

Witness Name: Jason Leitch

Statement No.: 2

Exhibits: JL2

Dated: 15 November 2023

## UK COVID-19 INQUIRY

---

### SUPPLEMENTARY WITNESS STATEMENT OF JASON LEITCH

---

**In relation to the questions listed in the annex to the Rule 9 request dated 30 October 2023 in connection with Module 2A, I, Jason Leitch, will say as follows:**

**A: Government issued and personal devices**

*1. Please list all the Government issued and personal devices (such as mobile phones, tablets, laptops and computers) used by you between January 2020 to April 2022. In respect of each device, please provide the mobile telephone number (where possible), the period in which such device was used and whether the device was Government issued or a personal device.*

I used the following Government issued devices between January 2020 to April 2022:

- iPhone SE ( I&S ). This device was used throughout the period in question for access to emails and my calendar on the SCOTS platform. I did not routinely use this device for messaging.
- HP Laptop. This device was used throughout the period in question for email and calendar on the SCOTS platform. It was also used for online Teams meetings and Teams chats.

I used the following personal devices between January 2020 to April 2022:

- iPhone 12: **Personal Data**. This device was used throughout the period in question for iMessages, WhatsApp, Twitter, and personal emails.
- MacBook Air. This device was used throughout the period in question for personal use, including personal email.
- iPad Pro. This device was used throughout the period in question for personal use.

2. *If you did not use a Government issued mobile telephone to conduct Government business (either exclusively or on occasion), why was that so?*

I did use my Government issued mobile telephone to conduct Government business. However I also used my personal device for messaging on WhatsApp and iMessage for simplicity and ease as it had a bigger screen and better functionality.

3. *Which of your devices did you use (either exclusively or on occasion) to conduct Government business, such as matters relating to the management of the pandemic in Scotland?*

I used my Government issued devices for Government business conducted by email. I also used it to access my calendar. I carried out Government business by email on my Government laptop and phone and at briefings and meetings. I used my personal phone for informal messaging as explained in more detail below. I did not routinely use my Government phone for messaging.

4. *Which of these devices do you still have in your possession?*

I still have my Government iPhone and my personal iPad Pro. I refer to the answer to question 9 in respect of my Government iPhone.

5. *If any of these devices are now not in your possession, where are they now?*

My Government laptop was replaced on 15 June 2023 as part of a routine upgrade programme.

My personal iPhone was replaced on 23 February 2023. I upgraded my personal phone approximately every two years. I traded in the old iPhone. Prior to doing this I reset the phone, including erasing all apps and messages.

I purchased a new personal laptop on 8 October 2022. My old personal laptop, referred to above, is still in use by a family member.

6. *Did you change your Government issued or personal devices between January 2020 and April 2022? If so, please explain what you did with any devices which you no longer used.*

No

7. *Did you lose any Government issued or personal devices between January 2020 and April 2022? If so, please explain the circumstances.*

No

8. *If you lost any Government issued or personal devices between January 2020 and April 2022, did you report the loss? If so, to whom and when?*

Given my previous answers, this question is not applicable.

## **B: Backing up data**

9. *We note from your previous witness statement that you required to change your Government issued mobile phone in March 2023 following a trip to Israel because of security concerns. Who required you to change your phone?*

The Scottish Government cyber security team required me to change my phone.

At the time of writing, I still have my old Government iPhone (telephone number: [I&S] [I&S]). However, this has not been in use following a security concern in March 2023. I had travelled to Israel in my capacity as a director of the Nazareth Trust. I overlooked informing the Scottish Government cyber security team in advance of this trip. When they became aware of this while I was in Israel, I was told to turn the phone off. I was told that when I returned to Scotland, I should reset the phone and I would be provided with a new one. This is what I did.

I was not asked to return this phone at the time, and it is presently in my office. However, I have very recently been asked to hand this phone back to the Scottish Government. I will do that this week. I did not lose any data from this phone as I only used it to access Government IT facilities, such as emails and my calendar, using the SCOTS platform. I can continue to access that on my new Government phone.

