

**Module 2C of the UK Covid-19 Public Inquiry (“the Inquiry”)
Request for Evidence under Rule 9 of the Inquiry Rules 2006
Reference for Request - M02C-DOH-002**

Witness Name:
Statement No.:
Exhibits: **PM/3600 (INQ0000)**
Dated:

UK COVID-19 INQUIRY

**WITNESS STATEMENT OF Peter May, Permanent Secretary,
Department of Health, Northern Ireland**

UK COVID-19 PUBLIC INQUIRY

MODULE 2C – DEPARTMENT OF HEALTH (NI) CORPORATE STATEMENT – MO2C-DoH-002 (INFORMAL COMMUNICATIONS)

I, Peter May, will say as follows: -

1. On 4 April 2022, I took up post as Permanent Secretary for the Department of Health (hereinafter referred to as ‘the Department’) and Chief Executive of Health and Social Care (HSC). I previously held Permanent Secretary positions in the Department of Justice, Department for Infrastructure and the Department of Culture, Arts and Leisure.
2. My predecessor in the Department of Health was Richard Pengelly CB who was in post from 2014.
3. In preparing this statement, I have relied on my staff who have carried out a thorough review of the documentary evidence held by the Department. I have also discussed the substance of this statement with senior colleagues, who had first-hand experience of the matters described.
4. The following defined terms are used throughout this statement as follows:
 - i. **‘Government-issued device’** refers to a mobile or other device that has been issued to a person by the Northern Ireland Civil Service (NICS) for their use for government-related work or business.
 - ii. **‘The Messaging Platforms’** refers to all informal messaging platforms or communication systems, including but not limited to WhatsApp, Slack, iMessage, Microsoft Teams chat, Signal, SMS or any other informal messaging

system.

- iii. 'The **Public Records Office Northern Ireland**' abbreviated as PRONI.

5. Please note that in terms of policies, as well as the NICS policies listed below and provided as exhibits, the Health and Social Care (HSC) policies which applied to HSCB (now SPPG in the Department) at the time have also been provided to the Inquiry. For the avoidance of doubt we again set out here the distinction between the Department, HSCB and the colloquial term HSC, which we have shared with other Modules.

6. The Department of Health (the Department) is responsible for health and social care legislation and policy in Northern Ireland. The Department, until April 2022, had 17 Arm's Length Bodies, which aid in achieving the Department's objectives through functions delegated to them by the Department. On 31 March 2022, one of those Arm's Length Bodies – the Health and Social Care Board – was dissolved and its functions were transferred back into the Department. Those functions now reside within the Strategic Planning and Performance Group (SPPG) in the Department. The functions of the Department and its ALBs are often referred to by the umbrella term "Health and Social Care (HSC)" and ALBs are often referred to as "HSC bodies". These are colloquialisms and "HSC" is used as shorthand for the health system as a whole in Northern Ireland. There does not, and never has, existed an organisation called "Health and Social Care Northern Ireland". Whilst ALBs are accountable to the Department, the Department and its ALBs are separate legal entities and the ALBs are separately legally represented in all matters.

7. The Inquiry is aware of the following NICS-wide policies relating to the use of **private or personal devices** for government-related work or business during the Specified Period by Northern Ireland government ministers, senior civil servants within the Department, and/or Special Advisors:
 - i. Guidance for Ministers in the exercise of their official responsibilities;
 - ii. NICS HR Policy 6.11, 'Use of Electronic Communications';
 - iii. NICS Mobile Device Security Policy;
 - iv. NICS Code of Ethics;
 - v. NICS Records Management Protocol for Special Advisers;
 - vi. NICS Records Management Policy;
 - vii. A Guide to Good Record Keeping;
 - viii. NICS Official Information held in Non-Corporate Communication Channels;
 - ix. NICS Retention and Disposal Policy and Policy Statement;

