

**PERMANENT SECRETARY OF THE DEPARTMENT OF EDUCATION WITNESS
STATEMENT FOR THE COVID-19 PUBLIC INQUIRY.**

POTENTIAL LOSS OF INFORMATION

REFERENCE – MO2C-DE-002

1. I am Mark Browne, I received a Rule 9 request on 21 November in my role as the Permanent Secretary of the Department of Education (DE) and in preparing this statement I have sought assurances and requested the required information from my officials in relation to the business and personal usage of their Government issued devices as defined by the Inquiry at Annex B of the Rule 9.
2. I have been the Permanent Secretary for the DE in Northern Ireland since 1 March 2021. My predecessor, Derek Baker, retired on 27 November 2020 prior to my appointment. During the period of 28 November 2020 to 28 February 2021 the role was covered by Lianne Patterson (who has since left the service) carrying out the required duties and acting as Accounting Officer in order to comply with regulatory requirements.
3. The content of this statement is true to the best of my knowledge and belief. Some of the issues or detail of the issues the Inquiry has asked me to address are not within my personal knowledge or recollection, due to the time period set by the Inquiry i.e. 11 January 2020 to 15 February 2022 and I have, where necessary, consulted with other senior civil service colleagues within my organisation to enable me to address them.
4. I have provided a number of documents as requested and an indexed package of documents containing the evidence to which I refer in this witness statement. I refer to these documents in the format **[Exhibit MB2/ INQ000000000]**. I have also provided a table outlining where the Inquiry's questions have been answered in this statement at **ANNEX A**.
5. For Module 2C, the Inquiry is considering the Northern Ireland Executive's core political and administrative decision-making around the Covid-19 pandemic from 11 January 2020 to 15 February 2022, and I have supplied a Departmental Corporate Statement and evidence in relation to this initial Rule 9 request.
6. My understanding of this additional Rule 9 is that it relates to the issue of potential loss of information and use of messaging platforms as defined in the Inquiry's request, by

Ministers, Special Advisers (SpAds) and senior civil servants (SCS), particularly the use of WhatsApp and text messages, as well as other informal applications. No SCS have identified the use of other forms of messaging platforms other than WhatsApp and text messaging.

7. I would highlight that I can only provide assurances for DE's SCS on the basis of information provided by them in relation to the issues raised. I cannot speak on behalf of the Ministers or SpAd. I have asked the Private Secretaries (Grade 7s) to the Ministers about their awareness of the use of the messaging platforms and I referred to them in my response on 21 September 2023 to you on this issue.

Relevant Policies And Practice Regarding The Use Of Personal And Private Devices

8. I am aware that you have been provided with copies of the NICS policies, which are owned by the Department of Finance, in relation to information management and a copy of the Northern Ireland Audit Office report prepared for the Head of the Civil Service. I am not intending to repeat their findings but would point you to the relevant sections 3.2 to 3.3 in relation to queries 1. a i.-iii.. However, I would highlight in response to some of your questions that no guidance has issued; as per table below these practices were not permitted. Separately I have attached the Departmental policies (**[Exhibit MB2/1 INQ000400830]** to **[Exhibit MB2/4 INQ000400833]**) and attach the table below which highlights some of the areas also covered by the NICS policies.

Table 1.

| Document Title | Relevant Guidance |
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| Departmental Guidance – Data Protection Staff Handbook [Exhibit MB2/3 INQ000400832] | Page 33. - Never send personal or sensitive information to your personal email account in order to work with it at home |
| CM - Why Records Management Matters [Exhibit MB2/2 INQ000400831] | Page 2 - Any information that has been created or received in the conduct of government business as evidence of the activity, transaction or decision MUST be saved in CM. |
| DE Guide to Good Record Keeping [Exhibit MB2/1 INQ000400830] | Official information should be communicated through official channels. If a phone call, text or WhatsApp exchange relates to a substantive discussion or a decision, ensure a record is kept. |

