

EDINBURGH TRAM INQUIRY

Inquiry Procedure Direction No. 1 – Production of Documents to the Inquiry

The terms of his appointment enables Lord Hardie (“the Chairman”) to decide on the procedure and conduct of the Inquiry and he has directed as follows:

1. This Inquiry Procedure Direction sets out the procedures of the Inquiry to be followed in relation to:

(a) requests to produce documents to the Inquiry (paragraph 3);

(b) the form in which documents should be produced to the Inquiry (paragraphs 4 and 5);

(c) privileged information (paragraph 6); and

(d) confidentiality of personal information, anonymity and redaction (paragraphs 7 to 9).

2. While the Direction is intended to cover most situations it may require to be supplemented or varied in particular circumstances.

Requests for production of documents

3. As this is a non-statutory Inquiry the Chairman intends to rely on voluntary co-operation for production to the Inquiry of the documents he considers necessary to fulfil his Terms of Reference (copy attached). The Chairman will normally make a request for voluntary production of documents by means of a letter from the Solicitor to the Inquiry to the person believed to have custody or control of them.

Production of documents

4. Unless otherwise agreed with the Solicitor to the Inquiry, documents produced to the Inquiry should be:

(a) provided intact and unredacted in electronic form or, where they are not held in electronic form, in hard copy format;

(b) the originals or the best available copies of these documents;

(c) accompanied by an inventory listing them and a certificate from the person producing the documents that the documents represent all the documents in their custody or under their control relating to the request.

5. Where the person producing the documents is unable to provide the certificate specified in paragraph 4(c) that person should provide a list of any documents withheld and the reasons for not producing them.

Privileged information

6. Any person who claims that a document in their custody or control within the documents to be produced is or contains privileged information and withholds all or part of that document on that ground should provide in writing a list detailing any documents or parts of documents so withheld and the reasons for which the information is considered to be privileged.

Confidentiality of personal information, anonymity and redaction.

7. The Chairman will generally regard the names of persons appearing in documents produced to the Inquiry as relevant and they will not normally be anonymised or redacted from documents disclosed to participants or the public in the absence of an order for anonymity or other order restricting the publication of such information. However the Chairman will normally regard as irrelevant information contained in such documents comprising personal information of those individuals such as addresses, telephone numbers and dates of birth. Unless circumstances exist which make such information of relevance to the Inquiry, the Inquiry team will, without being specifically requested to do so, redact it from documents before their disclosure to participants or the public. Such redaction will not require the making of an order for anonymity or other order restricting the publication of that information.

8. In relation to a document produced or provided to the Inquiry, if any person considers that the document, before its disclosure to participants or the public, should be anonymised or redacted in some way other than as provided in paragraph 7 that person may apply in writing to the Chairman. Any such application should include the reasons for which the anonymisation or redaction is considered necessary and should include a copy of the document in question marked up with the redactions proposed.

9. On receipt of such a request the Chairman will, as soon as may be practicable and after such procedure as he considers appropriate, determine whether and to what extent the document should be anonymised or redacted.

Commencement and duration of this directive

This Direction is effective from its date and will remain in force until such time as it is revoked or varied.

26 August 2014

Edinburgh Tram Inquiry

Terms of Reference

1. To inquire into the delivery of the Edinburgh Tram project (“*the project*”), from proposals for the project emerging to its completion, including the procurement and contract preparation, its governance, project management and delivery structures, and oversight of the relevant contracts, in order to establish why the project incurred delays, cost considerably more than originally budgeted for and delivered significantly less than was projected through reductions in scope.

2. To examine the consequences of the failure to deliver the project on time, within the budget and to the extent projected.

3. To otherwise review the circumstances surrounding the project as necessary, in order to report to the Scottish Ministers making recommendations as to how major tram and light rail infrastructure projects of a similar nature might avoid such failures in future.