



Seychelles Legal Information Institute

GUIDELINES

Redaction of sensitive information in judgments¹

A core object of SeyLII is to provide free and unrestricted online access to judgments of the superior courts of Seychelles (the Supreme Court and Court of Appeal).

In keeping with the core principles of the Free Access to Law and LII movements, the starting point is that judgments should be published on SeyLII without redaction. Redaction means, for the purposes of these guidelines, removing or replacing certain information from the electronic copy of a judgment in order to make that copy fit for public dissemination. Anonymisation, the most common form of redaction, means removing all information that could reasonably be expected to lead to the identification of an individual or individuals referred to in a judgment.

There are three reasons for the general no-redaction policy:

- SeyLII is not primarily a publisher or editor, but rather a facilitator of direct public access to information.
- Courts in Seychelles are not in the practice of identifying and marking judgments as reportable or not reportable.
- Publishing all judgments without editorialisation or censorship enables fair and balanced scrutiny of the workings of the Judiciary, which encourages transparency and confidence in the impartial administration of justice.

SeyLII therefore generally relies on the Courts to avoid including sensitive information (particularly personal identifiers) in reasons for judgment. SeyLII must however comply with the general law regarding suppression of information in Court proceedings. SeyLII also has a responsibility to assist in protecting vulnerable persons from unnecessary disclosure of private information.

SeyLII will accordingly redact information from judgments before publishing them online in the following circumstances:

1. In compliance with a Court order banning publication of specific information in a particular judgment.

Where the publication of specific information in a judgment is prohibited by Court order, that will normally be indicated in a bolded note at the top of the first page of the judgment. SeyLII editors should also check the formal orders made at the end of the judgment. Redaction should be made

¹ These guidelines have been prepared with reference to the NATIONAL LII training resources prepared by the African Legal Information Institute (AfricanLII).

strictly in accordance with the terms of the Court order. Any doubt as to the terms of the order should be referred to the Board of SeyLII, which may consult with the Registrar of the Court before reaching a decision.

2. In compliance with statutory prohibitions on publication.

Regardless of whether the Court has made an order for redaction or non-publication, SeyLII may not publish the following judgments or information:

- Judgments relating to adoption proceedings, unless the Court has specifically permitted publication, in which case SeyLII may still not publish the identity of the applicant for an adoption order (s 47 of the Children Act)
- Judgments relating to an application for an affiliation order in the Family Tribunal (s 22 of the Children Act)
- Judgments relating to applications for proof of paternal or maternal descent under arts 340 or 341 of the Civil Code (s 22 of the Children Act)
- The identity of an assets agent of the Financial Intelligence Unit who is not a member of the Police (s 19 of the Anti-Money Laundering Act, 2006)

3. In response to a user request for redaction of a particular judgment, where the Registrar of the Court confirms that a publication ban is in effect.

SeyLII does not redact information from judgments upon request unless the request is supported by a Court-ordered publication ban, in which case the redaction will be done in compliance with the relevant Court order.

4. Where a judgment is immediately identifiable as falling within specified categories of judgments involving inherently sensitive/private interests.

The specified categories of judgments are:

- Contested divorces and matrimonial property decisions
- Guardianship decisions
- Decisions on appeal from the Family Tribunal
- Decisions in contested probate and succession matters
- Decisions in criminal proceedings involving sexual offences
- Decisions in criminal proceedings involving child abuse or domestic abuse

Unreported judgments which are immediately identifiable as falling within one of these categories should be anonymised unless the SeyLII editor dealing with the judgment is satisfied that anonymisation of a particular judgment would not be in the public interest, in which case the question should be referred in writing to the Board of SeyLII for decision.

If a SeyLII editor considers that a judgment within one of these categories should not be published at all (even in anonymised form) because the potential harm in publication outweighs the public interest, that recommendation should be made to the Board of SeyLII in writing in accordance with the SeyLII Guidelines on selection of judgments for publication.

When a SeyLII editor receives a judgment for potential publication, he or she should check whether the judgment falls within any of the four circumstances set out above. If not, the judgment should be published without redaction.