- x. NICS Email Management Policy.
8. I can confirm that there are several other policies, guidelines or protocols that were applicable within the Department from January 2020 onwards, relating to:
- i. The use of **private or personal devices** for government-related work or business by Northern Ireland government ministers, senior civil servants within the Department, and/or Special Advisors;
 - ii. The use of personal or private devices for communication via the Messaging Platforms for government work or the conduct of government-related business;
 - iii. The recording or retention of information and communications stored on these private or personal devices, including those exchanged via the Messaging Platforms;
 - iv. The destruction of such records on these private or personal devices after any period of time;
 - v. The resetting of these private or personal devices; and
 - vi. The back-up of data held on personal and private devices, if they were used for government work or government related business.
9. These policies are as follows:
- i. The NICS Microsoft Teams policy explains the creation process for a Microsoft Team site, an explanation on the different types of Teams and the retention periods for those Team sites **[Exhibit PM2/1 INQ000400060 (DoH Ref: PM3600)]**.
 - ii. The PRONI retention and disposal process document outlines the process departments must follow when preparing their retention schedule **[Exhibit PM2/2 INQ000400061 (DoH Ref: PM3601)]**.
 - iii. The PRONI retention and disposal schedules document outlines the steps that departments must take when they are laying their retention and disposal schedules **[Exhibit PM2/3 INQ000400062 (DoH Ref: PM3602)]**.
 - iv. The PRONI appraisal policy sets out the selection principles and associated considerations they use when deciding what records should be kept for permanent preservation **[Exhibit PM2/4 INQ000400063 (DoH Ref: PM3603)]**.
 - v. The PRONI Digital Repository Submission guidance outlines how departments can electronically transfer records to PRONI as agreed in Retention and Disposal schedules **[Exhibit PM2/5 INQ000400064 (DoH Ref: PM3604)]**.

- vi. The PRONI selection policy statement provides information on how PRONI will select departmental records for permanent preservation **[Exhibit PM2/6 INQ000400065 (DoH Ref: PM3605)]**.
 - vii. The NICS email management policy identifies a number of measures that provide effective email management and will ensure NICS complies with Data Protection, Freedom of Information, Environmental Information and Records Management legislation **[Exhibit PM2/7 INQ000400066 (DoH Ref: PM3606)]**.
 - viii. The NICS policy on recording video conferences outlines the rules that are in place and that should be followed **[Exhibit PM2/8 INQ000400067 (DoH Ref: PM3607)]**.
 - ix. The NICS naming conventions best practice guidance provides simple rules that we must follow. Naming documents accurately will make it easier for colleagues to find them when required **[Exhibit PM2/9 INQ000400068 (DoH Ref: PM3608)]**.
 - x. The NICS policy on the use of Sharepoint 2018 relates to ways in which departments should be using SharePoint. It details what is acceptable and what falls short of current guidelines **[Exhibit PM2/10 INQ000400070 (DoH Ref: PM3609)]**.
 - xi. The Box processes and procedures 2018 states how we should be using Box as a collaboration tool. Box users need to fully understand their information management responsibilities when using this solution **[Exhibit PM2/11 INQ000400071 (DoH Ref: PM3610)]**.
 - xii. The NICS Protection of information during relocation policy 2018 provides all staff with a clear set of instructions of what is required when a team or branch physically move locations **[Exhibit PM2/12 INQ000400072 (DoH Ref: PM3611)]**.
 - xiii. The Secure File Transfer Protocol (SFTP) approval process 2018 outlines the steps required to be taken, to enable a user to be set up with a SFTP account **[Exhibit PM2/13 INQ000400073 (DoH Ref: PM3612)]**.
10. I can confirm that during the Specified Period, Ministers, special advisors and senior civil servants within the Department were advised of these policies or procedures (both NICS-wide and/or specific Departmental policies) in respect of personal and private devices.
11. I can confirm that compliance with these policies or procedures was the personal responsibility of Ministers, special advisors and senior civil servants within the Department and was not therefore routinely monitored or enforced by the Department. This personal responsibility (which is assumed by all Ministers, special advisors and senior civil servants within the Department) is reflected in all the policies, such as the Codes of Conduct and Records Management Protocols already disclosed to the Inquiry as well as being positively affirmed each time an individual attempts to access

the system, i.e., they are asked to confirm compliance with NICS policies and procedures. Everyone who accesses the NICS system is asked on every occasion they access a computer network owned by the Northern Ireland Civil Service to confirm that they have read, understood and will adhere to the NICS policy or equivalent policies on data protection, the use of software, internet and electronic mail. The Department also provides regular up-dates to Ministers and civil servants (including Special Advisors) through email and intranet articles, an example of which from 23 March 2020 is exhibited [Exhibit PM2/14 INQ000400074 (DoH Ref: PM3613)].