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| | <p>Store business related information directly in the appropriate area of the records management system. Do not save information on your computer desktop or in your personal container.</p> <p>Save key emails (e.g. submissions, key decisions or steers, minutes and final products) directly in the appropriate area of the records management system</p> |
| DPO guidance for DE staff working remotely from home [Exhibit MB2/4 INQ000400833] | <p>Page 1. Don't use your personal PCs or devices, including home printers, for Departmental work;</p> <p>Page 1. Only work email accounts must be used for Departmental business.</p> <p>Page 1. Business information and personal data should not be shared via personal email accounts, as it is not a safe way to transmit official records.</p> |

9. The NICS Mobile Device Security Policy addresses your queries 1. A. iv –vi., and I can only speak for SCS colleagues who have provided assurance that all policies were followed and appropriate information stored. The Minister and SpAd have not been asked for comment by the Department and I understand that they have been approached for their own statements. To the best of my knowledge, no monitoring of these policies took/takes place either within the Department or NICS wide.

10. In relation to circumstances where a Minister can use personal or private devices, I understand that NI Executive Guidance for Ministers in the Exercise of their Responsibilities paragraph 7.3 states "*Ministers must use official email systems for all communications relating to official business*". Exceptionally, where this is not possible, the Minister must copy any message to their official email account. Information generated in the course of government business must be handled in accordance with the requirements of the law (including the Freedom of Information Act 2000 (FoI), the Environmental Information Regulations 2004 (EIR), GDPR and Public Records Act (NI) 1923), regardless of how it is communicated. I would respectfully suggest that this question is directed to both former Ministers to ascertain whether they complied or not. I would highlight that no permission is required to be sought.

11. The NICS Records Management Protocol for Special Advisers (2020) protocol sets the guidelines around transparency and record keeping that SpAds must adhere to and references the Code of Conduct for Special Advisors (see below). The protocol clearly states that SpAds must keep accurate official records and the focus of the guidance in the protocol is mainly in relation to email and the use of Content Manager (CM). However, the

Protocol states at paragraph 11 that “*Use of private email accounts on an exceptional basis as provided for in the Code of Conduct, or other media used for official business will still form part of the official record and be subject to FoI, etc.*”. No permission is required to be sought.

12. Regarding SCS staff there are no circumstances within policy which allows the use of unofficial devices for official business but guidance states - *Civil servants should not be processing official information using anything other than official devices and official channels. Where this is not possible, the official information must be saved onto corporate systems as quickly as possible, e.g., Outlook or CM, and removed as quickly as possible from the non-corporate channels.*
13. I believe that question 3 would be better directed to Minister Weir himself as I cannot speak for his preferences. However, I did ask his Private Secretary who advised – “*I can confirm that in my experience with Minister Weir he always used his government-issued device for government-related work or business during the specified period*”.
14. As I have previously mentioned and referenced within the NIAO report, there are a number of NICS and departmental policies which apply, and I have highlighted a few in **Table 2** below, answering query 4 a.

Table 2.

| Record Title | Relevant Guidance |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NICS Guidance On Records Management for Special Advisers | <p>Special Advisers must use official email systems for communications relating to official business. Exceptionally, where this is not possible, the Special Adviser must copy any message to their official email account.</p> <p>Special Advisers will have an official departmental email account created for their use. As with all civil servants, the 3-month rule will be applied, under which any emails not filed into HPRM before 90-days have elapsed will automatically be deleted.</p> <p>Special Advisers will be responsible for working with the Private Office to agree clear procedures to ensure the Special Adviser’s mailbox and associated emails are appropriately managed and all relevant emails are saved to HPRM within the 3 month time span on the mailbox.</p> <p>When a Special Adviser leaves or transfers to another department, the adviser’s mailbox will not be retained. Any information within the mailbox considered to be a Departmental record must be saved to HPRM prior to the mailbox being deleted.</p> |

