

(2) What are the Inquiry's Terms of reference?

An Inquiry's Terms of Reference define the Inquiry's remit and purpose. They are the foundation from which the Inquiry's Chair advances particular lines of investigation and will also set parameters on the Inquiry's scope. The Terms of Reference will therefore determine the issues that the Inquiry seeks to explore, the evidence it is likely to require and the parties that are likely to be involved.

At the time of drafting this note, the UK Inquiry's Terms of Reference have not been announced. It is anticipated that they will be subject to consultation with those affected by the issues which the Inquiry will consider.

(3) What role did your department play in the government's response to the COVID-19 pandemic?

Although the UK Inquiry's Terms of Reference are yet to be announced and no Executive decision has been taken about an Inquiry in NI, departments could start to consider the following matters in the context of the COVID-19 pandemic. These questions are only indicative guides.

(i) What happened?

- *Did the department contribute to the Executive's response to the COVID-19 pandemic?*
- *Which parts of the department contributed and what did they do?*
- *What were the impacts or outcomes of the department's contribution in its areas of operation and how did they feed into the wider response?*
- *Were there any potential shortcomings in the department's response?*

(ii) Why did it happen and who was involved?

- *Who was responsible for the decision-making within the relevant parts of the department?*
- *How were those decisions made?*
- *Where/how has the decision making process been recorded?*
- *Where are relevant records being stored?*

(iii) What can be done to ensure the department is better prepared in the future?

- *What changes, if any, have already been made to the department's organisation and decision making processes in connection with to the COVID-19 pandemic?*
- *What further changes could be made within the department now and in the future?*

Once any Inquiry's Terms of Reference have been announced, a department's thinking on the three questions set out above should enable the department to:

- a) Quickly and efficiently review the Inquiry's Terms of Reference and identify any aspects of the Terms of Reference that could be relevant to the department's work;
- b) If necessary and appropriate, to then seek further legal advice from the department's DSO lawyers on key issues or concerns; and
- c) If necessary and appropriate, promptly (if they have not already done so) create an internal working group to act as the first point of contact for the Inquiry and to provide ongoing instructions to the departmental legal representatives.

(4) What documents or records does the department currently hold that may be relevant to those Terms of Reference?

For each of the three questions above, the department should identify what evidence is available and should review, amend and circulate any document retention policies to ensure that no relevant documents are deleted, overwritten or destroyed.

This process should include contacting key individuals and teams (including Ministers and their Private Office) within the department and instructing them to preserve documents and records that may be relevant to the Inquiry's Terms of Reference. The department's information management and IT teams should also be informed, along with departmental security officers who are involved in destruction of document policies and are aware of locations of classified documents held by the department. Although the Terms of Reference are yet to be published, it is very likely all documents pertaining to COVID-19 may be relevant to the work of the Inquiry. This will include:

- Hardcopy documents (e.g. draft minutes, notebooks, internal forms, handwritten notes, diaries); and
- Electronic documents (e.g. email and other electronic communications such as text messages, WhatsApp messages and voicemail, word-processed documents and databases, and documents stored on portable devices such