*10. What steps were taken to back up the data (or otherwise ensure that your data was not lost) on that phone before it was changed?*

I did not take any steps to back up this phone before it was changed. I was not asked to do so. However, my understanding is that this was not required as the phone was used to access information (emails and my calendar) on the SCOTS platform. That information was still available after the phone was reset.

*11. Where is that phone now?*

It is presently in my office. It will be returned to Scottish Government this week following their recent request.

*12. Did you back up the data on your Government issued and/or personal devices? If so, how did you back up such data?*

I did not back up the data on my Government issued devices. It was automatically backed up to the SCOTS platform.

I do not back up all the data on my personal iPhone. I back up my photos and applications. However, I do not, and have never, backed up my messages. This is explained in more detail below.

*13. If so, can data (such as your messages) from January 2020 to April 2022 still be accessed via the back up system? If not, why not?*

I did not back up my Government or personal devices.

*14. If you did not back up your data on your devices, why not?*

In respect of data on my Government issued device, I am not involved in the process of 'backing up' data. I was using my Government devices to access the SCOTS platform and everything existed on that system.

However, I consider it is important that the Inquiry understands the Scottish Government's approach to the retention of data, which I adopted. The guidance is that not every message needs to be part of the corporate record. The corporate record should include the advice given and the decisions made. The guidance is set out in the Scottish Government's Mobile Messaging Apps Usage Policy. I refer to version 2.1 (November 2021). This states:

"4. Records and Information Governance

4.1 Mobile messaging does not change your responsibility within Scottish Government to maintain complete and comprehensive records of key conversations and decisions. Therefore, at least monthly but preferably at the earliest opportunity, **you must transcribe the salient points of any business discussions and/or decisions in a mobile messaging app into an email or text document using the SCOTS platform and save this to the Electronic Records and Document Management system (eRDM)**. Failure to keep and track official records under an agreed retention and disposal schedule is not good business practice and risks non-compliance with the Public Records (Scotland) Act.

**4.2 You must also consider whether aspects of a mobile messaging app conversation should be transcribed to SCOTS for Freedom of Information requests.**

**4.3 At least monthly, after having followed the guidance in the above paragraphs, you must delete business conversations in the mobile messaging app – i.e. no business conversations should be retained in the app for more than one month."**

[Their emphasis]

This is the approach I have followed since I joined the Scottish Government. I followed the guidance as I understood that government business should be recorded using the single record system eRDM.

Whether or not something requires to be saved to eRDM depends on whether it was a

key conversation or decision. Any advice I gave to Ministers by emails, briefings or meetings was retained and forms part of the official record. The Minister's response also forms part of the written record.

I did not use informal messages to conduct Government business. I did not use them for key conversations or decisions. Nevertheless, it may help the Inquiry to know my method for dealing with the messages I receive. I have always operated a "today's work, today" approach in my professional life. What I mean by that is that, as far as possible, I deal with all emails and messages on the day they are received. When I have dealt with an email or message, I delete it. That is also in line with Scottish Government guidance. Where an email needs to form part of the official record then it is saved to eRDM. On occasion a message would relate to the need to discuss a particular topic. On those occasions the salient points of any such discussion were captured in an email, briefing or minutes of a meeting and were saved in eRDM.

15. *Did you ever receive advice, guidance or instruction on whether such devices ought to be backed up? If so, (a) from whom (b) when and (c) what was the advice, guidance or instruction received?*

I do not recall receiving advice, guidance or instruction on backing up such devices.

16. *If you have received such advice, guidance or instruction, did you follow that advice, guidance or instruction? If you did not follow that advice, guidance or instruction, why not?*

Given my previous answers, this question is not applicable.

**C: Usage of one-to-one informal communications relating to the management of the pandemic in Scotland**

17. *Please provide the names of any Cabinet Secretaries, Ministers, senior civil servants, Special Advisers, other advisers and/or counterparts in the UK Government or the other devolved administrations with whom you had one-to-one informal communications in relation to the management of the pandemic in Scotland.*

18. *In respect of each individual, what methods of informal communications were used?*

• do not have access to the messages I sent during the relevant period. I set out my recollection of those with whom I had one-to-one informal communications below. I also set out the methods of informal communication I recall using (question 18).

