

Witness Name: Katrina Godfrey

Statement No.: 2

Exhibits: 94

Dated: 1 March 2024

UK COVID-19 INQUIRY

WITNESS STATEMENT OF KATRINA GODFREY

I, Katrina Godfrey, will say as follows: -

1. I am Katrina Godfrey the Permanent Secretary for the Department of Agriculture, Environment and Rural Affairs (DAERA) in Northern Ireland. I have been in post since 20 April 2022. Before that I was the Permanent Secretary for Department for Infrastructure from September 2018 - April 2022 and, prior to that, I held senior position levels at Deputy Secretary level in The Executive Office and the Department of Education.
2. In my statement, I aim to set out a response to the Inquiry's Rule 9, dated 8 December 2023, for further information in relation to informal communication and potential data loss. I joined DAERA in April 2022, and the statement I provide is based on analysis of Departmental records until that date, thereafter the information provided relates to my own personal experience. In preparing this statement I have consulted DAERA colleagues, and former Permanent Secretaries, Dr Denis McMahon and Mr Anthony Harbinson. A list of acronyms is included at **Annex A**.

Former Ministers, Special Advisers and Permanent Secretaries

3. The Department had two Ministers in office for the period covered within the scope of Module 2C. Minister Edwin Poots MLA assumed office on 11 January 2020 and remained the DAERA Minister throughout the Covid-19 pandemic period, although he stepped down for several weeks from 2 February 2021 to 8 March 2021 due to personal health reasons. In that period his Party colleague Gordon Lyons MLA was appointed Minister. As with all departmental Ministers, Minister Poots MLA ceased to hold office [at midnight] on 27 October 2022. Following the First Minister's resignation on 4 February 2022, in the absence of an Executive, Ministers remained in post. Following the Assembly Election on 5 May 2022, The Northern Ireland Act 1998, as amended in February 2022, provided for

departmental ministers to remain in post during the period of Executive formation which expired at midnight on 27 October 2022. While they were able to discharge many of their departmental functions during this period, their decision-making was constrained by the absence of an agreed Programme for Government and Budget and by the absence of an Executive and a sitting Assembly.

4. Mark Beattie was appointed as Special Adviser to Minister Poots on 10 February 2020 and remained in post until midnight 27 October 2022. During this time he acted as Special Adviser to both Minister Poots MLA and Minister Lyons MLA.
5. Dr Denis McMahon was DAERA's Permanent Secretary from 19 February 2018 to 25 July 2021, followed by Anthony Harbinson. Mr Harbinson took over from Dr McMahon on a temporary basis from 26 July 2021 to 30 April 2022 (I had a 10 day overlap with Mr Harbinson), and I was appointed Permanent Secretary (Accounting Officer) from 20 April 2022.

Relevant policies and practice regarding the use of personal and private devices

6. The Inquiry's Rule 9, dated 8 December 2023, states that the Inquiry is aware of the following policies:
 - a. Guidance for Ministers in the exercise of their official responsibilities [**Exhibit KG2/1 INQ000409149**], published on March 2020;
 - b. NICS HR Policy 6.11, 'Use of Electronic Communications [**Exhibit KG2/2 INQ000409150**], revised July 2023;
 - c. NICS Mobile Device Security Policy [**Exhibit KG2/3 INQ000409151**], published July 2012;
 - d. NICS Code of Ethics [**Exhibit KG2/4 INQ000409152**], published February 2022;
 - e. NICS Records Management Protocol for Special Advisers [**Exhibit KG2/5 INQ000409153**], published 26 August 2020;
 - f. NICS Records Management Policy [**Exhibit KG2/6 INQ000409154**], published 26 November 2020;
 - g. A Guide to Good Record Keeping [**Exhibit KG2/7 INQ000409155**], published on 17 February 2020;
 - h. NICS Official Information held in Non-Corporate Communication Channels [**Exhibit KG2/8 INQ000409156**], published June 2022;
 - i. NICS Retention and Disposal Policy Statement [**Exhibit KG2/9 INQ000409157**], published 7 January 2020;