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| | <p>Use of private email accounts on an exceptional basis as provided for in the Code of Conduct, or other media used for official business will still form part of the official record and be subject to Fol, etc.</p> |
| NICS Email Management Policy | <p>Since the introduction of RecordsNI as the official document and records management system for the NICS, any email that needs to be retained for Business purposes must be transferred to HPRM within 3 months of receipt.</p> <p>The 3-month rule, which is applied to all mailboxes, deletes the contents of all mail folders after 90 days. Calendar entries, Contacts and Tasks are not affected.</p> <p>Three months is a suitable period of time to determine whether the information contained in an email is required for business purposes. Emails must be saved to HPRM in the appropriate area of the Fileplan as soon as it is practicable to do so.</p> <p>Emails that are not required for business purposes should be managed accordingly and deleted from your mailbox manually.</p> |
| DE Guidance on the Use & Management of Email & Protocols for the Prevention of Data Breaches | <p>It is the responsibility of all staff to [...] Catalogue email messages that are deemed to be an official record, into the appropriate CM container.</p> |
| NICS Laptop and Mobile Device Security Policy | <p>Entire document</p> |
| DE Guide to Good Record Keeping | <p>Official information should be communicated through official channels.</p> <p>If a phone call, text or WhatsApp exchange relates to a substantive discussion or a decision, ensure a record is kept.</p> |
| DSS Service Catalogue 2019-2022 | <p>As per the Information Management Policy, all documents, messages and emails stored in Exchange, MS Teams or OneDrive will be deleted three months after they were created or uploaded. Items deleted within MS365 are permanently destroyed and cannot be restored. This includes, but is not limited to Emails, Documents and Messages.</p> <p>Current Information Management Policies are still in effect on the move to MS365 services. All documents, messages and emails will be removed from MS Teams Collaboration Groups and OneDrive three months after creation or upload. It is the responsibility of the Individual OneDrive owner or the MS Teams Collaboration Group Owner to ensure all records are transferred to Records Manager before this time limit expires.</p> |

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| NICS Laptop and Mobile Device Security Policy | In line with NICS Policy, information should be stored on RecordsNI, the approved repository for NICS documents and records management. Therefore, there must be a justified business need and careful consideration before information is stored directly onto a laptop or mobile device. |
| DE Guidance on the Use & Management of Email & Protocols for the Prevention of Data Breaches | All email messages over 90 days old are automatically deleted on a daily basis. |
| Employee Leaving Checklist | File all business related records held in your Departmental email account (including calendar and sub folders) to the appropriate container in HPRM. File all business related records held in any generic email accounts (including calendar and sub folders), that you are responsible for, to the appropriate container in HPRM. Ensure all records held in iron keys, memory sticks, local drives, external hard drives, etc. are filed to the appropriate container in HPRM. |

15. I am not aware of any formal policies around the recording or retention of informal communication platforms. However, there are a number of sections within Guidance which reference them. I will highlight a few as I have already covered others in my previous comments - DE Guide to Good Record Keeping states *Official information should be communicated through official channels, and If a phone call, text or WhatsApp exchange relates to a substantive discussion or a decision, ensure a record is kept.* The DSS Service Catalogue also states *“As per the Information Management Policy, all documents, messages and emails stored in Exchange, MS Teams or OneDrive will be deleted three months after they were created or uploaded. Items deleted within MS365 are permanently destroyed and cannot be restored. This includes, but not limited to Emails, Documents and Messages”.* Additionally *“Current Information Management Policies are still in effect on the move to MS365 services. All documents, messages and emails will be removed from MS Teams Collaboration Groups and OneDrive three months after creation or upload. It is the responsibility of the Individual OneDrive owner or the MS Teams Collaboration Group Owner to ensure all records are transferred to Records Manager before this time limit expires.”* NICS Laptop and Mobile Device Security states *“In line with NICS Policy, information should be stored on RecordsNI, the approved repository for NICS documents and records management. Therefore, there must be a justified business*

need and careful consideration before information is stored directly onto a laptop or mobile device”.

16. The destruction and resetting of devices is guided by the Department of Finance (DoF) policy. NICS Laptop and Mobile Device Section 13 applies, which states *“When a member of staff leaves an organisation or moves to a new post their line manager must contact IT Assist to arrange for the return of all NICS equipment they hold, and to ensure that email and network accounts are amended or disabled as appropriate”* and *“At end of life mobile devices must be disposed of securely using the Secure Disposal contract (Removal, Recycling and other Disposal Services of Redundant Electrical and Electronic Equipment (Including ICT Equipment) to include Data Eradication when required). This policy is administered by the shared service IT Assist”*. My Department does not monitor or measure compliance with the policies as it does not ‘own’ the policy and this would be a matter for DoF or IT Assist.

