

Witness Name: Tim Moss
Statement No: 1
Exhibits: 17
Date: 14 December 2023

UK COVID-19 INQUIRY

MODULE 2B

WITNESS STATEMENT OF TIM MOSS

I, Tim Moss, will say as follows: -

1. I provide this statement in response to a request made by the Chair of the UK Covid-19 Public Inquiry ("the Inquiry") pursuant to Rule 9 of the Inquiry Rules 2006 dated 25 October 2023 and referenced M2B-WG-05 ("the Request").

Preface

2. In this statement, I will outline the Welsh Government policies which may impact upon the use of informal communications by Welsh Government Ministers, Special Advisers and other officials. In doing so, I will address the Welsh Government's position on the conduct of its business using devices issued by third parties such as the Senedd or individuals' personal mobile phone providers. I will also deal with the steps taken by the Welsh Government to secure and retain data potentially relevant to the Inquiry both during the period 1 January 2020 to 31 May 2022 and subsequently.
3. I took up post in the Welsh Government after the specified period; I provide this corporate statement in my capacity as the Welsh Government's Chief Operating Officer and Senior Information Risk Owner with oversight of the Welsh Government's security arrangements to include information security. In preparing this statement I have relied on advice and information from the Welsh Government's Departmental Records Officer, NR, Chief Security Officer, NR Chief Technology

Officer, Ceri Davies and Deputy Director, Assurance, Data Protection Officer and Head of Audit, Assurance and Counter Fraud, Helen Morris.

Introduction

4. Before joining the Welsh Government, I was the Chief Executive Officer and Controller General of the UK's Intellectual Property Office. Prior to joining the Intellectual Property Office, I was the Chief Executive at Companies House where my previous roles included leading on the digital agenda, operational delivery, business strategy and corporate policy. My career also includes 12 years in senior operational roles in the manufacturing industry. I was awarded a CBE in the 2016 Queen's Birthday Honours list for services to the economy and the people of Swansea.

Monitoring Compliance with the Civil Service Code and the Welsh Government's Security and Information Management and Governance Policies

Civil Service Code requirement to keep accurate official records

5. Under the Civil Service Code, Welsh Government civil servants are required to keep accurate official records and handle information as openly as possible within the legal framework. The Code of Conduct for Special Advisers also requires Special Advisers to INQ000388311 comply with the Civil Service Code in this respect [**Exhibits M2B-WG-05/001 and M2B-
INQ000222866WG-05/002** comprise the Civil Service Code and the Code of Conduct for Special Advisers].
6. Communications, advice and bulletins are published on the Welsh Government's intranet to remind officials of their obligations to keep accurate official records and to remind all those with access to Welsh Government's information and ICT systems, and who are carrying out work on behalf of the Welsh Government, to handle information appropriately in compliance with the Welsh Government's policies [**Exhibit M2B-WG-
INQ00038830905/003** is a chronology of these communications undertaken from 1 January 2020 onwards which includes each version of the Welsh Government's Security Policy and the Information Management and Governance Policy which applied during this period.

Monitoring the creation and preservation of official records on mobile phone devices

Welsh Government issued mobile phone devices

7. Monitoring Welsh Government officials' compliance with the requirement to keep accurate records, to include the need to transfer records created on Welsh Government mobile phones, is not practicable on a routine basis, although the Welsh Government reserves the right to monitor use of Welsh Government mobile phones.
8. For example, with the Welsh Government's management tools and processes the only way that text messages can be monitored is for them to be extracted directly from the mobile phone device. This requires those undertaking the monitoring to have physical possession of the mobile phone handset and connect it to a computer that has the appropriate applications to copy the messages.

