

Witness Name: Department of Finance

Statement No.:

Exhibits:

Dated:

UK COVID-19 INQUIRY

WITNESS STATEMENT OF THE DEPARTMENT OF FINANCE

I, Neil Gibson, will say as follows:

1. I am the Permanent Secretary of the Department of Finance ('the Department'). I have strategic and operational responsibility to assist the Northern Ireland (NI) Executive secure the most appropriate and effective use of resources and services for the benefit of the community and to deliver quality, cost effective and efficient public services and administration in the Department's areas of executive responsibility. I commenced this role on 1st April 2022. My predecessors during the period between 11 January 2020 and 15 February 2022 ('the relevant period') were Sue Gray (May 2018 to May 2021) and Colum Boyle (May 2021 to April 2022). During the relevant period I was employed within the private sector.
2. I understand the Inquiry is seeking details from the Department regarding communication via informal means by Ministers, Special Advisors and senior civil servants during the pandemic, the potential data loss and associated information regarding this area.

Departmental Approach

3. In order to set the context of the Department's approach to responding to the Inquiry, it may be useful to set out some key actions which took place before and after the Inquiry was formally opened in July 2022. In June 2021, the Head of the Civil Service ('HOCS') issued a letter to all Permanent Secretaries received from the Cabinet Office

asking Departments to start preparations for the Inquiry and ensuring no material of potential relevance was destroyed in any format, device or system. The Department's officials, namely the Permanent Secretary Colum Boyle, Bill Pauley (Strategic Policy and Reform) and Mark McLaughlin (Communication and Engagement) met in July 2021 to discuss preparations and correspondence was circulated to Departmental Directors following this **[NG/1A-INQ000415455, NG/1B-INQ000415456]** with further correspondence issuing on 8 July 2021 **[NG/2A-INQ000415457, NG/2B-INQ000415458]**.

4. In September 2021, the HOCS issued further correspondence regarding record retention. Following discussion at the Departmental fortnightly stocktake meeting with Directors, further correspondence was issued to Directors **[NG/3A-INQ000415460, NG/3B-INQ000415461, NG/3C-INQ000415462, NG/3D-INQ000415463, NG/3E-INQ000415464]** and a response issued to the HOCS **[NG/4A-INQ000415465, NG/4B-INQ000415466]**.
5. Further correspondence was received from the HOCS in February 2022 providing an opportunity to provide input into the Terms of Reference for the Inquiry. In July 2022, further correspondence from the Cabinet Office was provided to the Department via the HOCS **[Exhibit NG/5A INQ000415467, Exhibit NG/5B INQ000415468, Exhibit NG/5C INQ000415469, and Exhibit NG/5D INQ000415470]**.

Policies

6. The NI Civil Service (NICS) applies a number of policies in relation to the use of mobile devices and by extension, the management of these devices including the use of informal communications. The Department is responsible for the oversight of all these policies relating to information management, human resources, and record retention for the NICS. However, other departments may have developed further guidance around these policies or departmental specific policies, which the Department would not have knowledge or oversight of.
7. These policies primarily relate to NICS issued devices. The Department does not maintain a specific departmental policy or manage any NICS specific policy in relation

to private or personal devices. That said, there are other policies, while not specific, which governed the use of private/personal devices and upon which I will provide further detail.

8. In relation to private/personal devices, I can confirm that, during the relevant period, no permission was required to be sought to use private/personal devices. However as outlined, there were policies in place to cover the responsibilities in terms of records management and the use of social media. Furthermore, a policy namely '*NICS Official Information Held in Non-Corporate Channels Policy*' was implemented in June 2022 which outlines that corporate channels should be used for official business, defines non-corporate channels and outlines records management responsibilities if these non-corporate channels are used, which is to ensure that official information is saved onto corporate systems as soon as possible and removed as quickly as possible from the non-corporate channel.
9. In regard to the compliance and monitoring of policies, each individual civil servant is responsible for information assets, which are underlined in the NICS Code of Ethics, and are incorporated in annual personal performance agreements and monitored as part of individual performance management. Compliance with information management and information security policies is managed within business areas by Information Asset Owners, supported by Business Area Information Managers. Information management and information assurance is included within the annual Assurance Statement completed by Directors for each business area.