17. I received a letter from the Head of Civil Service (HOCS) on 14 June 2021 initially. Following a more substantive note on 16 September 2021 and some clarity around the Inquiry, I raised the issue at the Departmental Top Management Group (TMG) meeting on 17 September. Officials noted that the communication from HOCS states *“We will be issuing a note to all staff to reinforce the importance of rigorously applying these processes in relation to issues which may be relevant to a COVID inquiry.”* **[Exhibit MB2/5 INQ000400834]**. On this basis, officials anticipated central guidance issuing for NICS however guidance was not provided. I instructed that letters should be issued to Chief Executives of Arm’s length Bodies (ALBs) and these issued from NR on 21 October 2021 advising them of the need to retain records. Officials confirmed that all relevant material was stored in Content Manager (CM) and measures were in place to provide material to the Inquiry. Following HOCS’s request in October 2022, a comprehensive note was issued to all staff. No specific reference was made to WhatsApp or text messages or messaging platforms as DE do not recognise these as official forms of communication and are not used for policy decision making. The guidance does reference *‘all relevant records’* and this plainly encompasses all forms of electronic communication.

18. With regard to the devices no longer available to the Inquiry, I can confirm that the phones for Minister Weir and senior civil servants who have retired or left the service have been either redeployed or returned to DoF, and my response to your questions are outlined below. I can also confirm that the policy under which the phones were disposed of is the

NICS Mobile Device Security Policy. The decision as to whether a device is reset or disposed of is taken by IT Assist and people leaving the service are not asked for their consent, but it is common practice. Civil servants and Ministers should be well aware of their responsibilities for storing information on the Department's record management facility, namely CM. My understanding is that usually the private/personal secretary for each SCS/Minister raises a request to cancel the contract through the NICS IT Assist 'Ivanti' system. Phones are then usually passed to an IT Assist person on-site for return to IT Assist. On occasion, as with Minister McIlveen's iPad, a factory reset can be carried out and in this instance the device repurposed to a member of staff within the Private Office.

19. I am aware of some data which has been deleted from SCS colleagues' phones, however I have provided these messages in my earlier response to the ILT. Whether the ILT consider such messages to be relevant to the scope of Module 2C or wider issues still to be raised by the Inquiry is for the Inquiry to decide. SCS staff have given assurances that they stored all relevant data on CM prior to handing back their mobile devices. No steps to recover any information have been taken, as I do believe any information has been stored on CM and will/has been made available to the Inquiry as requested. I do not agree with the Inquiry's assumption that data has been lost, nor do I recognise that any evidence has been destroyed. Standard practice within the Department is for business related decisions to be made through submissions to the Minister, with the Department's email system being used to converse on any issues, thereby giving an audit trail of the decision making process. Informal communications are not recognised and should not be used in the Department for decision making and, as you have seen through my own and other officials' WhatsApp messages, there is no decision making or talk of decisions but only references to submissions.
20. As previously stated I believe that all relevant data has been stored in CM. Any devices which would have been handed back after the announcement of the Inquiry would not require to be retained as the information would be stored in the correct format in the Department's record repository.
21. Table 3 sets out the information provided to my officials via the Mobile Device Solutions Manager for IT Assist, which falls under the remit of DoF. I consider any further clarity on the application of the policy would need to be sought from DoF. Had my officials been aware that Minister Weir's and NR's phones had not been disposed of at the time of their return but had been held until January 2023, I would have sought their return.