Monitoring use of Senedd and other mobile phones

9. As the executive branch of devolved Government in relation to Wales, and the devolved legislature, respectively, the Welsh Government and the Senedd are legally, administratively and operationally separate entities. I understand that the Welsh Government's Director of Legal Services, Helen Lentle, has provided a statement to the Inquiry which sets out the detail of the statutory framework for the establishment and operation of the Welsh Government and the Senedd so I will not rehearse the relevant provisions of the Government of Wales Act 2006 in this statement.
10. Being administratively and operationally separate, it follows that the Welsh Government does not hold data about the mobile phone devices or other ICT assets issued by the Senedd (or Senedd Commission), nor does the Welsh Government oversee, monitor or track the use of those assets in any way.
11. Similarly, where members of the Welsh Government, Special Advisers or other Welsh Government officials use a personal mobile phone device, the Welsh Government does not oversee, monitor or track the use of those devices.

How was reassurance provided that informal communications did not play any part in the policy or decision-making process?

12. Throughout the period 1 January 2020 to 31 May 2022, the Ministerial Advice process provided the channel for Ministers to make decisions relevant to their portfolio which did not require a Cabinet collective discussion or decision. The decisions which flowed from Ministerial Advice were formally documented and I understand that copies of relevant Ministerial Advice have been provided to the Inquiry.
13. Assurance that all decisions were being made through official channels and that all material information and advice was before the relevant Welsh Government decision-maker was provided through the governance arrangements which underpin the Ministerial Advice process for Welsh Government decision-making and through audit and assurance activity.

Ministerial Advice process for decision-making

14. I understand that colleagues in their statements have dealt in more detail with the Ministerial Advice process, in particular Dr Andrew Goodall in his first statement in Module 2B, M2B-WG-01, therefore I do not propose to repeat that detail here. However, in terms of assurance, central to that process is the requirement for the Ministerial Advice to be quality assured and cleared by a Deputy Director (or more senior official) who must satisfy themselves that all material information and advice is included. Each Ministerial Advice contains a statement of assurance in the following terms:

In clearing this MA, I [Deputy Director], have quality assured this advice, ensuring it is provided on the basis of evidence, accurately presents the options and facts and I am accountable for the recommendations made.

I am satisfied that the recommended decision or action, if agreed, would be lawful, affordable and comply with all relevant statutory obligations. Welsh Government policy priorities and cross portfolio implications have been fully considered in line with delivery of the government objectives.

I have fully considered the statement of assurance contained in the MA guidance to ensure all relevant considerations have been taken into account and that the actions and decisions take account of regularity, propriety and value for money.

Assurance and audit

15. At a time when a significant number of decisions were being taken by the Welsh Ministers, the Welsh Government was particularly conscious of the need to retain an audit trail of evidence to provide assurance and support decisions made and action taken in response to Covid-19. This need had already been a key theme of a training session organised for Welsh Government Senior Leaders on 31 July 2020.
16. By November 2020, the Welsh Government's Audit, Assurance and Counter Fraud Division (Internal Audit Service) had developed and set out an assurance framework for funding interventions, which included sections about record keeping and decision-making [Exhibit M2B-WG-05/004]. Awareness was raised within the Welsh Government of the framework between November 2020 and April 2021. The framework included a Covid-19 Assurance Map which recorded details such as the advice provided to the Minister, the funding allocated to each intervention, details on the controls in place as well as the oversight arrangements and specific assurances gained from information provided by relevant Welsh Government officials; the following exhibits [Exhibit M2B-WG-05/005 and Exhibit M2B-WG-05/006] comprise the annual Covid-19 Assurance Maps produced for 2020/2021 and 2021/2022].
17. Periodically, the Welsh Government's Audit and Risk Assurance Committee (WG ARAC) sought reassurances through presentation of papers to help it to discharge its responsibility for scrutinising the framework of governance and control in respect of Covid-19. Papers in relation to the Covid-19 Assurance Map were presented to the Welsh Government Audit and Risk Assurance Committee on 27 May 2021, 7 October 2021 and 24 January 2022 and a management letter including the Covid-19 Assurance Map, was issued to the Permanent Secretary on 13 December 2022, copied to a wide range of people, including all members of the Committee. [Exhibits M2B-WG-05/007, M2B-WG-05/008, M2B-WG-05/009, M2B-WG-05/010, M2B-WG-05/011, M2B-WG-05/005, M2B-WG-05/012, M2B-WG-05/013 and M2B-WG-05/006].
18. The Head of Internal Audit also researched and presented a paper for the Welsh Government Audit and Risk Assurance Committee, followed up in a Management Letter to the Permanent Secretary, also shared with the Committee (in May 2021 and April 2022), in response to the Committee seeking assurance on governance, accountability and decision making through the Covid-19 funding architecture and mechanisms [Exhibits M2B-WG-05/014 and M2B-WG-05/015].