- j. NICS Email Management Policy [**Exhibit KG2/10 INQ000409158**], published in September 2020.
7. In addition to these policies, DAERA made the Inquiry aware of the following policy in its letter dated 25 September 2023.
- DAERA Retention and Disposal Policy [**Exhibit KG2/11 INQ000409159**], published 19 March 2021.
8. The policies listed above are guided by 'The Code of Practice on the Management of Records' issued under Section 46 of the Freedom of Information Act 2000 which provides the framework for the storage, management and disposal of departmental records.
9. The Guidance for Ministers in the exercise of their official responsibilities [**Exhibit KG2/1 INQ000409149**], published on March 2020 is guided by The Ministerial Code [**Exhibit KG2/12 INQ000409160**] and the Conduct of Executive Business Protocol [**Exhibit KG2/13 INQ000409161**].
10. During the specified time period, I am not aware of any further policies applicable to Ministers in relation to:
- The use of personal or private devices for government related work or business;
 - The use of personal or private devices for communication via the Messaging Platforms for government work or the conduct of government-related business;
 - The recording or retention of information and communications stored on these private or personal devices, including those exchanged via the Messaging Platforms;
 - The destruction of such records on these private or personal devices after any period of time;
 - The resetting of these private or personal devices.
 - The back-up of data held on personal and private devices if they were used for government work or government related business;
11. During the specified time period, and in addition to the polices provided in the letter dated 25 September 2023 the following additional policies applied to special advisers and members of the senior civil service (SCS) in relation to: the use of private or personal devices for government-related work or business; the use of personal or private devices for communication via the Messaging Platforms for government work or the conduct of government-related business; the recording or retention of information and

communications stored on these private or personal devices, including those exchanged via the Messaging Platforms; the destruction of such records on these private or personal devices after any period of time:

- The DAERA Information Security Standards policy [**Exhibit KG2/14 INQ000409162**], published on 25 January 2019, which applies to senior civil servants and special advisers.
- The DAERA Information Security Standards for All guidance booklet [**Exhibit KG2/15 INQ000409163**], published on 23 February 2017, which applies to senior civil servants and special advisers;
- A Quick Guide on how to Export WhatsApp Chats and save to Content Manager [**Exhibit KG2/16 INQ000409164**] was published on 27 October 2022, and advises staff how to export WhatsApp chats and save same to the official repository, CM.
- Retention and disposal of information and communications stored on government-issued devices is managed in accordance with the DAERA Retention and Disposal Schedule [**Exhibit KG2/11 INQ000409159**], published 19 March 2021.
- NICS Standards of Conduct [**Exhibit KG2/16A INQ000409165**], published December 2020;
- Special Adviser Code of Conduct [**Exhibit KG2/16B INQ000409166**], published 20 January 2020.

12. During the specified time period, there were no further policies, guidelines or protocols that applied to special advisers or senior civil servants in relation to:

- The resetting of these private or personal devices;
- The back-up of data held on personal and private devices, if they were used for government work or government related business;

Compliance with policies and practice regarding the use of personal and private devices

Ministers Poots and Lyons

13. I am aware that Minister Poots used his personal mobile phone to communicate with DAERA officials in relation to departmental matters on WhatsApp, as already provided in disclosure to the Inquiry on 12 October and 21 December 2023. I can confirm that former Minister Poots did not ask officials to store any informal messages from his personal or private devices to CM therefore, in the absence of access to Minister Poots' personal

device, I am unable to confirm whether his usage fully complied with the policies or procedures applicable to Ministers concerning personal or private devices.

14. On 25 January 2024, former Minister Gordon Lyons MLA, confirmed that he did not use his personal mobile phone to communicate with DAERA officials in relation to departmental matters on WhatsApp during the period of his tenure, from 2 February to 8 March 2021 and I have found no evidence of messages to or from DAERA officials in the messages provided by disclosure to the Inquiry on 12 October and 21 December 2023.

Special Adviser

15. During the specified period, it is clear that the Special Adviser, Mark Beattie, did not fully comply with the DAERA Information Security Standards for All guidance booklet [**Exhibit KG2/15 INQ000409163**], published 23 February 2017 or the NICS Guidance on Official Information Held in Non-Corporate Communication Channels [**Exhibit KG2/8 INQ000409156**], published June 2022, as he used his personal mobile phone to communicate with DAERA officials on WhatsApp on Departmental related matters and the messages were not saved to CM. This is evidenced in messages between the Special Adviser and civil servants that were disclosed to the Inquiry on 12 October and 21 December 2023. Although Special Adviser, Mark Beattie did not have access to the CM system, he was provided with DAERA administrative support to assist in saving information to CM and did not ask his DAERA Private Office administrative support team to save the relevant messages to CM.

