

Witness Name: Lesley Fraser
Statement No. 5
Exhibits: LF5
Dated: 4 January 2024

UK COVID-19 INQUIRY
MODULE 2A

SIGNED **WITNESS STATEMENT OF THE DIRECTOR GENERAL CORPORATE**

This statement is one of a suite provided for Module 2A of the UK Covid-19 Inquiry and these should be considered collectively.

Introduction

1. The UK Covid-19 Inquiry has asked if I could provide more detail on a matter I referred to in paragraph 28 of my fourth corporate statement dated 9 November, about the need for Scottish Government mobile phone users, who use their device to access their Scottish Government email account, to reset their phone in 2023, and the processes which were put in place around this.

Scottish Government IT Infrastructure for Email

2. For several years the Scottish Government has been undertaking a significant programme of work to transform and modernise its IT infrastructure, this includes moving IT services from on premise servers to servers hosted online, in the cloud. In 2019 the Scottish Government purchased a Microsoft Cloud Transformation Agreement (CTA). Approval for purchase and the associated programme of work was secured from the Information Systems Investment Board, chaired by the Director for Digital. As part of the programme of work to implement and realise the benefits of CTA a number of sub-projects including the migration of SCOTS email mailbox services to Exchange Online and the replacement of the existing Mobile

Device Management (MDM) System were planned. The MDM system places security controls on Scottish Government corporate mobile phones to allow secure access to corporate applications, such as email. The use of such a system is in line with National Cyber Security Council guidance.

3. The post of Director for Digital has been held by Geoff Huggins since June 2021, prior to this the post was held by Colin Cook from January 2017 to June 2021. The Director for Digital has responsibility for a number of divisions including iTECS. iTECS are responsible for the running of the SCOTS IT network, this includes implementing changes and upgrades to the network and for providing training and guidance to users.

4. By 2022, the Scottish Government was experiencing technical issues and regular loss of service with the on-premises Exchange servers which provided access to email. This was as a result of the significant demand being placed on them. Over the previous 3 years there was a rise in the number of individuals accessing the SCOTS network, and further pressures were placed on the existing systems by the different ways of working now in place which meant the majority of users were now working and accessing services remotely, rather than from a government building. The Scottish Government faced a significant risk that if action was not taken the systems could begin to fail. In addition to Scottish Government, the SCOTS network is also relied upon by 50 different public sector bodies providing vital services across Scotland, consideration therefore also has to be taken to ensure they have continuity of service. In considering the move of email exchange servers to the cloud, it was also identified that not to do so would also put at risk other projects, such as the release of other Microsoft 365 products, the closure of the Scottish Government Data Centre and the Cloud Migration strategy. Finally, moving to the cloud improved the resilience and security of the network.

5. In early 2022, the Director for Digital was advised of the need to move email exchange servers to the cloud for the reasons set out in the preceding paragraph, it was agreed the work should proceed. The migration of email mailboxes to Exchange Online was delivered on a rolling basis, beginning in June 2022 with a small technical pilot, this was followed by planned user testing over the period December 2022 to March 2023, followed by a complete rollout over the period April to September 2023.

6. As I will come on to set out in more detail, as is the case with any changes to technology it is normal practice within Scottish Government to provide staff with guidance setting out the changes and steps that need to be taken, this includes the preservation of information relevant to the corporate record, in line with the Records Management policy. The

Inquiry has asked whether there was any consideration given to the provision of specific guidance concerning the need to back up data for the purposes of responding to the UK Covid-19 Inquiry throughout the planning phase, trial period and implementation period for this email migration. It should be noted that the Scottish Government is involved in responding to multiple public inquiries and other forms of scrutiny, therefore rather than giving bespoke guidance for each, which risks causing confusion, general guidance is given to users in respect of technology upgrades explaining the need to back up data. The details of the guidance issued in respect of the email migration are set out further at paragraph 8 below. As noted below at paragraph 9 (and as set out in more detail in my corporate statement of 9 November 2023) the Scottish Government has been cognisant of its duties to preserve relevant materials for the Covid-19 Inquiries, and therefore has also issued guidance on a number of occasions and through a variety of routes to all staff on the need to preserve any material which may be relevant to the Inquiries' terms of reference.

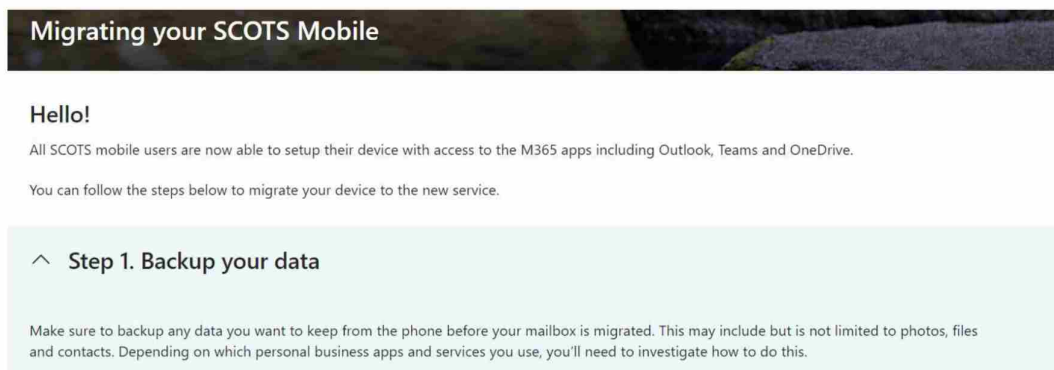
Accessing Scottish Government email on mobile phones provided by the Scottish Government