12. 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, as provided for in their respective Codes of Conduct. It was clear that this information or other media used for official business would still form part of the official record and be subject to Freedom of Information (FoI) obligations.

13. The same policies and rules (both NICS-wide and applicable within the Department) as outlined above applied to:
 - i. 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;
 - ii. The use of government-issued devices for informal methods of communication including the 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;
 - iii. The recording or retention of information and communications stored on these government-issued devices, including those exchanged via the Messaging Platforms; and
 - iv. The destruction of such records after any period of time;
 - v. The resetting of these government-issued devices; and
 - vi. In each case, compliance with these policies or procedures was enforced by the Department through annual mandatory online training. Everyone who accesses the NICS system is also asked to confirm on every occasion they access a computer network owned by the Northern Ireland Civil Service that they have read,

understood and will adhere to the NICS policy or equivalent policies on data protection, the use of software, internet and electronic mail.

14. The NICS Mobile Device Security Policy governs the return of government-issued devices. This policy includes procedures for Asset Management as well as Staff moves, Re-use and Secure Disposal of devices as referred to above and already disclosed to the Inquiry. Government-issued devices are routinely wiped, cleansed or otherwise factory reset upon their return; and this function is carried out by IT Assist, in the Department of Finance on behalf of all NI Departments. An individual's consent is not required to reset the phone upon return; this is standard practice as per the policy.
15. On 14 June 2021 the Head of the Civil Service provided advice to Permanent Secretaries regarding the preservation of information following the establishment of the Covid Inquiry; this was shared with the Department's Top Management Group on 24 June 2021 [**Exhibit PM2/15 INQ000400078 (DoH Ref: PM3614)**].
16. The following government-issued devices of Northern Ireland government ministers, Senior Civil Servants within the Department or Special Advisors that have been subject to a reset are as follows, and the circumstances for each case are set out below:

Former Minister Swann

17. Former Minister Swann has advised that he left his NICS issued mobile phone and laptop with his Private Secretary on 27 October 2022, as this was his last day in office. He has advised that he did not delete anything from the devices prior to returning them. In line with the policy, former Minister Swann did not need to give consent for the devices to be reset and so, it was assumed that he knew that on return, the resetting of the devices was a possibility, although the responsibility for same was assumed by the Department.
18. I have been advised that on 31 October 2022 a member of the Private Office staff telephoned the Chief Digital Information Office to ask what needed to be done with former Minister Swann's devices. She was informed to do a Request for Change via IT Assist. Private Office staff submitted a Request for Change to IT Assist on 8 November 2022. IT Assist contacted Private Office on 9 November 2022 and asked for the devices to be left in Craigantlet Buildings, IT Assist Headquarters. A driver for the Department delivered the items to Craigantlet Buildings reception the same day.

19. On 24 November 2022 a meeting took place between former Minister Swann, his previous Private Secretary and Departmental officials, namely, La'Verne Montgomery, Director of Public Inquiries and Public Safety and her colleague, the Head of the DoH Covid Inquiry Central Co-ordination Team, the purpose of which was to discuss a recently received Rule 9 request from the Covid Inquiry. At this meeting Departmental officials asked former Minister Swann if he had secured any WhatsApp messages he may have had on his NICS issued phone. Former Minister Swann advised that he did not use WhatsApp on his NICS issued phone and that he had returned it to the Private Office. Former Minister Swann confirmed that any WhatsApp or informal messages he did use, were on his own mobile phone, and were not used as part of a decision-making process. Rather, he recalled using messaging to advise the First and deputy First Ministers, for example, of daily infection rates and information of this type. Former Minister Swann was asked to retain any informal messages he may have had as, if they fell within the scope of the Inquiry, they would be disclosable. He confirmed he would do so.
20. At this same meeting former Minister Swann's previous Private Secretary advised that the NICS issued phone and laptop had been returned to IT Assist. Mrs Montgomery asked the previous Private Secretary to contact IT Assist and establish if the NICS issued phone and laptop had been wiped or if they were still intact and to secure both as soon as practicable.
21. On 28 November 2022 the Private Office emailed IT Assist as follows:

