system and electronic information should be provided in native format, for example Microsoft Word, Microsoft Excel, MSG email files/PST email containers. If that is not possible, providers of documents should contact the Inquiry to discuss alternative formats.
- 4.6 In producing information to the Inquiry, instructions will be given to document providers for the uploading of documents to the relevant document submission system. The instructions will set out the criteria that documents require to meet prior to uploading.

4.7 Where a hard copy document falls within the scope of a request for information made by the Inquiry, where possible it should be digitised, preferably to multipage PDF format, and provided electronically. If the document is mainly text based, this should be scanned in black and white and should only be scanned in colour where it is critical to the legibility and understanding of the document. Scanning settings should be set to 300 dpi (number of dots per inch as scanned) for both black and white and colour documents. If document providers cannot produce scanned or digitised copies for any reason, they should contact the Inquiry to discuss alternative formats.

5. **Disclosure and use of information by the Inquiry**

5.1 The Inquiry aims to be as transparent as possible. Information supplied to the Inquiry may be made available to participants, witnesses, attendees at hearings and to the wider public, under section 18 of the 2005 Act and subject to any restriction on disclosure that may be imposed under sections 19 and 20.

6. **Appendix**

6.1 Definitions

6.1.1 In this Protocol:

'2005 Act' means the [Inquiries Act 2005](#).

'2007 Rules' means [The Inquiries \(Scotland\) Rules 2007](#).

'Chair' means the Chair of the Inquiry.

'information' means information recorded in any form, and for the avoidance of any doubt and without prejudice to that generality: (1) includes any document; and (2) where it relates to producing or providing information which is recorded otherwise than in legible form is to be read as a reference to producing or providing a copy of the information in legible form.

'Inquiry' means the Scottish COVID-19 Inquiry

6.2 Legislation and Rules

6.2.1 The Inquiry is a statutory inquiry established under the 2005 Act. As a result, it has statutory powers to request

and receive information relevant to its investigations and other functions.

6.2.2 In addition, the 2007 Rules, made under Section 41 of the 2005 Act, make further provision relevant to the conduct of the Inquiry.

6.2.3 A brief summary of some of the key provisions of the [2005 Act](#) and [2007 Rules](#) is set out below. The summaries are not exhaustive and the provisions themselves should be looked at for their full terms.

2005 Act

6.2.4 Under Section 17 the procedure and conduct of the Inquiry are such as the Chair may direct.

6.2.5 Under Section 18 the Chair must take such steps as the Chair considers reasonable to ensure that members of the public are able to view information provided to the Inquiry.

6.2.6 Sections 19 and 20 make provision, among other things, for the imposition of restrictions on disclosure or publication of any information provided to the Inquiry.

6.2.7 Section 21 empowers the Chair to require a person by notice, within such period as appears to the Chair to be reasonable, to provide information to the Inquiry.

6.2.8 Section 22 lists exemptions to Section 21 so that certain privileged information may be excluded from what may be required to be produced under Section 21.

6.2.9 Section 35 provides it is a criminal offence for a person to fail without reasonable excuse to do anything that they are required to do by a notice under Section 21.

2007 Rules

6.2.10 The Chair has powers under Rule 8 to send written requests to any person in relation to the provision of information.

6.3 Version Control

This is the third version of the Protocol for Receipt and Handling of Information. It was approved on 8 July 2022 and is issued under the authority of the chair.

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