Minister

10. When a Minister assumes their position, in this case Minister Conor Murphy was in place for all of the specified period, the NICS offers a range of technology so that they can carry out their role effectively. This was the case during the relevant period. This includes laptops, tablet devices and mobile phones. These are procured through IT Assist (part of the Department) who provide common IT systems and services for the NICS and this process is triggered by Private Office staff completing a service request, forwarded to IT Assist. When Ministers and SpADs no longer require these devices, they are usually returned to IT Assist for reallocation or disposal and this action is

similarly triggered by Private Office staff completing a service request, forwarded to IT Assist. The Department cannot insist that they use all or some of these devices. I can confirm that Minister Murphy was provided with a laptop and tablet, namely an iPad but did not use a NICS mobile phone device however he did use a private/personal mobile phone device.

11. When a Minister assumes the role, they are subject to the '*Ministerial Code*' which they affirm in their Pledge of Office. The code sets out the rules and procedures for the exercise of the duties and responsibilities of Ministers and Junior Ministers of the Northern Ireland Assembly including observing the highest standards of propriety and regularity, accountability, being open and responsible and following the seven principles of public life. Two principles of interest to the Inquiry are the requirement for accountability and openness.

12. Regarding informal communication with the Minister, I have been informed by my Directors and Private Office staff that, during the relevant period, senior officials and the Private Secretary only used the method of informal communication, such as text messages and WhatsApp, for operational matters such as alerting Minister Murphy to urgent meetings or requests, informing him of papers being sent to him via the formal channel, assisting access to virtual meetings and checking travel locations etc. I can confirm that informal communications to Minister Murphy's private/personal device were never used to share business related or confidential papers or to request or communicate decisions. All decisions made were recorded by minutes at meetings or by email sign-off. All decisions which impacted across Northern Ireland were required to be agreed at Executive level. On that basis, there was no requirement on the Minister or the Department for any recording, retention or disposal of these communications. For this reason, there was no requirement imposed on the Minister to reset or back up data from his personal/private device. The Department did provide Minister Murphy with an iPad for the sole purpose of sending and clearing papers and for attending virtual meetings. The Department have received confirmation from a forensic third-party external provider that this was not used for informal communications and apps were not downloaded for this purpose. As outlined previously, Minister Murphy did not utilise a NICS mobile device.

Special Adviser

13. Special Advisers (SpAds) are offered similar equipment to the Minister and again, the Department cannot insist that they use all or some of these. I can confirm that the Minister's Special Adviser, Eoin Rooney, who was in place for all of the specified period, had the use of a laptop, a tablet, namely an iPad, and a NICS mobile phone device. On occasion, Mr Rooney, used a personal/private mobile phone device.
14. All SpAds are subject to a '*Code of Conduct for Special Advisers*' and an appointment letter which states that they must keep accurate official records and handle information as openly and transparently as possible within the legal framework and use official email systems for communications relating to official business. Information generated in the course of government business must be handled in accordance with the requirements of the law regardless of how it is communicated.
15. In February 2020, Mr Rooney accepted his letter of appointment and the associated requirements of the role **[NG/6A-INQ000415471, NG/6B-INQ000415472, NG/6C-INQ000415473, NG/6D-INQ000415474, NG/6E-INQ000415475, NG/6F-INQ000415476]**. Further to this, the Department ensured that he was aware of his responsibilities regarding record management. In October 2021, he received correspondence providing detail of the '*NICS Key Records Management Responsibilities for Special Advisers*' **[NG/7-INQ000415477, NG/7B-INQ000415478, NG/7C-INQ000415479, NG/7D-INQ000415480]**. In October, he received the HOCS correspondence regarding the '*Functioning of Government (Miscellaneous Provisions) Act NI 2021*'. As in the case of the Minister, informal communications with Mr Rooney, senior officials and the Private Secretary were only used for operational matters. As with the Minister, I have been informed by the Private Office that informal communication was never used to share business or confidential papers and all input and agreement to papers was carried out electronically on the email system. There was also no requirement to require Mr Rooney to reset or back up data from his personal/private device, for this reason.
16. As previously outlined, in respect of all documentation provided to Mr Rooney, records management was a personal responsibility. Mr Rooney was responsible for copying

all emails to the Private Office so that these could be saved. Over 1,000 such records have been saved.

17. In October 2022, Mr Rooney was issued with a termination of contract letter [**NG/8A-INQ000415481, NG/8B-INQ000415482**] which reminds the SpAd that he continues to be bound by the provisions of the law that protects official information and subject to the Standards of Conduct policy in the NICS Handbook. On 2 November 2022, Mr Rooney attended Clare House, Belfast and returned his NICS issued technology including his laptop, iPad and mobile phone device. On receipt of these, the Private Office staff did not review or reset them, which is consistent with the 'NICS Mobile Device Security policy'. Given his individual responsibilities around record management and staff awareness that Departmental business was not carried out via these channels, it was not considered necessary for any further action to be taken. On 3 November 2022, the devices were returned to IT Assist.