"We have been advised that the equipment listed below should be kept in case records need retrieved from devices iro ongoing inquiries.

Can you please advise if this returned equipment has been wiped? Or what has been done to these? Can the phone records be retrieved via the number?

Grateful for your advice re laptops and phones."

On 28 November 2022, IT Assist advised:

"The laptop for the SpAd has already been wiped, but we have the Minister's laptop in a secure cabinet should it be required for any inquiries and we can hold this until further notice."

And

“The mobile devices that were returned have been wiped. The devices are still in our possession, but they have been reset to factory default settings (this is standard procedure when devices are returned).”

In terms of call records for mobile phones, these can be requested from the network provider however only outbound calls made will be listed. Records of incoming calls are not kept. We are also unable to obtain recordings of any calls.”

22. No further action was taken by the Department at this time regarding the NICS issued mobile devices as it was understood that any data relating to the scope of the Inquiry would either be held on the Department’s Content Management system or was on former Minister Swann’s personal device. On 6 June 2023 the Private Office made a request to IT Assist to get former Minister Swann’s laptop back as it was needed for him to access files for the Covid Inquiry. Permission was sought from the Chief Digital Information Officer, Dan West on 7 June 2023 and the laptop was handed to former Minister Swann on 8 June 2023. The laptop was not accessible, as IT did not provide a charger and former Minister Swann brought the laptop into Castle Buildings on 14 June 2023. A power lead was provided to former Minister Swann and he took it home that day to use as part of his work for the Covid Inquiry. The email chain relating to this is provided as an exhibit **[Exhibit PM2/16 INQ000400081 (DoH Ref: PM3615)]**.
23. On 21 August 2023 former Minister Swann returned the laptop to Private Office and it was locked in a secure cabinet as there was an issue with the laptop and former Minister Swann was unable to access it. On 21 August 2023 Mrs Montgomery suggested Private Office contact IT Assist, to ask if any data from former Minister Swann’s NICS issued phone could be restored. On 24 August 2023 former Minister Swann’s laptop was collected by a member of the Chief Digital Information Officer’s Group and he retrieved all information on former Minister Swann’s laptop and stored these on Content Manager. The laptop was then returned to IT Assist by this member of staff and remains with IT Assist.
24. On 27 August 2023 Private Office contacted IT Assist to ask if any data from former Minister Swann’s NICS issued phone could be restored. On 29 August 2023 IT Assist advised that former Minister Swann’s NICS issued mobile phone had been wiped and was stored in IT Assist. The mobile number associated with the phone was disconnected and therefore IT Assist would not be able to reconnect the phone as too long a period has elapsed. Therefore, it would not be possible to recover iMessages orWhatsapps as to do this the mobile number needs to be live.