- Nicola Sturgeon – Twitter Direct Messages and iMessage
- John Swinney – Twitter Direct Messages and iMessage
- Humza Yousaf – Twitter Direct Messages and iMessage
- Michael Russell – Twitter Direct Messages and iMessage
- Jeane Freeman – iMessage
- Gregor Smith – WhatsApp
- Catherine Calderwood – iMessage
- Liz Lloyd – WhatsApp
- Colin McAllister – WhatsApp
- Fiona McQueen – WhatsApp
- Jim McMenamin – WhatsApp
- Amanda Croft – WhatsApp
- Alex McMahan – WhatsApp
- Elinor Mitchell – WhatsApp
- Malcolm Wright – WhatsApp
- Caroline Lamb – WhatsApp
- Richard Foggo – WhatsApp
- Donna Bell – WhatsApp
- Linda Pollock – WhatsApp
- Richard McCallum – WhatsApp
- Christine McLaughlin – WhatsApp
- Michael Kellet – WhatsApp
- Gillian Russell – WhatsApp
- Stephen Gallagher – WhatsApp
- Ken Thomson – WhatsApp
- Dominic Munro – WhatsApp
- David Rogers – WhatsApp
- Jonathan Van-Tam – WhatsApp
- Susan Hopkins – WhatsApp

*19. In respect of each individual, how regular were your informal communications? For*

example, did you communicate with that individual using informal communications (i) multiple times daily; (ii) once or twice a day; (iii) a few times a week but not daily; or (iv) less than the above?

I set out below my recollection of the how regular my informal communications were with these individuals. There may have been occasions where the frequency was greater or less, but I have provided my recollection of the norm.

Individual	Multiple Times daily	Once or twice a day	A few times a week but not daily	Less than the above
Nicola Sturgeon				X
John Swinney				X
Humza Yousaf				X
Michael Russell				X
Jeane Freeman			X	
Gregor Smith			X	
Catherine Calderwood				X (until resignation)
Liz Lloyd			X	
Colin McAllister			X	
Fiona McQueen			X (until retiral)	
Jim McMenamin				X
Amanda Croft				X (until resignation)
Alex McMahan			X	
Elinor Mitchell				X (until resignation)
Malcolm Wright			X (until resignation)	
Caroline Lamb			X	
Richard Foggo		X		
Donna Bell				X
Linda Pollock		X		
Richard McCallum				X



Christine McLaughlin				X
Michael Kellet		X (until resignation)		
Gillian Russell				X
Stephen Gallagher				X
Ken Thomson				X
Dominic Munro				X
David Rogers				X
Jonathan Van-Tam				X
Susan Hopkins				X

20. *In respect of each individual, please state the period of time during which you had informal communications relating to the management of the pandemic in Scotland. For example, did you informally communicate with that individual during the whole period between January 2020 and April 2022?*

Apart from where stated in the table, the informal communications were throughout the whole period.

21. *In respect of your informal communications with each individual, did you and the individual: (i) discuss matters around the progress of the pandemic in Scotland; (ii) comment upon the advice received in relation to the pandemic in Scotland; (iii) comment upon the nature of decisions that the Scottish Government might have to take; (iv) make any decisions about the Scottish Government's response to the pandemic; and/or (v) comment upon the decisions which the Scottish Government had taken? Please state which, if any, of the categorisations (i) - (v) describe the contents of your informal communications with each individual.*

I did not make decisions on Scotland's response to the pandemic. Though I was not principally involved in the giving of advice, when I was involved this was all done by email, briefings, and meetings. I did not give advice using informal messaging. There were occasions when there may have been informal comment about matters that then became the subject of formal discussion. However, any formal discussions were recorded as part of the official record.

I used informal messaging primarily for two reasons. First, it was used to check in on the well-being of those involved in Scotland's response to the pandemic. Secondly, I used it for logistics. I particularly used informal messaging as a way of arranging and preparing for the multiple media appearances I was involved in. For example, I used it to get fast details of case numbers or other data to allow me to communicate that data timeously.

As I have not retained/made any record of informal communications other than the Twitter direct messages referenced below, I cannot cite any specific examples.