18. As with Minister Murphy's iPad, Eoin Rooney's iPad and mobile devices have since been sent from IT Assist to a forensic third-party external provider for review and extraction of any informal communications within the relevant period. This has been completed and confirmation has been received that the SpAd iPad was not used for informal communications and apps were not downloaded for this purpose. Regarding the SpAd mobile phone device, 1562 individual messages were extracted. The vast majority of these messages, 1451 (93%), were between Private Office and Press Office staff and were operational. In general, the messages were urgent meetings or requests, informing or reminding him of papers being sent to him via the formal channel and seeking clearance of these, assisting access to virtual meetings and checking travel locations etc. There was a small number of low level messages between other officials. All extracted messages have been provided to the Inquiry for consideration.

Senior civil servants

19. Senior civil servants are subject to all NICS policies and are aware of their responsibilities regarding information management. Whilst there is no specific policy on private/personal devices, a policy was introduced in June 2022, namely the '*Official*

information held in non-corporate channels' which would cover this scenario. The policy states that civil servants should not be processing official information using anything other than official devices and official channels however should an exceptional need to use non-corporate channels arise, they have a responsibility to ensure that official information is saved onto corporate systems as soon as possible and removed as quickly as possible from the non-corporate channel. No such formal policy was in place during the relevant period.

20. As previously outlined, my senior management team have confirmed that the use of informal messages was only used during the relevant period in relation to business contingency, staff well-being, communication and operational matters. It was not custom and practice in the Department to use informal communications, other than for these purposes. That said, in order to support this statement, the Department has provided the content of all of these messages to the UK Covid Inquiry team. Formal disclosure of some of the messages have now taken place and have been made available to all Core Participants.

21. I understand that the Inquiry is seeking details of these informal communications, I can confirm that these communications did not include any discussions concerning the response to, management of, or decisions in relation to the pandemic beyond minimal, low-level procedural references. I understand that a small number of the Department's senior staff, including the former Permanent Secretaries Sue Gray and Colum Boyle, Hugh Widdis, Departmental Solicitor, Jill Minne, former Head of HR Services, Mark McLaughlin, Head of Communications and former civil servant Bill Pauley, former Head of Strategic Policy and Reform were included in groups set up by the Executive Office, which, I understand, will be disclosing the content of these communications to the Inquiry.

22. I am also aware that these groups included Sue Gray's personal phone number. The Department previously had only been aware of this number, which was used by senior civil servants and her office staff. I have recently been informed by Ms Gray that she also held a NICS mobile device. The Department has been unable to locate this device, requested billing details for this period and can confirm that the use of the mobile device was minimal. From January 2020 onwards, only seven months had

activity on these bills, which was mostly internet use except for 4 calls, 1 voicemail call and 7 texts.

23. Senior officials do utilise both personal and NICS devices and are aware of the requirements for recording information if relevant to the business area. However, only six Senior Officials utilised personal devices in this way during the relevant period. Given the limited use of these messaging platforms, and the requirement to record relevant business information, the resetting and reallocation of NICS devices is a routine, business-as-usual process. It is a requirement of the 'NICS Mobile Device Security policy' which states that *'Where a mobile device is no longer required by its original recipient, it must be returned to IT Assist for secure erasure, reloading of software, re-encryption and redeployment. It must not be retained by the Branch as a spare'*. I am satisfied that the Department has stored extensive records on all decision making during this time and the Inquiry will note that these all were recorded on the official record management system. On the basis of the forgoing, I believe that the potential for information to have been destroyed within the Department is highly unlikely.
24. The Inquiry has asked the Department whether 'auto-delete' functions were used. I can confirm that out of all the operational messages identified, the function of 'disappearing messages' was used on one WhatsApp thread which was the Departmental Solicitor's Office (DSO) Management Board. The have confirmed that this group only discussed low level local operational matters such as access to buildings and clearing of desks during the pandemic but that the group was never used to discuss the response to Covid or decisions relating thereto. The DSO also confirmed that the group members have responsibility for downloading any relevant, business-related messages to the official records management system.
25. It is my understanding, supported by the Departmental senior team in post during the relevant period that there were no instances when any concerns were raised about the use of personal/private devices and infringement of any policies or procedures for the Minister, SpAd nor senior civil servants.

26. In conclusion, I understand that the Inquiry is seeking to understand whether and to what extent these informal channels of communication were used in Northern Ireland as part of the government response to the pandemic, and following review in my Department, I believe that this was limited to relatively minor operational matters.

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.

Personal Data

Signed:

Date:

28 February 2024
