

Project title: Law, Terrorism and the Right to Know

ESRC award reference: RES-071-27-0038

This document: About the deposited LTRK data

A. About the Law, Terrorism and the Right to Know (LTRK) project

Law, Terrorism and the Right to Know (LTRK) was a three year research programme funded by the ESRC and AHRC under the RCUK Global Uncertainties Fellowships in Ideas and Beliefs scheme.

The programme explored democratic traditions of media freedom and the contemporary demands of national and international security. It looked especially at the ways governments and courts deal with security related matters, and the relationships between the state and the media. It examined matters such as the ways that different parties involved in controlling access to, and the communication of, information see the relationships between principles of open justice, the rule of law, public accountability and national security. It explored how much and in what ways access to information is closed down and what the effects of this might be. It also aimed to look beyond whether there is a chilling effect in the traditional sense of increased self-censorship, to the broader impact of the legal framework on the ways that information can be selectively and strategically presented or concealed, and the respective roles of the state and the media in these processes.

A core component of the work was a series of confidential research interviews. These were conducted over around 18 months in 2010-2012. Interviewees were drawn from the judiciary (with the support of the office of the Lord Chief Justice), government (including the Home Office, Cabinet Office, the Office of Counter-Terrorism and Security, the Ministry of Defence, and specialist units within government), the Association of Chief Police Officers and police forces, the Crown Prosecution Service and criminal defence lawyers, and a range of journalists, media lawyers and editorial decision-makers. Most interviews were done in the UK and the interviewees were from the UK. A small number of interviews were done in the US and Australia with individuals from those countries.

B. What is in the LTRK deposit?

- (1) This explanatory note;
- (2) The information and consent form given to the interviewees, which includes a project description;
- (3) A list of the transcripts by randomised code;
- (4) A zip file containing the transcripts, redacted to remove the possibility of identification by name, context, comments, etc.

C. The interview transcripts and the redactions

There are 65 interview transcripts. These cover 70 interviewees, as some interviews were done with two interviewees. This is almost the complete set of interviews. One further interview was done but I was not given permission to record it and thus there is no transcript.

With one exception, the transcripts are very heavily redacted. While unfortunate for anyone wishing to use them in future, this was unavoidable.

As the information and consent form indicates, interviewees were given an assurance of confidentiality. The quality of the interviews and the candour of the interviewees was a direct result of the confidentiality assured by the project. However, this meant many comments were fact-specific and content could easily identify the interviewee. Lighter touch redaction was tried – the deposited version of the data is the fourth or fifth version of the redactions, each increasingly removing more material – but, especially when viewed as a set of transcripts, there still remained a risk that an informed reader may be able to identify a speaker, especially by putting together quotations used in different publications or the like. The risk would also be increased because in many instances the individuals may have used some phrases to public audiences or in private to colleagues or other stakeholders. As such, the choice to redact heavily was made to minimise that risk and adhere to the express undertaking that only the researcher and research assistants would have access to the original data.

I am confident that, had interviewees been aware there was a risk of data being made available with any risk at all that they would be identified, for many interviewees this would have detracted from the degree to which interviewees were willing to be open and frank.

The choice to redact heavily was made after consultation with senior scholars familiar with the issues and area.

The one exception is LTRK-063, which is the interview with the Independent Reviewer of Terrorism Legislation, Mr David Anderson QC. Mr Anderson preferred that that he was identified and his comments attributable primarily because there was only one Independent Reviewer in the period of the interviews. This transcript is deposited in the UK Data Service with his express permission. The transcript may also be a useful guide to types of questions that were put to interviewees and the often fact-specific, event-specific or document-specific nature of the discussion.

D. Using the LTRK experience to inform future research

Although the substance of the transcripts may not be of benefit to future researchers, my experience with undertaking the research may be of interest and I would be happy to discuss it with anyone considering similar work. In particular, I would be happy to discuss aspects of methodology and lessons I learned along the way, including with a view to thinking about how future datasets may be subject to less redaction than those which were produced by this project, though it will of course depend upon the aims and context of any given future project.

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4 June 2014