*22. In respect of your informal communications with each individual, were there any particular communications which you can recall that were significant to the Scottish Government's response to the pandemic between January 2020 and April 2022? If so, what were those communications? When did those communications take place? What was the outcome of those communications?*

I cannot recall any individual communications.

*23. Please provide all one-to-one informal communications between you and Cabinet Secretaries, Ministers, senior civil servants, Special Advisers, other advisers and/or counterparts in the UK Government or the other devolved administrations relating to the management of the pandemic in Scotland between January 2020 and April 2022.*

Except for direct messages from my Twitter account, I have not retained any one-to-one informal communications in relation to the management of the pandemic in Scotland. This is because I followed the policy described in more detail above in answer to question 14.

As part of responding to this Rule 9 request I reviewed my Twitter account and identified that I had exchanged occasional direct messages with Nicola Sturgeon, John Swinney, Humza Yousaf, and Michael Russell. I had forgotten about these messages. They have been retained. I have taken screenshots of the direct message exchanges with these individuals and exhibit them with this statement. These are exhibited as Nicola Sturgeon [JL2/001 – INQ000334660] [JL2/002 – INQ000334661] [JL2/003 – INQ000334662] [JL2/004 – INQ000334663] [JL2/005 – INQ000334664] [JL2/006 – INQ000334665] [JL2/007 – **INQ000334666**] John Swinney [JL2/008 – INQ000334631] [JL2/009 – INQ000334632] [JL2/010 – INQ000334633] [JL2/011 – INQ000334634] [JL2/012 – INQ000334673] [JL2/013 – INQ000334674] [JL2/014 – INQ000334675] [JL2/015 – INQ000334676], Humza Yousaf [JL2/016 – INQ000334628], [JL2/017 – INQ000334629] [JL2/018 – INQ000334630] [JL2/019 – INQ000334670] [JL2/020 – INQ000334671]

[JL2/021 – INQ000334672] and Michael Russell [JL2/022 – INQ000334635] [JL2/023 – INQ000334636] [JL2/024 – INQ000334637] [JL2/025 – INQ000334667] [JL2/026 – INQ000334668] [JL2/027 – INQ000334669].

I exchanged Twitter direct messages with these four individuals in the early stages of the pandemic. This was before I had their telephone numbers. These are the totality of messages I retained and I believe these are the only times I used Twitter direct messages to contact individuals involved in the response to the pandemic.

#### **D: Usage of groups or group chats relating to the management of the pandemic in Scotland**

*24. We note from your previous witness statement that you were a member of a number of groups or group chats on messaging platforms between January 2020 and April 2022 in which any members discussed the management of the pandemic. We note from your previous witness statement that you do not have a record of all the groups of which you were a member. Please list all of the groups or group chats of which you were a member that you can remember, including the group or chat name (if applicable) and the platform upon which that group or chat was hosted.*

I recall being part of the following WhatsApp groups:

- Quantum of Omicron
- Care Home Vaccination Group
- CMOs, HPS & Policy Lead
- LFD
- Directors COVID
- Star Chamber

*25. In respect of each group or group chat, please list all of the other members known to you.*

My understanding of the members of these groups is set out below. I do not recall the full list of group members for these six group chats. This information is taken from material the Scottish Government has prepared.

- Quantum of Omicron: Penelope Cooper, Gregor Smith, Ken Thomson, Richard Foggo, Jim McMenamin and myself.

- Care Home Vaccination Group: Alison Strath, Gregor Smith, Caroline Lamb, Fiona McQueen, Nicola Steedman, Donna Bell, Tracey Slater, Greg Thomson, Karen Duffy, Anna Kynaston, Diane Murray, David Williams and myself.
- CMOs, HPS & Policy Lead: Gregor Smith, Catherine Calderwood, and myself.
- LFD: Richard Foggo, Gregor Smith, Christine McLaughlin, and myself.
- Directors COVID: Caroline Lamb, Donna Bell, Richard Foggo, Gillian Russell, Gregor Smith, Irene Barkbey, Fiona McQueen, Christine McLaughlin, Nicola Steedman, Richard McCallum, Alison Strath, Jonathan Cameron, Graham Ellis, Hugh McAloon, John Connaghan, John Burns, Linda Pollok, Marion Bain, Timothy McDonnell, Stephen Gallagher, Michael Kellet, and myself.
- Star Chamber: Gregor Smith, Jim McMenamin, and myself.

