

**THE INDEPENDENT PUBLIC INQUIRY  
INTO THE NON DOMESTIC RENEWABLE HEAT INCENTIVE (RHI) SCHEME  
(known as the 'RHI Inquiry')**

**Disclosure Protocol**

**to be followed by the RHI Inquiry**

**Introduction**

[1] The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry' but referred to in this protocol simply as 'the Inquiry') has been set up by the Minister for the Department of Finance ('the Minister'). The Inquiry's Terms of Reference have been deposited in the Library of the Northern Ireland Assembly. A copy of the Terms of Reference can also be found on the Inquiry's website.

[2] The Terms of Reference specifically require the Inquiry to produce a "Protocol on Full Disclosure", which is set out in this document ('the Disclosure Protocol').

[3] It is understood that the Minister's intention in providing for a protocol on full disclosure in the Terms of Reference is that a protocol would be adopted providing for as full disclosure as possible by the Inquiry of evidence which had been provided to it and which was relevant to its work and findings; rather than a protocol providing for full disclosure to the Inquiry by those from whom it seeks information.

[4] For the avoidance of doubt, and as detailed in the Inquiry's Procedural Protocol, the Inquiry expects full cooperation and full disclosure from those who are called upon to assist it with its investigation. Although it should be unnecessary to state this, any individual or organisation with information or evidence relevant to the work of the Inquiry should not destroy, delete or dispose of such information or evidence.

[5] Section 18(1) of the Inquiries Act 2005 ('the 2005 Act') provides that:

"Subject to any restrictions imposed by a notice or order under section 19, the chairman must take such steps as he considers reasonable to secure that members of the public (including reporters) are able –

- (a) to attend the inquiry or to see and hear a simultaneous transmission of proceedings at the inquiry;
- (b) to obtain or to view a record of evidence and documents given, produced or provided to the inquiry or inquiry panel.”

[6] As to public disclosure by the Inquiry of evidence gathered by it, the Inquiry will be guided by the principle that it should be as transparent as possible in providing, at the appropriate time, full public access to evidence referred to or relied upon by the Inquiry in the course of its hearings and in the report (subject to the considerations outlined at paragraph [9] below).

[7] In particular, as set out in paragraphs [28]-[30] of the Inquiry’s Procedural Protocol, the Inquiry:

- (a) intends to hold its hearings in public wherever possible and to provide appropriate notice to the public in advance of any such hearings;
- (b) intends that those public hearings will be open for members of the public to attend;
- (c) intends that those members of the public attending the public hearings will be able to follow the evidence, which will be displayed on-screen in the hearing venue;
- (d) hopes to also make arrangements for members of the public to be able to follow the proceedings by way of live stream over the internet;
- (e) intends to provide a transcript of the public proceedings of the Inquiry (except for preliminary hearings) on the Inquiry website as soon as possible after the completion of the relevant day’s hearing; and
- (f) intends that, generally, documents that form part of the evidence before the Inquiry will be subsequently published on the Inquiry website. Such documentation will be placed upon the Inquiry website at the conclusion of the hearing or hearings in the course of which there is reference to and/or reliance upon it.

[8] It is anticipated that the Inquiry will publish a very significant amount of information and documentation in due course in light of the approach outlined above.

[9] However, as is clear from section 18(1) of the 2005 Act, the steps which the Chair of the Inquiry should take to ensure public access to inquiry proceedings and information are those which he considers reasonable and are also subject to the possibility of restrictions. Section 19 of the 2005 Act permits restrictions to be imposed upon the disclosure of information or evidence such as:

- (a) are required by any statutory provision, enforceable Community obligation or rule of law; or
- (b) the Chair considers to be conducive to the Inquiry fulfilling its terms of reference; or
- (c) the Chair considers to be necessary in the public interest, having regard in particular to the matters mentioned in section 19(4) of the 2005 Act.

[10] Accordingly, public disclosure by the Inquiry shall be subject to the Chair's powers to restrict public access in appropriate circumstances in accordance with section 19 of the 2005 Act and any other relevant lawful basis for restriction.

[11] For the avoidance of doubt, the Inquiry does not intend that evidence and information, in the form of material made available to it in the course of its investigation (whether voluntarily or on foot of notices issued under section 21 of the 2005 Act), including documentation and witness statements, will be made publicly available as soon as it is received by the Inquiry. Rather than making disclosure in such a piecemeal fashion, which may prejudice the efficiency and effectiveness of the Inquiry's investigation, the Inquiry intends to disclose information and evidence in the course of its public proceedings as described above, and, more generally, at the time of submission and publication of its report.

[12] The Inquiry retains the right to suspend, alter or modify the procedure set out in this Protocol at any time as the circumstances may require.