Table 3.

| Username | Mobile number | Date delivered | Make | IMEI | Status | Service request for disposal |
|---------------|------------------------|----------------|------------------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Minister Weir | Irrelevant & Sensitive | | Irrelevant & Sensitive | | Device disposed 19 Jan 23 by VYTA | Request only to cancel SR78467 (n) by NR NR No mention or record of device to be returned for disposal. |
| Name Redacted | | 16/07/2018 | | No record of device being returned to IT Assist. | Passed to NR IT Assist on 28 July 2021, as per Marion White email (ED1/23/195778) | |
| | | 21/04/2018 | | Cancelled 8/9/21, device returned to IT Assist but no record of disposal. Unable to trace. | SR81751 raised by NR | |
| | | 23/01/2019 | | No record of device being returned to IT Assist. | | |
| | | 16/11/2017 | | Device disposed 19 Jan 23 by VYTA. | Request only to cancel SR456719 (o) by NR NR No mention or record of device to be returned for disposal. | |
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Informal Communication Using Electronic Devices

22. I can only speak to reassurances provided to me in relation to the SCS within my Department and not for the Ministers or SpAd and believe this question should be asked of them separately. The Inquiry has already been provided with copies of my WhatsApp messages and I have provided copies of my text messages, along with messages from those SCS persons who have identified using these platforms. I am not aware, nor have any SCS declared, use of any other systems than WhatsApp or SMS/Text messaging. I have also attached copies of text messages retrieved from the phones of Minister McIlveen and the SpAd.

23. I have attached a spreadsheet [Exhibit MB2/6 INQ000400835] which identifies the names of groups / persons in contact with Minister McIlveen, SpAd and SCS using text messaging and **Table 4** below provides an outline of what SCS colleagues have provided in relation to what information is held on their phones. Within [Exhibit MB2/6 INQ000400835] where there is just a number, more specifically in SpAd's messages, I have no way of identifying the individuals with whom he was in contact and believe any questions relating to these should be directed to him. I understand that messaging was used in accordance with NICS guidance and for expediency in particular circumstances. Following the issue of potential data loss being raised, SCS colleagues provided their phones to CCL Solutions Group for forensic examination and to retrieve any data from the phones. These messages have now been stored in CM for future Modules. For transparency I have attached a copy of the forensic reports for the officials identified as having held messages on their phones, as below –

- Minister McIlveen – [Exhibit MB2/7 INQ000400836]
- Peter Martin (SpAd) – [Exhibit MB2/8 INQ000000000]
- Dr Mark Browne – [Exhibit MB2/9 INQ000400838]
- [Names Redacted] [Exhibit MB2/10 INQ000400839]
- [Names Redacted] [Exhibit MB2/11 INQ000400840]
- [NR] – [Exhibit MB2/12 INQ000400841]
- [NR] – [Exhibit MB2/13 INQ000400842]
- Peter Martin (SpAd) iPad Messages [Exhibit MB2/14 INQ000417464]

Table 4.

| Name of Official | Grade | Informal Messaging Service Used | Name of any groups/individuals messaged to Comment on Management of the Pandemic | Was use of the group/individual messages within Government Guidelines | Are messages retained | If messages were deleted how and why? | Auto Delete used for messages |
|-----------------------------------------------------|------------------------|---------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------|
| Michele McIlveen [Exhibit MB2/7 INQ000400836] | Former Minister | Text messages | Peter Burns Private Secretary Please see [Exhibit MB2/6 INQ000400835] | Messages used to provide urgent advice on Ministerial business not related to COVID. | Yes | | Department cannot answer for Minister |
| Peter Weir | Former Minister | Text messages | Michele Matchett Private Secretary | Messages used to provide urgent advice on Ministerial business not related to COVID. | No – Phone was returned as per NICS best practice. No data was lost relevant to the Inquiry. | IT Assist Weir’s iphone 7 imei 356391102305235, this was wiped and securely disposed of in January 2023. | Department cannot answer for Minister |
| Peter Martin | Former Special Advisor | Text messages | Please see [Exhibit MB2/6 INQ000400835] | | Yes | | Department cannot answer for |