26. *In respect of each group or group chat, please state who set up that group or chat and/or was the administrator.*

I set up the Star Chamber group chat and was the administrator.

I do not know who set up the other groups or who the administrators were. It is possible to have more than one administrator, so it is possible I was made a co-administrator of one or more of these groups, but I do not have any specific recollection of that.

27. *In respect of each group or group chat, please state the period of time during which that group or group chat was used by members. For example, was that group or group chat active during the whole period between January 2020 and April 2022?*

I do not recall the start and end date of each group. I recall they were active in 2020 to 2022.

28. *In respect of each group or chat, please state the purpose or nature of that group or group chat. For example, why was it set up? Was that group or group chat used to discuss a specific subject-matter? If so, what was that?*

'Quantum of Omicron' was used to provide the latest updates and data around the new variant. I used this group to get up to date data about the Omicron variant for media and stakeholder events.

'Care Home Vaccination Group' was used for discussions around arranging meetings, coordination of availability, and sharing the latest data around vaccination rates.

'CMOs, HPS & Policy Lead' was used for information-sharing, particularly before media appearances.

'LFD' stands for lateral flow devices. This group was for the people in charge of the testing programme. I used this group to obtain updates on the testing systems and testing data prior to media appearances.

'Directors COVID' was used to share updates on live issues and alerts to new information. It was also a method for flagging key areas for attention within inboxes. This group was also used to inform the group members that there had been a request to provide advice. For example, a message would be shared that advice was needed on reopening universities. The relevant person would then prepare that advice using the conventional advice channels or in email, briefings, or meetings.

'Star Chamber' was for live data sharing of case numbers, etc. I used this group to obtain updates on the latest evidence. This group was particularly helpful for me before media appearances and press conferences.

*29. In respect of each group or group chat, did group members comment upon matters around the progress of the pandemic in Scotland? Did group members comment upon advice received in relation to the pandemic in Scotland? Did group members comment upon the nature of decisions that the Scottish Government might have to take? Did group members make any decisions about the Scottish Government's response to the pandemic in that group or chat? Did group members comment upon the decisions which the Scottish Government had taken? Please state which, if any, of these categorisations describe the contents of the communications within each group or group chat.*

I have explained the use of the groups above. I used these groups to share and receive up to date data about the pandemic for live media appearances. To the best of my recollection group members did not make decisions about responding to the pandemic in group chats. There may have been informal comment about matters that then became the subject of formal discussion. However, any formal discussions were done through formal channels.

30. *In respect of each group or group chat, were there any particular communications that you can recall which were significant to the Scottish Government's response to the pandemic between January 2020 and April 2022? If so, what were those communications? When did those communications take place? What was the outcome of those communications?*

No. My recollection is that these groups were used for information-sharing, provision of data and arranging meetings. If on occasion I said anything about advice, I submitted emails into the system in line with the guidance.

31. *In respect of each group or group chat, please provide all group messages (including those sent by others within the group) relating to the management of the pandemic in Scotland between January 2020 and April 2022.*

I have not retained any of these group messages.

**E: Recording, retention and deletion of informal communications relating to the pandemic**

32. *If you used one-to-one informal communications and/or groups or group chats to discuss the management of the pandemic between January 2020 and April 2022, did you record and/or retain such communications?*

I used informal communications to share data and information that assisted with my role as principal clinical communicator. Where on occasion informal communications did discuss management of the pandemic in a substantive way, that would lead to emails, briefing, and meetings which were retained in the usual way. Advice and decisions are recorded on the central eRDM system but that would be done by others.

33. *If so, how and by whom were those communications recorded and/or retained?*

For the reasons already given, I did not record or retain these informal communications. Any substantive advice was done through email, briefings and meetings and would be recorded as part of the official record.

34. *If you recorded and/or retained such communications but you are unable to provide those*

*communications to the Inquiry in response to this request, please explain where such communications can be found now; and how the Inquiry would be able to access such communications.*

I refer to my answers above.