Permanent Secretaries

16. During the specified period, in their role as departmental Accounting Officer, Dr Denis McMahon has confirmed that he used a personal device and Anthony Harbinson has confirmed that he did not use a personal device.

SCS

17. DAERA members of the SCS have provided written assurances [**Exhibit KG2/17 INQ000409167 to Exhibit KG2/47 INQ000409197**] that they complied with the relevant policies in relation to the use of informal communications on their personal devices. While these assurances have been provided and informal messages held on personal devices have been disclosed to the Inquiry on 12 October and 21 December 2023, in the absence of access to these devices, I am unable to confirm personally whether all members of SCS fully complied with these policies or procedures for the specified period.

18. The table below sets out how policies and procedures relating to the use of personal or private devices was monitored and / or enforced by the Department during the specified period:

NAME OF POLICY	HOW POLICY WAS MONITORED / ENFORCED DURING SPECIFIED PERIOD
Guidance for Ministers in the exercise of their official responsibilities	The guidance was provided by the Private Office to the former Minister and a reminder issued 4 July 2021 [Exhibit KG2/48 INQ000409198]. It sets out the practical outworking of the principles contained in the Ministerial Code of Conduct. Compliance with the Ministerial Code of Conduct is a requirement of the Pledge of Office and breaches of the Code are a matter for the Assembly. During the specified period, I am not aware of any systematic monitoring of compliance with the Ministerial Code.
NICS HR Policy 6.11, 'Use of Electronic Communications	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed.
NICS Mobile Device Security Policy	Aspects of this policy are monitored to ensure the correct permissions and software updates are in place to enable devices to process information. This aspect of the policy is enforced under the SIRO's authority.
NICS Code of Ethics	All line managers have a duty to monitor and deal with any breaches of the NICS Standards of Conduct, which incorporates the NICS Code of Ethics. While there is no systematic, overarching monitoring of this code within DAERA, it provides that any DAERA officials should report any actions that conflict with the code to their line manager or, alternatively, to the Permanent Secretary.
NICS Standards of Conduct	All line managers have a duty to monitor and deal with any breaches of the NICS Standards of Conduct. While there is no systematic, overarching monitoring of this code within DAERA, it provides that any DAERA officials should report any actions that conflict with the code to their line manager or, alternatively, to the Permanent Secretary.
Special Adviser Code of Conduct	The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. It is also the appointing Minister's responsibility to ensure that their special adviser(s) adhere to this Code of Conduct.

NICS Records Management Protocol for Special Advisers	There was no systematic monitoring or enforcement of this policy during the specified period. The Special Adviser did not have access to the CM system although DAERA Private Office provided administrative support and saved email / hard copy records of information that was made available to them.
NICS Records Management Policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed. .
A Guide to Good Record Keeping	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed. Stewardship Reports are intended to provide the Accounting Officer with an assurance that all officials across the Department comply with this policy. While Stewardship Reports ought to provide these assurances, the policy itself does not explicitly focus on the use of informal communications. Going forward, this gap will need to be addressed.
NICS Guidance on Official Information held in Non-Corporate Communication Channels	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed. Stewardship Reports are intended to provide me with an assurance that all officials across the Department comply with this policy. While Stewardship Reports ought to provide these assurances, the policy itself does not explicitly focus on the use of informal communications. Going forward, this gap will need to be addressed.
NICS Retention and Disposal Policy Statement	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed.
NICS Email Management Policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed.
DAERA Retention and Disposal Policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of

	informal communications and, going forward, this gap will need to be addressed.
The DAERA Information Security Standards policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed.
The DAERA Information Security Standards for All guidance booklet	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed.
A Quick Guide on how to Export WhatsApp Chats and save to Content Manager	There was no systematic monitoring or enforcement of this policy during the specified period
DAERA Retention and Disposal Schedule	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications and, going forward, this gap will need to be addressed.