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| [Exhibit MB2/8 INQ000000000] | | | | | | | Special Adviser |
| Derek Baker | Former Permanent Secretary | None | | | No – Phone was returned as per NICS best practice. No data was lost relevant to the Inquiry. | IT Assist would need to provide response | No |
| Mark Browne [Exhibit MB2/9 INQ000400838] | Permanent Secretary | Text and WhatsApp | Details provided to the Inquiry regarding messages in the letter of 23 Sept uploaded on to Egress. Please see [Exhibit MB2/6 INQ000400835] | Messages platforms used for Departmental business within guidelines. | Yes | | No |
| Names Redacted | Grade 3 | None | | | | | No |
| | Grade 3 | None | | | | | No |
| | Grade 3 | None | | | | | No |
| | Grade 3 | None | | | | | No |

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| Names Redacted | (Redeployed) Grade 3 | WhatsApp | Details provided to the Inquiry regarding messages in the letter of 23 September uploaded to Egress. | Messages platforms used for Departmental business within guidelines. | Yes | | No |
| | (Retired) Grade 3 | | | | No – Phone was returned as per NICS best practice. No data was lost relevant to the Inquiry. | IT Assist would need to provide response. | |
| | (Left service) Grade 3 | | | | No – Phone was returned as per NICS best practice. No data was lost relevant to the Inquiry. | IT Assist would need to provide response. | |
| | (Retired) Grade 3 | | | | No – Phone was returned as per NICS best practice. No data was lost relevant to the Inquiry. | IT Assist would need to provide response. | |

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| Name Redacted | Grade 5 | Text | Please see [Exhibit MB2/6 INQ000400835] | Message platform used for Departmental business. Within guidelines. | | | |
| [Exhibit MB2/10 INQ000400839] | | | | | | | |
| Names Redacted | Grade 5 | None | | | | | No |
| | Grade 5 | None | | | | | No |
| | Grade 5 | Personal phone only | | | | | No |
| [Exhibit MB2/11 INQ000400840] | Grade 5 | Text | Please see [Exhibit MB2/6 INQ000400835] | Message platform used for Departmental business. Within guidelines. | | | |
| Names Redacted | (Redeployed) | None | | | | | No |
| | Grade 5 | | | | | | |
| [Exhibit MB2/12 INQ000400841] | Grade 5 | Text | Please see [Exhibit MB2/6 INQ000400835] | Message platform used for Departmental business. Within guidelines. | Yes | | |
| Name Redacted | Grade 5 | None | | | | | No |

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| Names Redacted | Grade 5 | None | | | | | No |
| | Grade 5 | None | | | | | No |
| | Grade 5 | None | | | | | No |
| | Grade 5 | None | | | | | No |
| | Grade 5 | Text | Please see [Exhibit MB2/6 INQ000400835] | Message platform used for Departmental business. Within guidelines. | | | No |
| [Exhibit MB2/13 INQ000400842] | | | | | | | |
| Names Redacted | Grade 5 | None | | | | | No |
| | Grade 5 | None | | | | | No |
| | Grade 5 | None | | | | | No |

24. I cannot comment on what settings Minister McIlveen or the SpAd used on their devices. SCS colleagues have advised on occasion they may have deleted informal messages from groups on WhatsApp. However, I have provided the Inquiry with copies of these messages. Neither the SCS nor I use auto-delete functions on our devices. Any deletion of messages would have been in accordance with relevant NICS policies. There were no instructions, either written or verbal, given to SCS staff to delete messages however again I cannot speak for the Minister or SpAd.

STATEMENT OF TRUTH

I, as the Permanent Secretary of the Department of Education, declare to the best of my knowledge and belief that the events and contents of this statement are true and accurate and reflect the Department's actions during the period of the Rule 9, spanning 10 January 2020 to 15 February 2022.

Personal Data

Signature

Dr Mark Browne

Permanent Secretary

Date: 7 March 2024

| Question Number (from Rule 9 request) | Has this question been answered in the statement? (Yes/no) | If yes, what is the paragraph reference in the statement? | If not, why not? |
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| <p>Annex B Q 1.a Are there any other policies, guidelines or protocols that were applicable within the Department from January 2020 onwards, relating to:</p> <p>(i) The use of private or personal devices for government-related work or business by Northern Ireland government ministers, senior civil servants.....add all other parts of the question.</p> <p>ii. The use of personal or private devices for communication via the Messaging Platforms for government work or the conduct of government-related business;</p> <p>iii. The recording or retention of information and communications stored on these private or personal devices, including those exchanged via</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> | <p>Paragraph 8</p> <p>Paragraph 8</p> <p>Paragraph 8</p> | |