*35. If you did not record and/or retain such communications, why not?*

I did not use informal messaging to conduct Government business. I was not required to retain informal messages and I deleted them in accordance with the Scottish Government's policy.

*36. If you did not record and/or retain such communications, did you do so pursuant to any Scottish Government issued policy or guidance?*

Yes, this was in line with my understanding of the general corporate approach to the use of messaging apps. I refer to my answer to question 14.

*37. If so, please identify that policy or guidance and the date upon which it was issued.*

I understand that relevant policies, guidelines and dates of issue have been submitted to the inquiry by the Scottish Government. I refer in particular to Mobile Messaging Apps Usage and Policy version 2.1, issued November 2021.

*38. If so, please identify any relevant parts of that policy or guidance that formed the basis of your decision not to record and/or retain such communications.*

I refer to my answer to question 14.

*39. Did the Scottish Government communicate with you regarding your compliance with any policy or guidance about the recording and/or retention of such communications between January 2020 and April 2022?*

I do not recall the Scottish Government communicating with me individually. However, I received periodic updates and training on the Scottish Government's policies on information management.

40. *If so, how and when did the Scottish Government communicate with you about your compliance with such policy or guidance? What communication took place in that regard?*

I do not recall the dates these periodic updates were provided. Updates were issued at or around the date of the policy or guidance.

41. *Have you ever sought advice, guidance or instruction on whether informal communications (including on both Government issued and personal devices of any kind whatsoever) between you and Cabinet Secretaries, Ministers, senior civil servants, Special Advisers, other advisers and/or counterparts in the UK Government or the other devolved administrations relating to government business ought to be recorded and/or retained? If so, when and from whom? What advice, guidance or instruction did you seek and why?*

No.

42. *Have you ever received (whether you sought it or not) advice, guidance or instruction on whether informal communications (including on both Government issued and personal devices of any kind whatsoever) between you and Cabinet Secretaries, Ministers, senior civil servants, Special Advisers, other advisers and/or counterparts in the UK Government or the other devolved administrations relating to government business ought to be recorded and/or retained?*

I have received general Scottish Government advice on how to conduct government business and how advice should be recorded and submitted to ministers. I did not use informal messaging for government business, save as set out above.

43. *If so, (a) when did you receive such advice, guidance or instruction (b) who gave you such advice, guidance or instruction (c) what was the advice, guidance or instruction received and (d) did you follow that advice, guidance or instruction?*

Whenever the advice changed, I was informed. For example, I was informed of the updated Mobile Messaging Apps policy in November 2020. This updated policy was received from Scottish Government corporate. I followed the guidance at all times.

44. *If you did not follow that advice, guidance or instruction, why not?*



This question is not relevant given my answer to question 43.

*45. Have you deleted any communications relating to the management of the pandemic in Scotland from any Government issued or personal devices?*

Yes, I deleted emails as and when they were dealt with (usually in line with my “do today’s work, today” approach). Any emails that formed part of the official record would be saved to eRDM first.

I regularly deleted informal one-to-one messages in line with Scottish Government advice. I refer to my previous answers.

*46. If you instructed someone else to delete such communications, whom did you instruct and when?*

I have not instructed anyone to delete communications.

*47. If you have deleted any communications relating to the management of the pandemic in Scotland from any Government issued or personal devices, why were such communications deleted?*

I refer to my answer to question 45.

*48. Did you manually delete any one-to-one communications and/or groups or group chats relating to the management of the pandemic in Scotland from any such devices?*

I did not use informal messaging systems to conduct Government business or give advice. I routinely deleted informal messages in line with Scottish Government policy. My recollection is that most WhatsApp group chats were set to autodelete in line with Scottish Government guidance.

*49. If so, please list all of the one-to-one communications and groups or group chats relating to the management of the pandemic in Scotland that you manually deleted from any such devices.*

I do not have any specific recollection of the communications I deleted. However, I regularly deleted emails and messages that it was not necessary to retain. This was in

line with Scottish Government policy.

*50. If so, when did you manually delete such communications and/or groups or group chats? Please provide specific or estimated date ranges where possible.*

I intermittently deleted messages from my personal phone. The policy is that you must do this at least monthly and that is what I did. I did not use my Government iPhone for messaging.