19. Every six months, DAERA deputy secretaries and agency chief executives complete stewardship reports **[Exhibit KG2/49 INQ000409202]** for their areas of responsibility and submit these with the intention of providing the Departmental Accounting Officer with an assurance that all officials across the Department comply with the policies listed above. This is done by virtue of Section 4, paragraph 8, of the DAERA Stewardship Report template **[Exhibit KG2/50 INQ000409203]** which requires deputy secretaries/chief executives to provide assurances in relation to information management for their respective areas of responsibility.

20. During the specified period, no stewardship reports identified any issues with the use of informal communications. While Stewardship Reports ought to provide assurances about compliance with policies, it works on a by exception basis, that is, deputy secretaries/chief executives ensure compliance for their respective areas of responsibility and provide an explanation where instances of non-compliance have been identified. I recognise that stewardship reporting does not explicitly focus on the use of informal communications.

Rules governing use of personal or private devices

21. In exceptional circumstances, it was permissible for Ministers to use a personal or private device when conducting official business in their ministerial role. This is set out in section 7.3 of the 'Guidance for Ministers in the Exercise of their Official Responsibilities' [**Exhibit KG2/1 INQ000409149**], published on March 2020, which states that "Ministers must use official e-mail systems for all communications relating to official business. Exceptionally, where this is not possible, Ministers must copy any messages to their official e-mail account." The guidance does not specify that prior permission is required to use personal devices in exceptional circumstances.
22. In exceptional circumstances, it was permissible for Special Advisers and members of the SCS within the Department to use a personal or private devices when conducting official business. This is set out in the DAERA Information Security Standards for All guidance booklet [**Exhibit KG2/15 INQ000409163**], published 23 February 2017 which states: "You may make or receive business calls using a personal mobile / smart phone but you cannot use email or internet facilities on a personal device to conduct DAERA business". This is also set out in section 5 of the 'NICS Guidance on 'Official Information Held in Non-corporate Communications Channels' [**Exhibit KG2/8 INQ000409156**], published June 2022, which states that officials may use personal or private in exceptional circumstances, for example, as a business continuity measure, although the information must be downloaded to CM as soon as possible. The guidance document does not specify that prior permission is required to use personal devices in exceptional circumstances.

NICS and DAERA policies and practice regarding the use of government issued devices

23. All policies and practice regarding the use of government issued devices and, in particular, the management of information relating to government issued devices, are guided by 'The Code of Practice on the Management of Records' issued under Section 46 of the Freedom of Information Act 2000 which provides the framework for the storage, management and disposal of departmental records.
24. The retention and destruction of any such records are also bound by the following legislation:
- The Public Records Act (Northern Ireland) 1923.
 - The Disposal of Documents Order 1925.
 - Data Protection Act 2018.
 - The Freedom of Information Act 2000.

- Environmental Information Regulations 2004.
- General Data Protection Regulation 2016.
- The Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021.

25. During the specified period, the following policies, guidance, protocols and/or rules applied to the use of government-issued devices for government-related work or business by special advisers and senior civil servants within DAERA:

- NICS HR Policy 6.11, 'Use of Electronic Communications [**Exhibit KG2/2 INQ000409150**], revised July 2023;
- NICS Mobile Device Security Policy [**Exhibit KG2/3 INQ000409151**], published July 2012;
- NICS Code of Ethics [**Exhibit KG2/4 INQ000409152**], published February 2022;
- NICS Standards of Conduct [**Exhibit KG2/16A INQ000409165**], published December 2020;
- Special Adviser Code of Conduct [**Exhibit KG2/16B INQ000409166**], published 20 January 2020;
- NICS Records Management Protocol for Special Advisers [**Exhibit KG2/5 INQ000409153**], published 26 August 2020;
- NICS Guidance on Official Information held in Non-Corporate Communication Channels [**Exhibit KG2/8 INQ000409156**], published June 2022;
- NICS Retention and Disposal Policy Statement [**Exhibit KG2/9 INQ000409157**], published 7 January 2020;
- NICS Records Management Policy [**Exhibit KG2/6 INQ000409154**], published 26 November 2020;
- The DAERA Acceptable Use Policy [**Exhibit KG2/51 INQ000409204**], published June 2022;
- The DAERA Information Security Standards policy [**Exhibit KG2/14 INQ000409162**], published 25 January 2019;
- The DAERA Information Security Standards for All guidance booklet [**Exhibit KG2/15 INQ000409163**], published 23 February 2017.