25. Following the Head of the Northern Ireland Civil Service initiation of an investigation into the issue of the re-setting of former Ministers' and Special Advisor's NICS issued mobile phones, I can confirm that the Department of Health was fully compliant with the investigation. Following the investigation, IT Assist arranged for the collection of the two mobile phones by Mrs Montgomery. Mrs Montgomery collected both devices on 13 December 2023, following which, on 18 December 2023 they were interrogated, as far as is internally possible, by Mrs Montgomery and former Minister Swann's former Personal Secretary to determine their status. It appeared to them that both devices had been reset; however, I confirmed with HOCS on 21 December 2023 that we would welcome a technical examination to ensure this is the case. We noted the actions taken, switched the phones off and retained them, awaiting further instruction. Subsequently, on 5 January 2024 Mrs Montgomery provided the mobile devices to IT Assist who are managing the technical examination of the phones. Each device was placed in a zip lock bag. The bag was sealed with a label. This label had a unique reference number with Mrs Montgomery's signature as the person originally taking possession of the mobile devices and the date she took possession (13 December 2023). The bag was then Sellotape sealed. A Chain of Custody Form was completed for each device (one for former Minister Swann and one for former Special Advisor Mark Ovens).
26. I would reiterate, former Minister Swann has again confirmed that he did not use WhatsApp on his NICS issued phone and he has also confirmed that any WhatsApp or informal messages he did use were on his Assembly issued mobile phone and were not used as part of a decision-making process. Therefore, it would be fair to state that data relating to the Inquiry's Terms of Reference, and Module 2C's Provisional Outline of Scope has not been lost because of the resetting of former Minister Swann's NICS issued mobile phone. Indeed, former Minister Swann has provided all relevant data from his Assembly phone to the Inquiry already in the form of his WhatsApp chats.

Special Adviser to Former Minister Swann, Mark Ovens

27. I have been advised that Mark Ovens left his NICS issued mobile phone, iPad and laptop with former Minister Swann's Private Secretary on 27 October 2022, as this was his last day in post. I have been advised that he did not delete anything from the devices prior to returning them. The same process as outlined in paragraphs 18-25 above apply to the process followed regarding Mark Ovens' NICS issued mobile phone.

28. Mr Ovens has confirmed that he preferred to use his own phone and personal phone number almost entirely during his time within the Department. This was as much out of convenience rather than working from two separate devices and two separate numbers. He has also confirmed that he kept no record of notes – either written or electronic – during his time working for the Minister. Whilst depending on the issue, overall, he most often preferred communicating via email for him to retain a written record. Due to the number of emails being sent and received but also to a longstanding practice of retaining emails for future reference he requested and received several email inbox size increases from the Department.
29. Mr Ovens has advised that he used the instant messaging service WhatsApp, but primarily for internal Party related purposes. He largely communicated verbally with key people, the Minister, the CMO, the CSA etc. Mr Ovens communicated with other Departmental and NICS officials almost entirely via email. Any written notes, comments or questions he raised were either sent via email or if relevant, captured by the Private Office before being recorded. Any other minor notes or comments made on papers, i.e., prompts to himself to remember to check something later were subsequently shredded through the NICS confidential shredding service. Therefore, it would be fair to state that data relating to the Inquiry's Terms of Reference, and Module 2C's Provisional Outline of Scope has not been lost because of the resetting of former Minister Swann's SpAd's NICS issued mobile phone. Mr Ovens has provided data in relation to WhatsApp communications with the Minister and other relevant officials in respect of this Module to the Inquiry already.

Former Chief Nursing Officer, Charlotte McArdle

30. I have been advised that Charlotte McArdle left her NICS issued mobile phone and laptop with IT Assist when she left her post (tenure 5 April 2013 - 1 November 2021). I have been advised that Ms McArdle did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting.
31. Ms McArdle has advised that she was a member of a WhatsApp group with the 5 Trust Directors of Nursing. She recalls that while there may have been some discussion on that WhatsApp group, it wasn't specifically started for COVID; and the only Departmental civil servant involved was herself. She recalls that this WhatsApp group would mainly have been used to share information or to ask questions.

Former Deputy Chief Nursing Officer, Linda Kelly

32. I have been advised that Linda Kelly left her NICS issued mobile phone and laptop with IT Assist when she left her post (tenure 4 November 2021 - 11 March 2022). I have been advised that Ms Kelly did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting. Ms Kelly has advised that she was not a member of a WhatsApp group related to the pandemic response.

Chris Matthews, Deputy Secretary

33. I have been advised that Chris Matthews left his NICS issued mobile phone and laptop with IT Assist when he left his previous post in The Executive Office and took up his current post in the Department of Health 25 April 2022 as he was issued with new devices at that time. Mr Matthews has advised he did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting.
34. Mr Matthews has advised that he did not use WhatsApp on his work phone. On his personal phone, he was a member of one WhatsApp group which was established by Press Office to share information. The group was called Senior-Team Covid. Mr Matthews has advised that he did not send or receive any messages on it. He is not aware of other unofficial groups for the discussion of pandemic response.

