

Note on the publication of a redacted report

I have enclosed a copy of my report, without redacting anything which I considered relevant, and which is drafted in such a way as to fulfil the remit I was set in the way I consider necessary to give a full account of the matters I was asked to report on and the basis for my conclusions.

I understand that in order to comply with certain court orders it will be necessary to make redactions to the enclosed report before publication. This is so as to avoid the phenomenon known as jigsaw identification.

In particular, I have been advised by my own independent legal adviser that nothing may be published which could identify certain particular individuals, some of whom had a significant role in certain events. A redacted report that effectively erases the role of any such individual in the matters investigated in the report cannot be properly understood by those reading it, and presents an incomplete and even at times misleading version of what happened. In earlier drafts of the report I attempted to anonymise certain individuals in such cases but these attempts were not successful.

It is therefore impossible to give an accurate description of some of the relevant events dealt with in the report while at the same time complying with the court orders.

I am deeply frustrated that applicable court orders will have the effect of preventing the full publication of a report which fulfils my remit and which I believe it would be in the public interest to publish.

A key part of the report necessarily refers to certain events prior to 29 March 2018, which are highly significant for understanding who was aware of complaints made against Mr Salmond and what they did with that information. These discussions set in train a series of events which ultimately led to the meeting between the First Minister and the Former Chief of Staff on 29 March and the subsequent contacts between the First Minister and Mr Salmond. It is also essential to a full and true understanding of what happened to be able to discuss fully why, how and by whom these meetings were arranged.

Nevertheless, I understand that as the law now stands there appears to be no alternative approach which would allow my unredacted report to be published. For that reason I have reluctantly accepted that a redacted report should be published in order to bring this process to a close, and

because there is a strong public interest in publishing its conclusions. I have had no responsibility for deciding what to redact.

I request that any publication should include this note as a supporting document. I also ask that any redactions be presented in such a way as to show precisely where and how much text has been removed, so that those reading the report may understand the extent to which the information they are provided with has been limited by legal constraints.

James Hamilton

22 March 2021