26. During the specified period, the following policies, guidance, protocols and / or rules applied to 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:

- NICS Guidance on Official Information Held in Non-Corporate Communication Channels [**Exhibit KG2/8 INQ000409156**], published June 2022;
- A Quick Guide on how to Export WhatsApp Chats and save to Content Manager [**Exhibit KG2/16 INQ000409164**], published 27 October 2022;
- NICS Jabber Usage Policy [**Exhibit KG2/52 INQ000409205**], published 23 August 2017;
- NICS Retention and Disposal Policy Statement [**Exhibit KG2/9 INQ000409157**], published 7 January 2020.

27. During the specified period, the following policies, guidance, protocols and / or rules applied to the recording or retention of information and communications stored on these government-issued devices, including those exchanged via the Messaging Platforms, and the destruction of such records after any period of time:

- NICS Records Management Protocol for Special Advisers [**Exhibit KG2/5 INQ000409153**], published 26 August 2020;
- NICS Retention and Disposal Policy Statement [**Exhibit KG2/9 INQ000409157**], published 7 January 2020;
- NICS Records Management Policy [**Exhibit KG2/6 - INQ000409154**], published 26 November 2020;
- DAERA Retention and Disposal Schedule [**Exhibit KG2/11 INQ000409159**], published 19 March 2021.

28. During the specified period, the following policies, guidance, protocols and / or rules applied to the resetting of government issued devices:

- NICS Mobile Device Security Policy [**Exhibit KG2/3 INQ000409151**], published July 2012.

29. The table below sets out how policies and procedures relating to the use of government issued devices was monitored and / or enforced by the Department during the specified period:

NAME OF POLICY	HOW POLICY WAS MONITORED / ENFORCED DURING SPECIFIED PERIOD
NICS HR Policy 6.11, 'Use of Electronic Communications	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
NICS Mobile Device Security Policy	Aspects of this policy are monitored to ensure the correct permissions and software updates are in place to enable devices to process information. This aspect of the policy is enforced under the SIRO's authority.
NICS Code of Ethics	All line managers have a duty to monitor and deal with any breaches of the NICS Standards of Conduct, which incorporates the NICS Code of Ethics. While there is no systematic, overarching monitoring of the code within DAERA, it provides that any DAERA officials should report any actions that conflict with the code to their line manager or, alternatively, to the Permanent Secretary.
NICS Standards of Conduct	All line managers have a duty to monitor and deal with any breaches of the NICS Standards of Conduct. While there is no systematic, overarching monitoring of this code within DAERA, it provides that any DAERA officials should report any actions that conflict with the code to their line manager or, alternatively, to the Permanent Secretary.
Special Adviser Code of Conduct	The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. It is also the appointing Minister's responsibility to ensure that their special adviser(s) adhere to this Code of Conduct.
NICS Records Management Protocol for Special Advisers	There was no systematic monitoring or enforcement of this policy during the specified period. The Special Adviser did not have access to the CM system although DAERA Private Office provided administrative support and saved email / hard copy records of information that was made available to them.
NICS Guidance on Official Information held in Non-Corporate Communication Channels	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not

NAME OF POLICY	HOW POLICY WAS MONITORED / ENFORCED DURING SPECIFIED PERIOD
	explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed
NICS Retention and Disposal Policy Statement	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
NICS Records Management Policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
The DAERA Acceptable Use Policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
The DAERA Information Security Standards policy	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
The DAERA Information Security Standards for All guidance booklet	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
A Quick Guide on how to Export WhatsApp Chats and save to Content Manager	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.
NICS Jabber Usage Policy	There was no systematic monitoring or enforcement of this policy during the specified period.
DAERA Retention and Disposal Schedule	There was no systematic monitoring or enforcement of this policy during the specified period. This policy does not explicitly focus on the use of informal communications therefore, going forward, this gap will need to be addressed.

30. During the specified period, the following policy applied in relation to the return of government issued devices:

- The NICS Mobile Device Security Policy [**Exhibit KG2/3 INQ000409151**], published July 2012.

