

NR

**From:** Stewart, Chris (TEO)  
**Sent:** 25 June 2021 10:29  
**To:** Pearson, Karen; NR (TEO); McCormick, Andrew (TEO); Gordon, Alexander  
**Cc:** NR Pyper, Jenny; NR @executiveoffice-ni.gov.uk); Lloyd, Neelia; NR NR NR  
**Subject:** FW: Covid-19 Inquiry - Record Retention and Civil Service Support note from HOCS 14.6.21

Colleagues

To see; and may I offer some advice based on personal experience of a public inquiry. Any Covid Inquiry is likely to be extremely thorough and rigorous in gathering evidence. For example, the RHI Inquiry, in addition to requiring handover of all corporate records, asked every individual who had played a part in the scheme for: all relevant documents (electronic or hard copy) all relevant emails in work or domestic accounts; all relevant text messages (work or private); and details of every computer, phone, communication device or messaging system (public or private) that could contain relevant information. Such requests are by formal notice, with the threat of very severe sanction for non-compliance.

An Inquiry might relentlessly pursue any perceived gaps or 'unexplained' entries (I recall one witness being served with a notice asking 5 questions to seek an explanation of his use of an emoji at the end of a sentence). An Inquiry will be just as interested in a two-word email of acknowledgement as the twenty-page policy proposal that prompted it (the rationale being that the Inquiry will seek to establish in fine detail who knew what, and who was involved in every decision).

Email chains are particularly problematic, and gaps can easily arise if something is not Trimmed (in the fog of war) and then gets deleted under the 'three month rule'. My advice to any colleague who thinks they might be required to give evidence would be to ask IT Assist now to recover any deleted 'sent' emails from the relevant period. Recovery is not foolproof, and much of what might be recovered will be irrelevant. However, doing so now may save time and difficulty later on. Corporately, TEO is likely to need to apply dedicated staffing resource to service the Inquiry's information needs for a period.

My personal practice changed as a result of the RHI Inquiry. I now Trim every email that I send.

C

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**From:** TEO HOCS (JP)  
**Sent:** 17 June 2021 15:25  
**To:** Stewart, Chris (TEO) <[chris.stewart@executiveoffice-ni.gov.uk](mailto:chris.stewart@executiveoffice-ni.gov.uk)>  
**Cc:** NR @executiveoffice-ni.gov.uk>  
**Subject:** RE: Covid-19 Inquiry - Record Retention and Civil Service Support note from HOCS 14.6.21

thanks Chris

I will reinforce this at PSS but maybe I could ask you to do the same for TEO staff wearing your AO hat ?

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**From:** Stewart, Chris (TEO)  
**Sent:** 17 June 2021 15:21  
**To:** NR @executiveoffice-ni.gov.uk>; Pyper, Jenny <[Jenny.Pyper@executiveoffice-ni.gov.uk](mailto:Jenny.Pyper@executiveoffice-ni.gov.uk)>  
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This should be reasonably straightforward as far as Trim records are concerned. However, experience of the RHI Inquiry suggests that the email system might be the source of more difficulty. Across the NICS, there have been prolonged periods of frantic activity for many teams, and it would not be surprising if adherence to Trim protocols was not always 100%. That, coupled with the infamous 3 month rule might result in gaps in the record – as it certainly did in DfE in relation to RHI. I recall a number of instances when serious matters turned on our ability (or lack of it) to establish whether particular emails had received simple acknowledgements or replies.

Recovery of deleted emails is possible within limitations, but the ability to do so decreases over time. Given that any Inquiry may be some way off, I wonder whether there would be merit in reinforcing the message on the need to Trim relevant emails, and asking IT Assist for advice on a specific recovery exercise. That would allow colleagues who are likely to be asked for evidence to request a restoration of deleted emails from relevant accounts, to check for any accidental deletions.

C

**From:** NR

**Sent:** 14 June 2021 17:19

**To:** Brennan, Mike <[Mike.Brennan@economy-ni.gov.uk](mailto:Mike.Brennan@economy-ni.gov.uk)> NR [@executiveoffice-ni.gov.uk](mailto:NR@executiveoffice-ni.gov.uk); DfE Permanent Secretary Support <[Permanent.SecretarySupport@economy-ni.gov.uk](mailto:Permanent.SecretarySupport@economy-ni.gov.uk)>; Godfrey, Katrina (DfI – Perm Sec) <[Katrina.Godfrey@infrastructure-ni.gov.uk](mailto:Katrina.Godfrey@infrastructure-ni.gov.uk)>; Gordon, Alexander <[Alexander.Gordon@executiveoffice-ni.gov.uk](mailto:Alexander.Gordon@executiveoffice-ni.gov.uk)>; TEO HOCS (JP) <[HOCS@executiveoffice-ni.gov.uk](mailto:HOCS@executiveoffice-ni.gov.uk)>; McCormick, Andrew (TEO) <[Andrew.McCormick@executiveoffice-ni.gov.uk](mailto:Andrew.McCormick@executiveoffice-ni.gov.uk)>; McMahon, Denis <[Denis.McMahon@daera-ni.gov.uk](mailto:Denis.McMahon@daera-ni.gov.uk)>; Meharg, Tracy <[Tracy.Meharg@communities-ni.gov.uk](mailto:Tracy.Meharg@communities-ni.gov.uk)>; TEO First Legislative Counsel <[FirstLegislativeCounsel@executiveoffice-ni.gov.uk](mailto:FirstLegislativeCounsel@executiveoffice-ni.gov.uk)>; Pengelly, Richard <[Richard.Pengelly@health-ni.gov.uk](mailto:Richard.Pengelly@health-ni.gov.uk)>; May, Peter <[peter.may@justice-ni.gov.uk](mailto:peter.may@justice-ni.gov.uk)>; NR [@economy-ni.gov.uk](mailto:NR@economy-ni.gov.uk); Widdis, Hugh <[Hugh.Widdis@finance-ni.gov.uk](mailto:Hugh.Widdis@finance-ni.gov.uk)>; Boyle, Colum <[Colum.Boyle@finance-ni.gov.uk](mailto:Colum.Boyle@finance-ni.gov.uk)>; Browne, Mark (Permanent Secretary) <[Mark.Browne@education-ni.gov.uk](mailto:Mark.Browne@education-ni.gov.uk)>

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**Subject:** Covid-19 Inquiry - Record Retention and Civil Service Support note from HOCS 14.6.21

Colleagues,

Please see the attached letter from NR, Director General for Propriety and Ethics which has been issued to Whitehall Perm Secs.

I think most of this applies equally to us in the NICS despite the different jurisdiction and civil service issues here however it has not yet been formally agreed as to whether NI is part of the UK wide inquiry or whether we will have our own local NI inquiry. FM and DFM had agreed in principle subject to seeing the Terms of Reference and a decision by the Executive in due course.

Re. the issues of legal support, you will know that DSO did provide support directly to individuals during RHI, and so when it comes to the Covid -19 inquiry it is reasonable to assume that to support them and where needed, Departments can call on the services provided by DSO to advise and assist them and their serving and former officials called upon as witnesses. Similarly pastoral and welfare support would be provided by NICS HR as was the case in RHI.

As ToR/scope is developed, TEO will lead in the discussions with Cabinet Office but will liaise closely with you as more information emerges.

In the meantime I suggest that you now build planning for this inquiry into your board level discussions and governance discussions with relevant ALBs and pay particular attention to the issue of securing information as outlined in the CO letter.

Many thanks

NR

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