



## **CHAIR'S STATEMENT ON DISCLOSURE AND LEGAL PROFESSIONAL PRIVILEGE**

When he made a statement to Parliament commending the Terms of Reference for this Inquiry the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office gave an undertaking that the onus is on Government to produce all relevant papers, and made a commitment to provide full cooperation so that justice and transparency would be provided to people who were infected and their families: “My Cabinet colleagues are all very determined to get to the truth over this. It is important that the truth comes out both, and most importantly, to provide justice and transparency for the survivors and their families, and to ensure that any lessons about public administration can be learned and applied so that our constituents never have to go through such an experience again.” He also said that “the Prime Minister has made it clear that the Department of Health and Social Care, the national health service and all branches of government should co-operate fully” with the Inquiry.

I am taking this opportunity to remind readers of this statement, now that the critical task of obtaining evidence in order to investigate what happened and why is under way. I should also like to emphasise that, since timing, transparency and openness are key considerations for this Inquiry, the highest levels of cooperation and transparency are expected from all organisations in responding to requests for documents and information. I anticipate that such support will be forthcoming, that full and prompt disclosure of material will be provided, that deadlines will be complied with, and that any concerns will be raised in good time with the Inquiry team. What should not happen is leaving to the last-minute notification that a deadline will not be met. If there are difficulties, they should be identified at the earliest reasonable time.

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Organisations may consider that some of the documents or information they hold are potentially covered by legal professional privilege (LPP). The right to assert LPP, which exists in civil proceedings, is preserved in the context of public inquiries by s.22(1) of the Inquiries Act 2005. That being said, this Inquiry is tasked with investigating matters spanning a period of over 50 years, and given the passage of time LPP and confidentiality issues will in many cases have been eroded. With this in mind, and having regard both to the commitment made in Parliament and to the fact that issues of candour, openness and cover-up form part of the areas for investigation by the Inquiry, I expect all government departments, public organisations and others providing documents and information to the Inquiry to give careful consideration to waiving LPP where this issue arises. Indeed, those that do not will be conspicuous for that reason.