31. It is my understanding that government issued devices are returned to IT Assist although in exceptional circumstances there may be a requirement for a mobile device to be reallocated to another member of staff within a Branch. Further, it is my understanding, devices that are returned to IT Assist are not always wiped, cleansed or otherwise reset upon their return, however, under the NICS Mobile Device Security Policy, as a security requirement to prevent possible data breaches, all devices will be reset by IT Assist when they are needed for reallocation or before they are disposed of. Depending on when either of these situations arise, this may happen immediately or may be deferred until the devices are reallocated or disposed of. The resetting of devices is undertaken by IT Assist, a part of the Department of Finance that provides digital shared services for all Northern Ireland government departments.

DAERA preparation following announcement of the UK Covid-19 Inquiry

32. On 12 May 2021, the Prime Minister confirmed that a public inquiry into Covid-19 would be established on a statutory basis and that it would begin its work in spring 2022. On 10 June 2021, the interim Head of the Civil Service (HoCS), Jenny Pyper was included in a letter from UK Cabinet Office concerning the announcement a UK Covid-19 Inquiry [**Exhibit KG2/53 INQ000409206**]. The Cabinet Office letter also advised of the need for officials to retain all records which may be assumed to form part of the inquiry.

33. On 14 June 2021, Jenny Pyper emailed the permanent secretaries of all NICS departments to advise that, while it had not yet been formally agreed as to whether NI would be part of the UK wide inquiry or whether there would be a local NI inquiry, departments should plan for an Inquiry. On 15 June 2021, the DAERA Permanent Secretary, Denis McMahon, shared the UK Cabinet Office letter and e-mail from Jenny Pyper with all DAERA deputy secretaries and the NIEA chief executive, instructing them to disseminate and action as appropriate. An example of DAERA deputy secretaries disseminating this to their staff and staff providing confirmation that Covid-related information had been retained within CM is provided in the following exhibit [**Exhibit KG2/54 INQ000409207**].

34. On 28 June 2021, Richard Crowe (DAERA Information and Contingency Planning Division) submitted a paper **[Exhibit KG2/55 INQ000409209]** to DAERA's Top Management Team [Denis McMahon, Tracey Teague, Brian Doherty, Robert Huey, Fiona McCandless, Norman Fulton, David Reid, Sharon McFlynn, Richard Crowe, Dave Foster, Michael Hatch, DAERA Private Secretary (junior official) and Mark Beattie] on record retention for the Covid 19 Inquiry. The paper specifically asked members of the Top Management Team to take action to "prepare resources and identify information sources" to ensure the Department could meet its obligations to the Covid Inquiry to: provide relevant records, information and data to the inquiry as requested; to retain all records which may be assumed to form part of the inquiry; and to provide full and clear records in all formats and devices regarding decisions taken and evidence and data used to support decisions. The paper also stated that officials would be expected to co-operate fully with the inquiry.
35. On 16 September 2021, Jayne Brady, the newly appointed Head of the Civil Service, wrote to all NICS permanent secretaries **[Exhibit KG2/56 INQ000409210]** requesting that they take steps to assure that departments and arm's length bodies were ready to meet their obligations to provide relevant records, information and data to an Inquiry as and when requested. This included an instruction to ensure "that no material of potential relevance is destroyed." DAERA's Permanent Secretary, Anthony Harbinson, forwarded the letter **[Exhibit KG2/57 INQ000409211]**, to all DAERA deputy secretaries and the NIEA chief executive, on 16 September 2021 and asked Brian Doherty, Deputy Secretary with responsibility for Central Services and Contingency Planning Group, to take the lead on DAERA's response to the Covid Inquiry. This letter contains legal advice and we do not waive privilege on it.
36. On 16 September 2021, Anthony Harbinson also shared the DSO Preliminary Guidance, created on 15 September 2021 **[Exhibit KG2/58 INQ000409212]** with all DAERA deputy secretaries and the NIEA chief executive. This document makes it clear that the department should identify what evidence is available and that it should review, amend and circulate any document retention policies to ensure that no relevant documents are deleted, overwritten or destroyed. The DSO Preliminary Guidance document also states that, "although the Terms of Reference are yet to be published, it is very likely all documents pertaining to COVID-19 may be relevant to the work of the Inquiry. This will include: Hardcopy documents (e.g. draft minutes, notebooks, internal forms, handwritten notes, diaries); and Electronic documents (e.g. email and other electronic communications such as text messages, WhatsApp messages and voicemail, word-processed documents

and databases, and documents stored on portable devices such as memory sticks and mobile phones).”