*51. Did you delete such communications and/or groups or group chats from your devices on a regular basis? If so, how often would you manually delete your communications from your devices? For example, did you delete such communications and/or groups or group chats (i) daily; (ii) weekly; (iii) monthly; or (iv) at another interval?*

I refer to my answer to question 50.

*52. Did you use auto-delete to delete any one-to-one communications and/or groups or group chats from your devices?*

Auto-delete was set on the groups I listed in response to question 24. I would expect that was done by the groups' administrator(s). I set up 'Star Chamber' and set this to auto-delete messages after seven days.

*53. Was auto-delete applied to any such communications and/ or groups or group chats by someone else (for example the administrator of the group or group chat)? If so, provide details.*

I don't know who set up autodelete on the other groups. I refer to my answer to question 52.

*54. If so, please list all of the one-to-one communications and groups or group chats relating to the management of the pandemic in Scotland for which you or someone else used or applied the auto-delete function on any such devices.*

I applied the auto-delete function to 'Star Chamber' as described above.

My recollection is that I also had auto-delete set up for one-to-one messaging. However, I

cannot be sure if it was the case for everyone. If it was not, then I would have continued with my approach of periodically deleting messages that I had addressed in line with Scottish Government policy.

55. *If so, what was the auto-delete function used or applied? For example, was it set to a particular time period?*

Auto-delete on the 'Star Chamber' group was set for seven days.

56. *If so, when did you first start to use the auto-delete function/when was it first applied?*

I do not recall when it was applied. I did not personally set it up other than on 'Star Chamber'.

57. *Have you ever discussed the deletion of communications relating to the management of the pandemic in Scotland from your devices with anyone else other than for the purpose of responding to this Inquiry or the Scottish Inquiry's requests?*

I do not recall ever having had such a discussion.

58. *If so, with whom did you discuss the deletion of such communications? Please list the names of all individuals with whom you have had such discussions.*

59. *If so, (a) when was this discussed and (b) what was the outcome of those discussions?*

Given my answer to question 57, these questions are not applicable.

60. *On 3 August 2021, Ken Thomson and Lesley Fraser (DG Corporate) sent an email to Scottish Government officials with the subject 'Covid-19 Independent Inquiry - Record Retention'. In that email, Mr Thomson and Ms Fraser advised recipients that:*

*"...it is a matter of judgement about what material will be relevant to the work of any inquiry. If in doubt, you should assume that material may be relevant and ensure that it is retained and is accessible in eRDM. This includes ensuring that no material of potential relevance to either inquiry is destroyed. You should also obtain similar assurances from any relevant arm's length bodies. We know that well-established records management processes are in place across the Scottish Government and that all of you are aware of the*

*need to keep a full and clear record of our part in responding to Covid-19 and our other work in eRDM. This includes the decisions we take, the process by which those decisions were reached, the reasons for those decisions and the evidence and data used to support them, and applies whatever the format in which that information is held and on whatever device or system. Please do continue to follow these important processes both with COVID-19 information and with all other Scottish Government information."*

*A similar message was sent again by Ms Fraser to Scottish Government officials by email on 7 March 2022. Did you receive either or both of these emails instructing against the deletion of material relating to the management of the pandemic in Scotland?*

I received both emails.

*61. If you did not receive either or both of these emails, did anyone within the Scottish Government bring the contents of these emails or the instruction to your attention? If so, who brought this to your attention and when?*

Given my answer to question 60, this question is not relevant.

*62. If you did become aware of the contents of these emails or the instruction not to delete materials relating to the management of the pandemic in Scotland, what actions did you take? In particular, did you stop manually or auto-deleting informal communications relating to the management of the pandemic from your devices?*

I took no action. I continued to act within the guidance.

*63. If so, when did you take that action?*

I continued to act within the guidance.

*64. If you did not take any action, why not?*

My understanding of the guidance was that I did not need to take any further action.