Andrew Dawson, Assistant Secretary

35. I have been advised that Andrew Dawson changed his NICS issued mobile phone to a new NICS issued mobile phone, including a new number, when he left the post of Workforce Policy Director in July 2020. The old phone was returned to IT Assist (he cannot recall the exact date). He left his subsequent NICS issued mobile phone, iPad and laptop for collection by IT Assist when he left the Department of Health for a new post in the Department of Justice in November 2022 as he was to be issued with new devices in the Department of Justice at that time. Mr Dawson has advised he did not delete any work-related information from any of the devices prior to returning them (his recollection is that he may have had the BBC News and Twitter apps on the devices and would have deleted these prior to returning them). IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting.

36. Mr Dawson has advised that he was a member of one WhatsApp group which was established by Press Office to share information. The group was called Senior-Team Covid. In his experience, no messages were sent about Covid on this group. Indeed, he has advised that very few messages were sent to this group overall and it fell into disuse.

Carol Beattie, Assistant Secretary

37. I have been advised that Carol Beattie returned her NICS issued mobile phone to IT Assist on 15 February 2023 in favour of using her personal mobile; however, she has advised she did not use informal messaging on the NICS issued device. IT Assist has confirmed the device was wiped in accordance with policy and nothing was downloaded prior to resetting. Ms Beattie has advised that she used her personal phone and had a WhatsApp group with Dr Gillian Armstrong and Jenny Mack (Public Health Agency) on which pandemic related matters were discussed. Ms Beattie remains on the Department of Health staff and has made these messages available to the Inquiry.

Dr Gillian Armstrong, Senior Medical Officer

38. I have been advised that Dr Gillian Armstrong left her NICS issued mobile phone and laptop with IT Assist when she left the Department of Health 30 June 2020. Dr Armstrong has advised she did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting.
39. I have been advised that Dr Armstrong was a member of one WhatsApp group with Carol Beattie and Jenny Mack (Public Health Agency); as Ms Beattie remains on the Department of Health staff these messages are available from her and have been disclosed to the Inquiry accordingly.

Mark Lee, Assistant Secretary

40. I have been advised that Mark Lee left his NICS issued mobile phone and laptop with IT Assist when he left his previous post in the Department of Health for a new post in the Department for the Economy on 31 August 2021, at which time he was issued with new devices. Mr Lee has advised he did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with

policy and nothing was downloaded prior to resetting. Mr Lee has advised that he was not a member of a WhatsApp group related to the pandemic response.

Ian McMaster, Assistant Secretary

41. I have been advised that Ian McMaster left his NICS issued mobile phone and laptop with IT Assist when he retired in September 2022. Mr McMaster has advised he did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting. Mr McMaster has advised that he was not a member of a WhatsApp group related to the pandemic response.

Jackie Johnston, Deputy Secretary

42. I have been advised that Jackie Johnston left his NICS issued mobile phone and laptop with IT Assist when he retired in December 2021. Mr Johnston has advised he did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting. Mr Johnston has advised that he was not a member of a WhatsApp group related to the pandemic response.

Alistair Campbell, Assistant Secretary

43. I have been advised that Alistair Campbell left his NICS issued mobile phone and laptop with IT Assist when he went on secondment to the Belfast Trust on 31 January 2022. Mr Campbell has advised he did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting. Mr Campbell has advised that he was not a member of a WhatsApp group related to the pandemic response.

Jacqui McIlroy, Assistant Secretary

44. I have been advised that Jacqui McIlroy left her NICS issued mobile phone and laptop with IT Assist when she retired on 31 March 2023. Ms McIlroy has advised she did not delete anything from the devices prior to returning them. IT Assist has confirmed the devices were wiped in accordance with policy and nothing was downloaded prior to resetting. Ms McIlroy has advised that she was not a member of a WhatsApp group related to the pandemic response.