37. On 19 October 2021, the DAERA Permanent Secretary, Anthony Harbinson, replied to the memo from Jayne Brady, **[Exhibit KG2/59 INQ000409213]**, stating “I agree that it is essential to prepare for this as early as possible and to remind everyone within our Departments and associated bodies of their obligations to retain and provide any relevant information required by a Public Inquiry.”
38. On 19 October 2021, Deputy Secretary Brian Doherty issued a memo to DAERA senior civil servants **[Exhibit KG2/59A INQ000409214]**, stating, “at this time we need to keep the definition of relevant information broad until the terms of reference are known. However, we know that the inquiry will require full and clear records of decisions taken during our response to COVID-19, the reasons for decisions taken and the evidence and data used to inform and support those decisions. I am therefore asking you to assure yourself that any such relevant information is properly recorded and retained in Content Manager (CM) to prevent loss or destruction within your area of responsibility.”
39. In advance of the establishment of NICS wide structures to support the Inquiry, and in anticipation of the Inquiry’s terms of reference, the Department continued to ensure that Covid-related records were saved and could be made available for onward disclosure to the Inquiry.
40. In June 2022, The Executive Office issued the NICS Assurance and Oversight Framework Document **[Exhibit KG2/60 INQ000409215]**, proposing the establishment of three cross-departmental Groups, a HoCS Inquiry Reference Group, a Public Inquiry Compliance and Assurance Group and a NICS Preparedness and Coordination Group, along with individual departmental preparedness teams. The broad purpose of this Framework was to ensure NICS departments and their witnesses were fully prepared to comply with the Inquiry and that NICS departments were in a position to provide proper disclosure to the Inquiry.
41. The purpose of the HoCS Inquiry Reference Group, as set out in the NICS Assurance and Oversight Framework Document, was to provide a mechanism for the NICS Board to monitor preparedness for the Covid Inquiry across all NICS departments, as well as a mechanism to monitor NICS wide responses to the Covid Inquiry. It provided Highlight Reports to the NICS Board on the cross-NICS response to the Inquiry; brought risks and matters of concern to attention of the NICS Board; determined actions to be taken to

ensure progress was made; and provided guidance and support to departments in managing their Inquiry response.

42. Membership of the HoCS Inquiry Reference Group, as set out in the Terms of Reference **[Exhibit KG2/61 INQ000409216]**, comprised the Head of the Civil Service, Jayne Brady (Chair); Hugh Widdis (Departmental Solicitor); Neil Gibson (Department of Finance Permanent Secretary); Peter May (Department of Health Permanent Secretary); and Chris McNabb (The Executive Office Head of Communications).
43. The NICS Preparedness and Coordination Group, as set out in the NICS Assurance and Oversight Framework Document, was established in April 2022. The Terms of Reference **[Exhibit KG2/62 INQ000409217]**, explain that the purpose of the group was to ensure all departments shared any lessons learned during response to the Inquiry and that a streamlined approach would be taken to issues that cut across departments, that is, redaction protocol, assistance for former ministers, resourcing, risks, finances and legal support. The DAERA representative on this group was initially the Corporate Services Director (Lynda Lowe), who was subsequently replaced by the Covid Inquiry Manager (a junior official) from September 2022.
44. On 28 June 2022, the Cabinet Office published the Inquiry's Terms of Reference. On 29 June 2022, Deputy Secretary Brian Doherty issued a memo to the DAERA Senior Civil Service Group (SCSG) **[Exhibit KG2/63 INQ000409218]**, attaching the Inquiry's Terms of Reference and reiterating the importance of ensuring that all relevant information is located and properly recorded within CM for provision to the Inquiry. Brian Doherty stated: "I have previously asked SCSG colleagues to assure yourself that any relevant information is properly recorded and retained in Content Manager (CM) and to make preparations to locate, preserve and have readily available information relevant to the inquiry.... I would again emphasise the need for you to ensure that relevant information is stored appropriately into Content Manager as a matter of priority".
45. On 30 June 2022, four DAERA staff (all junior officials) attended Covid Inquiry Departmental Training delivered by the Departmental Solicitor's Office. At this training, legal advice was provided on the retention of documents **[Exhibit KG2/64 INQ000409219]**.
46. In August 2022, DAERA established a Covid-19 Inquiry Branch to co-ordinate and manage the Department's input to the Inquiry. DAERA's Covid-19 Inquiry Branch consists of three full time junior officials; a Grade 7 Covid Inquiry Manager, with the support of a Deputy