*65. Do you consider the deletion of your communications relating to the management of the pandemic in Scotland from your devices to be appropriate, given the public nature of the*

*role which you were performing at that time? Please explain your answer.*

Where communications related to the management of the pandemic, that material was captured in subsequent emails, briefings and meetings as discussed above. That material having been captured, I considered the deletion of informal messaging was in line with Scottish Government guidance

**F: Retrieval of communications relating to the management of the pandemic in Scotland**

*66. What steps have you taken to retrieve any communications relating to the management of the pandemic in Scotland from your devices in response to this Inquiry's requests?*

Following receipt of this Rule 9 request I have looked on available devices for backups and any relevant messages. This is how I identified the Twitter direct messages referred to in response to question 23. I have also looked in iMessage and WhatsApp on my iPhone to see if any relevant messages have been retained. They have not. No backups are available.

*67. Where such communications are no longer retained or have been deleted, have you sought technical assistance to assess whether these communications can be retrieved? If so, please specify (a) from whom, (b) when and (c) the outcome of that request for technical assistance?*

No.

*68. If the communications could not be retrieved, what is the reason why the communications could not be retrieved?*

I do not have my personal informal messaging systems backed up. I returned my Government laptop as described previously. I will be returning my old Government iPhone this week. However, I did not use my Government devices for informal messaging, I used my personal phone for the reasons previously stated. I deleted these messages periodically in line with Scottish Government advice. I did not keep any backups. I am not aware of any mechanisms by which these can be retrieved.

**G: Contemporaneous diaries, notebooks and notes (including of telephone calls)**

69. *Did you keep any contemporaneous diaries, notebooks or notes (whether in hard copy or electronic format) relating to the management of the pandemic in Scotland between January 2020 and April 2022?*

No. I use an electronic calendar on the SCOTS platform but I do not, and did not, keep a diary, notebooks or notes.

70. *Did anyone else keep any contemporaneous diaries, notebooks or notes (whether in hard copy or electronic format) on your behalf relating to the management of the pandemic in Scotland between January 2020 and April 2022?*

No. My personal assistant helps to manage my calendar but this is not a diary in the sense I understand the question relates to.

71. *If the answer is yes to either of the questions above, please provide all contemporaneous diaries, notebooks and notes which you made or which others made on your behalf relating to the management of the pandemic in Scotland between January 2020 and April 2022.*

72. *If you are unable to provide such diaries, notebooks and notes in response to this request, please explain where such diaries, notebooks and notes can be found now; and how the Inquiry would be able to access such diaries, notebooks and notes.*

73. *If you no longer retain such diaries, notebooks and notes, why not?*

74. *If such diaries, notebooks or notes have been destroyed, when and how were they destroyed, by whom/ on whose instructions?*

75. *If so, were they destroyed pursuant to any Scottish Government issued policy or guidance? If so (a) please identify that policy or guidance and the date upon which it was issued and (b) please identify any relevant parts of that policy or guidance that formed the basis of the decision to destroy such diaries, notebooks or notes.*

Given my answers above, these questions are not relevant.

76. *Did the Scottish Government communicate with you regarding your compliance with any policy or guidance about the recording and retention or, alternatively, destruction of contemporaneous diaries, notebooks and notes between January 2020 and April 2022? If so, how did the Scottish Government communicate with you regarding your compliance with such policy or guidance?*

I have received generic corporate communications from the Scottish Government, such as that referred to at question 60.

77. *Have you ever sought advice, guidance or instruction before April 2022 on whether your contemporaneous diaries, notebooks and notes relating to the management of the pandemic in Scotland ought to be recorded and/or retained or, alternatively, destroyed? If so, when and from whom?*

I have never sought advice, guidance or instruction on these topics.

78. *Have you ever received advice, guidance or instruction on whether your contemporaneous diaries, notebooks and notes relating to the management of the pandemic in Scotland ought to be recorded and/ or retained or, alternatively, destroyed? If so, please specify (a) when you received such advice, guidance or instruction (b) who gave you such advice, guidance or instruction (c) what the advice, guidance or instruction was which was received?*

I have received generic corporate communications from the Scottish Government.

79. *If so, did you follow any such advice, guidance or instruction? If you did not, please specify why not?*

It did not apply to me as I did not keep any such notes or diaries.

**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 statement of truth without an honest belief of its truth.

**Personal Data**

Signed .....

Dated .....15 November 2023.....