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| <p>the Messaging Platforms;</p> <p>iv. The destruction of such records on these private or personal devices after any period of time;</p> <p>v. The resetting of these private or personal devices; and</p> <p>vi. The back-up of data held on personal and private devices, if they were used for government work or government related business.</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> | <p>Paragraph 8</p> <p>Paragraph 9</p> <p>Paragraph 9</p> <p>Paragraph 9</p> | |
| <p>Annex B Q 1.b In each case, during the Specified Period, were</p> | <p>Yes</p> | <p>Paragraph 9</p> | |

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| these policies or procedures (both NICS-wide and/or specific Departmental policies) being complied with by Ministers, special advisors and senior civil servants within the Department, having regard to personal and private devices? | | | |
| Annex B Q 1.c In each case, was compliance with these policies or procedures monitored and/or enforced by the Department? If so, how were these policies monitored and/or enforced? | Yes | Paragraph 9 | |
| Annex B Q 2 Please set out whether and in what circumstances it was permissible for Northern Ireland government ministers, senior civil servants within the Department, and/or Special Advisors to use personal or private devices in respect of their Ministerial, civil service or advisory roles. For instance, did such individuals have to obtain permission to use such a personal or private device? | Yes | Paragraph 10 and 12 | |
| Annex B Q 3 Did Minister Weir use his personal or private mobile device in favour of his | Yes | Paragraph 13 | |

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| government-issued device for government-related work or business during the Specified Period? If so, why was this the case? | | | |
| Annex B Q.4 Please identify the policies and rules (both NICS-wide and applicable within the Department) which applied to: Annex B Q.4.a The use of government-issued devices for government-related work or business by Northern Ireland government ministers, party officials, Senior Civil Servants within the Department, or Special Advisors from January 2020 onwards; | Yes Yes | Paragraph 14 Paragraph 14 | |
| Annex B Q.4.b The use of government-issued devices for informal methods of communication (including the | Yes | Paragraph 14 | |

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| Messaging Platforms) for government work or the conduct of government related business, including whether the Messaging Platforms were used not only on mobile devices, but also laptops, tablets, or any other electronic device; | | | |
| Annex B Q 4.c The recording or retention of information and communications stored on these government-issued devices, including those exchanged via the Messaging Platforms; and | Yes | Paragraph 15 | |
| Annex B Q 4.d The destruction of such records after any period of time; | Yes | Paragraph 15 | |
| Annex B Q 4.e The resetting of these government-issued devices; and | Yes | Paragraph 16 | |
| Annex B Q 4.f In each case, whether compliance with these policies or procedures was monitored and/or enforced by the Department, and if so, how these policies were monitored and/or enforced. | Yes | Paragraph 16 | |
| Annex B Q 5 Please specify the policies, procedures or rules governing the return of government-issued | | | |

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| <p>devices. In particular, please address:</p> <p>Annex B Q 5.a Whether government-issued devices are always wiped, cleansed or otherwise factory reset upon their return;</p> | Yes | Paragraph 16 | |
| Annex B Q 5.b If so, who undertakes this process. | Yes | Paragraph 16 | |
| <p>Annex B Q 6 Please set out what steps the Department took upon the announcement of the Inquiry to:</p> <p>Annex B Q 6.a Communicate to individuals that the Inquiry was likely to require disclosure of communications, including those made via the Messaging Platforms;</p> | Yes | Paragraph 17 | |
| Annex B Q 6.b Preserve relevant evidence and to ensure that any relevant holders of information were aware of the need to do so; and | Yes | Paragraph 17 | |
| Annex B Q 6.c Prevent any standard deletion, or factory resetting of devices that would | Yes | Paragraph 17 | |