NICS Issued Devices

45. There is a regular turnover of NICS electronic devices as they reach end of life, fail or when staff leave. The procedures are in place to ensure the Department discharges its obligations under Data Protection legislation to avoid unauthorised disclosures of information. The focus in records management policy is on adherence to NICS obligations to ensure key decisions are captured and recorded at appropriate points, regardless of the medium used or if equipment is replaced.
46. The list in the table below illustrates the regular reminders to ALL staff of their responsibilities and some targeted communications to SCS and Minister over the requirement to resource record keeping activities.
- 47.

Document	Date	CM Ref	INQ	Comment
For the Attention of all DOH Staff - Information Management matters to be aware of during the current health issues	23 March 2020	HE1/20/99952	[Exhibit PM2/14 INQ000400074 (DoH Ref: PM3613)]	Initial guidance, includes not using personal equipment
Managing Information at Home	30 June 2020	HE1/20/310770	[Exhibit PM2/17 INQ000400085 (DoH Ref: PM3618)]	Policy guidance
NICS key Records Management responsibilities for Special Advisers - October 2020	01 Oct 2020	HE1/20/482054	[Exhibit PM2/18 INQ000400086 (DoH Ref: PM3619)]	DFP "Key Facts"
NICS Guidance On Records Management for Special Advisers - final version - September 2020	07 Oct 2020	HE1/20/482055	[Exhibit PM2/19 INQ000400087 (DoH Ref: PM3620)]	Official guidance for SPADS
OPEN GOVERNMENT OBJECTIVES AND PROACTIVE PUBLICATION OF DEPARTMENTAL MATERIAL	24/10/2020	HE1/20/516402	[Exhibit PM2/20 INQ000400088 (DoH Ref: PM3621)]	SUB-2045-2020
IDENTIFICATION AND PUBLICATION OF MATERIAL FOR DOH COVID "EVIDENCE BANK"	02/12/2020	HE1/20/591180	[Exhibit PM2/21 INQ000400089 (DoH Ref: PM3622)]	SUB-2213-2020
URGENT - Correct way to distribute OFFICIAL information - No Use of Personal accounts	21/12/2020	HE1/20/637588	[Exhibit PM2/22 INQ000400090 (DoH Ref: PM3623)]	All staff correct capture of Official record

Document	Date	CM Ref	INQ	Comment
Capturing the Official Record	25/03/2021	HE1/21/187016	[Exhibit PM2/23 INQ000400091 (DoH Ref: PM3624)]	Reminder to staff about dealing with "leavers"
Updating the Official Record - Paper to TMG May 2022	05/05/2022	HE1/22/222871	[Exhibit PM2/24 INQ000400092 (DoH Ref: PM3625)]	Paper to TMG
Progress Update to TMG (Covid Inquiry RM) for 25 July 2022	06/06/2022	HE1/22/351349	[Exhibit PM2/25 INQ000400093 (DoH Ref: PM3626)]	Update to TMG on Official Record activity

48. In respect of the wider HSC and the ALBs which form the HSC, these are distinct organisations for the purposes of the Public Records Act 1923 and Data Protection legislation. The Department does not direct such organisations on how to discharge their obligations in respect of this legislation but does regularly (a) seek assurances from the organisations that they are addressing their obligations, and (b) advises them of the expectation of Inquiries whenever they arise.
49. A Table providing further detail regarding senior Civil Servants returns regarding informal messaging is provided as an exhibit [Exhibit PM2/26 INQ000400084 (DoH Ref: PM3617)]. I can advise that deletion of informal messages is not pursuant to any policy or guidance of the Department nor was any instruction (or any other form of communication) given to Ministers, civil servants or special advisors to delete any messages or emails from their government provided mobile devices. This includes the use of 'disappearing messages' on informal messaging platforms. However, the recording of key decisions during this period is secured on the Content Management system and relevant documents within the Inquiries outline scope for Module 2C have been provided to the Inquiry.

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: _____

Dated: _____ 12.02.2024 _____