The guidance which follows is for situations where a judgment needs to be redacted (anonymised) to prevent the disclosure of information that could lead to the identification of individuals. This information includes a person's name but also other facts that, combined together or with other sets of data, allow members of the public to single out this person. It is necessary to strike a balance between competing objectives: ensuring full compliance with any restriction on publication, fostering transparency of the judicial system, maintaining good readability of the published judgment, and limiting the cost and delay associated with redaction. There will always remain a possibility that someone, somewhere, will be able to "re-identify" a person. Any doubt about the extent of redaction required in a particular judgment should be referred to the Board of SeyLII for decision.

When a judgment is being anonymised to prevent identification of one or more individuals, some information (personal identifying information) should always be removed, and other information (specific factual information) should only be removed where failure to do so would pose a substantial risk of re-identification of the protected person.

The following personal identifying information should always be removed:

- Names, including nicknames and aliases, and day and month of birth of the individual/s whose identity is to be protected (a person's year of birth and age may be disclosed).
- Contact information for the relevant individual/s: specific address (eg apartment number rather than district), phone numbers, email addresses.
- Unique personal identifiers for the relevant individual/s: identification numbers (NIN, passport) and any number, code or image used for social security, health insurance, medical record, birth registration, land or company registration, licensing, bank or credit card accounts.

Personal identifying information should also be removed when it relates to a person (natural or legal) with whom the relevant individual/s is directly associated. Such persons include:

- Extended family members: parents, children, spouses and de facto spouses, brothers and sisters, in-laws, grandparents, cousins.
- Foster family members, guardians, teachers, babysitters.
- Co-habiting persons, lessors, tenants, neighbours.
- Employers, employees, co-workers, business associates.
- Organisations or institutions with which the person is involved, such as schools, churches, and sports teams.

Specific factual information should be removed only when its presence is reasonably likely to enable the identification of the protected person, taking into account that personal data identifiers of the person and their associates have already been removed. Caution should be exercised here as leaving such specific factual information out can impair the readability of the reasons for judgment. Specific factual information that may pose a risk of re-identification includes:

- Names of communities or other geographical locations more specific than a district.
- Names of accused or co-accused persons.
- Names of persons acting in an official capacity such as an expert witness, a social worker, or a police investigator.
- Names of local businesses such as a store or hotel in which relevant events have taken place.
- Atypical facts such as:
 - names of very small communities or organisations such as minority religious groups;
 - rare professional status or occupation or very high profile position;
 - grants and awards of which the protected person is a known recipient;
 - unusually high personal income or unusual family circumstances.

If personal identifiers and some or all of the specific factual information described above are omitted or redacted, other factual information may be safely included, particularly if doing so will improve readability and is required to explain the rationale for the decision. The possibility that some people in the local area may be able to deduce the individual involved by piecing together the information should not outweigh the public interest in providing a cohesive, reasoned decision. Information that can generally be left in a judgment includes:

- year of birth and age;
- gender and sexual orientation;
- race, ethnic, and national origin;
- district and country of birth and residence;
- professional status and occupation;
- marital and family status;
- religious beliefs and political affiliations;
- case information: court file number, registry location, hearing dates etc;
- dates of events;
- nature of an offence;
- nature of the relationship between the persons involved in the case.

Information should be redacted in a consistent and systematic manner, either by replacing it with initials or with omission marks between square brackets. In order to maintain good readability, terms that indicate the general nature of the omitted information should be preserved.

- Where the name of an individual is redacted, that name should be replaced with initials: either the real first and last initials of the individual or, if that is not sufficient to preserve anonymity, “Ms X”, “Mr Y”, etc.

- Where the name of an organisation or place is redacted, that name should be replaced with an initial followed by omission marks in square brackets, leaving in as many general words as possible, eg “G[...] school”, “H[...] Ltd”. If the use of an initial is not sufficient to preserve anonymity (eg because there is only one school that begins with a particular letter), X, Y, Z, A, etc should be used on a consistent basis.

Care needs to be taken to ensure that information is redacted consistently from all parts of the judgment, including the cover page and any footnotes, as well as from the file name and any metadata embedded in the file.

As indicated above, any doubt about the extent and nature of redaction appropriate in a particular judgment should be referred to the Board of SeyLII for decision.