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| affect such communications. | | | |
| Annex B Q 7 Are there any government-issued devices of Northern Ireland government ministers, Senior Civil Servants within the Department or Special Advisors that have been subject to a reset? If so, please set out: Annex B Q 7.a When the resetting of these devices was first raised; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.b Who raised it; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.c The date when each device was returned; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.d Who made the decision to reset the device; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.e When the decision was made to reset and when the device was reset; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.f Identify those involved in the decision to reset and the resetting; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.g Whether each Minister, senior civil servant or special advisor knew or was | Yes | Paragraph 18 and 21 | |

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| informed that their government-issued device in question was to be reset; | | | |
| Annex B Q 7.h Whether there was any consent obtained to reset their government-issued device; | Yes | Paragraph 18 and 21 | |
| Annex B Q 7.i The policy or rules under which the reset took place. | Yes | Paragraph 18 and 21 | |
| Annex B Q 8 For each device that has been reset, please explain: Annex B Q 8.a What data relating to the Inquiry's Terms of Reference, and Module 2C's Provisional Outline of Scope has been lost as a consequence of the resetting of the device; | Yes | Paragraph 20 | |
| Annex B Q 8.b What steps have been taken to restore or recover any data that has been lost and whether such steps have succeeded in restoring or recovering that data; | Yes | Paragraph 20 | |
| Annex B Q 8.c Whether any data that has been lost is available from any alternative source, for example, any other device that was linked to the same messaging account, | Yes | Paragraph 20 | |

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| (for example, a WhatsApp desktop version on a laptop or PC) or backups of the data held on government provided devices. | | | |
| Annex B Q 9 When did the Department first recognise that potentially relevant evidence may have been destroyed as a result of the devices being reset? What did the Department do when this issue first arose? | Yes | Paragraph 20 | |
| Annex B Q 10 If the resetting of the devices occurred after such time that the Department became aware of the announcement of this Inquiry, was any consideration given to the need to preserve data on the devices for the purposes of the Inquiry and, if so, why was it not so preserved? | Yes | Paragraph 19 | |
| Annex B Q 11 Further to your letter of 21 September 2023, please set out in a table in respect of each individual above: Annex B Q 11.a Whether they used any of the Messaging Platforms to communicate (between each other or between groups of | Yes | 22 | |

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| each other) about the management of the pandemic during the Specified Period, and if so, which of the Messaging Platforms were used; | | | |
| Annex B Q 11.b Identify any “group” of which they were part in the Messaging Platforms which was used to comment upon the management of the pandemic and the purpose of such group; | Yes | 23 | |
| Annex B Q 11.c The individuals with whom each person communicated about the management of the pandemic by way of one-to-one “chats” and the purpose of such communication; | Yes | 23 | |
| Annex B Q 11.d If any of the individuals mentioned did use any of the Messaging Platforms to communicate about the government response to the pandemic, whether the Department considers that use to have been in accordance with relevant rules and policy; | Yes | 23 | |
| Annex B Q 11.e The extent to which each individual retained | Yes | 23 | |

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| messages exchanged or whether such messages were deleted, either by way of an auto delete function, manually or otherwise; | | | |
| Annex B Q 11.f What steps have been taken by the Department to ensure the retention of any such communications recorded on government provided devices during the pandemic? | Yes | 23 | |
| Annex B Q 12 Aside from the resetting of devices, can you explain if Ministers, senior civil servants or special advisors used 'auto-delete' functions, for example 'disappearing messages' functionality on WhatsApp, or routinely manually deleted informal communications which related to government work or business? If so: Annex B Q 12.a Was this deletion pursuant to any policy or guidance of the Department? | Yes | 24 | |
| Annex B Q 12.b Was any instruction (or any other form of communication) given to Ministers, civil | Yes | 24 | |

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| servants or special advisors to delete any messages or emails from their government provided mobile devices? | | | |
| <p>Annex C Q 1 All unredacted informal or private communications exchanged via the Messaging Platforms which were:</p> <p>Annex C Q 1.a Sent or received by any DE minister, special advisors, or senior civil servant from a NICS-supplied mobile device;</p> | Yes | Exhibits PSED 06 -13 | |
| Annex C Q 1.b Sent to a group that any minister, special advisors, or senior civil servant within the Department was a member of. | Yes | Exhibits PSED 06 - 13 | |