7. In order to allow Scottish Government mobile phone users to be able to continue to access their government email account through their mobile phone it was necessary to also migrate users to a new cloud MDM system known as Intune, as the previous system Blackberry Enterprise Services was no longer compatible. To migrate a phone from the previous MDM platform to the new platform, a user would need to factory reset their mobile phone. The ability for a user to migrate their mobile phone to the new MDM system was made available on a rolling basis and was enabled around the time of their migration to Exchange Online. However, the point at which a user chose to perform a migration of their phone to the new MDM was a matter of personal choice, it was not controlled centrally, so there was no unprompted process of factory reset: the individual controlled the timing. The transition was referred to by many users as an upgrade, the term upgrade is often used to refer to any changes made to the SCOTS network.

8. All users were provided with guidance on both the email migration and the subsequent changes to the MDM platform at the same time, the following were provided:

- Updates provided to user representatives at the User Participation and Engagement Network and dedicated user engagement community site.
- Dedicated guidance on the existing Scottish Government Microsoft 365 learning portal.

- 53 live webinars and Questions and Answers to talk staff through changes were held throughout the roll-out. This webinar was also made available on-demand through the M365 learning portal.
- Articles were released on the corporate intranet known as 'Saltire', it is available to all Scottish Government SCOTS users.
- Direct email issued to users, this started 4 weeks in advance of the roll-out of the changes to their mailbox. The email included a link to guidance in the learning portal, with the first step being to backup your data (see below) and a reminder that "your device will need to be wiped and ALL data stored on the device will be erased" LF5/001 INQ000274191.
- The guidance, webinars and other communications set out above referenced the Scottish Government Records Management policy and the need for a user to backup data before migrating their mobile. A Screenshot from our M365 Learning portal follows:



The Inquiry has also been provided with a copy of the guidance issued to users and which was hyperlinked from step 1 in the screenshot above. The guidance reminds users to "make sure to backup any data you want to keep from the mobile device before your mailbox is migrated", including in third party applications such as WhatsApp, prior to resetting the device [LF5/002 INQ000340116].

9. Whilst no specific reference was made to preserving data for the Covid-19 Inquiries in the guidance provided to individuals, as is set out in my statement dated 9 November 2023 a significant amount of communication has issued since August 2021 reminding individuals of the need to ensure that material that may be relevant to the Covid-19 Inquiries is retained. As set out in paragraph 8 individuals were clearly warned that if they did not back up data in third party applications before performing a factory reset, that data could be lost.

10. The Scottish Government has 4,450 registered corporate mobile devices of which 1600 will not have been affected as they do not provide access to email, so had no requirement to be reset for the transition. Of the remaining corporate devices all with the exception of 37 had transferred to the new MDM platform (2813 devices). The owners of the 37 devices were contacted in October 2023 and were asked to pause the reset of the device to allow us to ensure that any relevant material could be extracted. To date no material relevant to the Covid Inquiries has been identified on these devices and none of the devices belonged to individuals who have provided witness statements to the Inquiry or who appear in the table in LF5/003 INQ000381159.

Witnesses for the Covid Inquiry

11. With regards to the devices which had already been transferred, the Scottish Government does not hold centrally details of the applications or content held on these devices. Therefore in order to check if any witnesses identified by the UK Covid-19 Inquiry had suffered a loss of data as a result of the requirement to reset their device, the response team wrote to all of the witnesses who were approached by the Inquiry. In addition to asking them whether they suffered a loss of data as a result of the transition (upgrade) we also asked if they had lost any data as a result of having to change their handset, as we had identified that this was another potential action which could result in the loss of data.

12. The responses received from the witnesses have been shared with the Inquiry and are provided as an annex to this statement [LF5/003 INQ000381159]. 3 Individuals (Professors Graham Ellis, Marion Bain and Alison Strath) have indicated that they have lost data as a result of the need to reset their phone in order to transition to the MDM platform.

13. It is not possible for Scottish Government to recover the data which was created/held in the third party applications on these devices. No corporate data should have been lost as the data synchronises and is held centrally.

14. There is no requirement for those in possession of a Scottish Government phone to use the device for texting or sending messages by applications such as WhatsApp, it is a personal choice. Many witnesses have confirmed that they do not use their Scottish Government device for this purpose. A number of witnesses have confirmed that they have never had a Scottish Government mobile phone. The remaining witnesses have advised us that they are not aware of having lost any data from their Scottish Government device.

15. The requirement to transition email to the cloud was essential in order to ensure the stability of the platform. Scottish Government did not delete any data as part of this transition. Guidance was provided to all users to avoid data loss and it is regrettable if any data relevant to the Covid-19 Inquiries has been lost, this was not done intentionally. As set out in my statement dated 9 November 2023 the Scottish Government has undertaken a significant amount of work to ensure the preservation of material which may be relevant to the Covid-19 Inquiries. The Scottish Government is cooperating fully in the disclosure of relevant materials.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 4 January 2024