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19. The Welsh Government's Internal Audit Services undertook 34 internal audits [**Exhibit M2B-WG-05/016**] of key interventions in response to Covid-19 which were shared with Welsh Government Audit and Risk Assurance Committee members. The outcomes of these audits provided reassurance that the Welsh Government's processes and systems of internal control were being complied with in relation to decision-making. Key messages from those audits were presented to all Welsh Government Group Audit and Risk Assurance Committees as well as the Welsh Government Committee.
20. These audits, processes and reports did not identify any concerns that the Welsh Government's decision-making governance structures were being circumvented through use of informal communications channels.

Preservation of records in anticipation of the Inquiry

21. In the Autumn of 2020, the Welsh Government took its first steps to ensure that it had identified and preserved the official records of the decisions it had taken about its response to Covid-19. Steps have consistently been taken since to preserve the Welsh Government's official records in relation to its response to Covid-19. Exhibited at **Exhibit M2B-WG-05/017** is a chronology of the steps taken to preserve the Welsh Government's official records in relation to its response to Covid-19.

Return of handsets of Welsh Government issued phones – security, preservation of records and governance

22. The use of Welsh Government issued mobile phones, like all other Welsh Government issued ICT devices, is subject to the Security and Information Management & Governance policies referred to in the chronology exhibited in paragraph 6 above. Therefore, any official records created on Welsh Government issued mobile phones should be summarised and preserved in the Welsh Government's corporate document repository - iShare (see paragraph entitled "Text & Instant Messaging", Information Management & Governance Policy).
23. I'm informed that, for reasons of security, use of iCloud backup facilities on Welsh Government issued phones is not allowed. Therefore, no backups exist for any social communications sent or received on Welsh Government issued phones unless their

content had been summarised and saved in iShare in accordance with the Information Management and Governance Policy.

24. I understand that, when Welsh Government mobile phones are returned (for any reason), for reasons of security, operational procedures for return are such that the data on the phone is wiped within a day or two of being handed back. Data is not backed up and there is no "profile" as such on phones to recover. So, if a phone is handed in and not replaced, then the information will be gone when the phone is wiped. If a phone is replaced (due to a fault or an upgrade) then the only information that migrates from one phone to another is that which is synchronised to Office 365 (email, Teams and calendars only). Contacts, text messages, are not retained by the process of replacing a Welsh Government issued mobile phone. It is Welsh Government practice to prompt users to copy their own contacts across but text messages are not retained or transferred with the Welsh Government's existing methods as they are stored only on the phones.

25. Therefore, prior to returning their Welsh Government mobile phones to the Welsh Government's ICT department, in accordance with the provisions of the Information Management and Governance policy, holders of Welsh Government phones would be expected to summarise and save to iShare any material which should be preserved as part of the Welsh Government's official records.

Appropriateness of use of social communications

The Welsh Government and the decision-making process

26. I acknowledge that members of the Welsh Government, Special Advisers and other Welsh Government officials, in the period from 1 January 2020 to 31 May 2022, did have discussions about aspects of the work of Welsh Government by WhatsApp chat and exchange of text messages, on third party issued handsets. However, I am advised that there is no evidence to suggest that any discussions were used as an alternative to the formal decision-making processes by Ministerial Advice nor that these messages formed part of an attempt to undermine or circumvent the Welsh Government's established and well-documented processes for making decisions.

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:

14 December 2023.