Principal and Executive Officer. The Department also has the dedicated support of a full-time solicitor through the Departmental Solicitor's Office. Covid-19 Inquiry Branch provides key updates to the Permanent Secretary, Departmental Board and the Departmental Audit, Risk and Assurance Committee.

47. In August 2022, the DAERA Covid-19 Inquiry Oversight Group was set up to oversee the Department's response to the UK Covid-19 Inquiry under its Terms of Reference [**Exhibit KG2/65 INQ000409220**] and associated risk register [**Exhibit KG2/66 INQ000409221**]. The group, which meets monthly, is chaired by Deputy Secretary, Brian Doherty, and comprises the Director of Strategic Planning and Corporate Governance, David Simpson; Deputy Chief Veterinary Officer, Gemma Daly; Data Protection Officer (junior official); Head of Central Management Branch (junior official); Covid Inquiry Manager (junior official); and a Departmental Solicitor's Office Representative (junior official).
48. In September 2022, the DAERA Covid-19 Inquiry Branch created intranet pages that provided all DAERA staff with information in relation to the Inquiry, for example, guidance and procedures, progress updates on the various modules being progressed by the Inquiry, and the roles and responsibilities of DAERA. In September 2023, these intranet pages were updated to provide additional guidance on record retention to clarify that all documentation relevant to the Inquiry is identified, securely retained and kept accessible for future disclosure to the Inquiry. This guidance also specified that, while this is not an exhaustive list, all staff should be mindful of the wide range of information types considered to be relevant documentation, such as: Note pads and paper; Electronic documents; Personal Diaries / calendars; Emails; Text messages; Social media (including WhatsApp); Audio and visual recordings; Material contained on Content Manager and Knowledge Network; Material on desktops and shared drives; Material saved on cloud system (such as TEAMS). The updated guidance went on to advise all staff that they must ensure they retain any documents in any of the above formats that fall within the scope of the Inquiry's modular investigations and be aware that this may involve retaining documentation beyond its original retention and disposal schedule. This may also involve retaining mobile communication devices containing relevant information that are due for upgrade or disposal.
49. On 27 September 2022, on behalf of the Director of Digital Services, Paul McGurnaghan, the DAERA Internal Communications team issued an email to all DAERA staff [**Exhibit KG2/67 INQ000409222**], specifically regarding information that may be relevant to the Covid-19 Inquiry. Staff were advised of the NICS policy "NICS Official Information held in Non-Corporate Communication Channels" with regards to the importance of the

information being saved to CM as soon as possible and were also provided with “A Quick Guide on how to Export WhatsApp Chats and save to Content Manager”.

50. On 28 October 2022, Jayne Brady, **[Exhibit KG2/68 INQ000409223]** wrote to all permanent secretaries, attaching a letter from the Cabinet Office dated 20 October 2022. In her letter, she reiterated that departments should not destroy potentially relevant records, stating “... This includes ensuring that no material of potential relevance to the inquiry is destroyed, as well as ensuring that any public bodies and or Arm’s Length Bodies for which your department is responsible for are adhering to the same principles.” The letter further stated, “... it is important that departments once again reinforce the need for all relevant records to be retained should they be required for disclosure to the Inquiry.”
51. On 1 November 2022, Brian Doherty, Deputy Secretary, wrote to all DAERA members of SCS, attaching the correspondence from Jayne Brady dated 28 October. In his memo **[Exhibit KG2/69 INQ000409224]**, he highlighted the need for DAERA to be ready to meet its obligations to provide relevant records, information and data to the Inquiry.
52. On 25 November 2022, 20 DAERA staff attended a further Covid Inquiry Departmental Training session delivered by the Departmental Solicitor’s Office. At this training, legal advice was provided on the retention of documents **[Exhibit KG2/64 INQ000409219]**.
53. On 13 February 2023, Paul McGurnaghan, DAERA Director of Digital Services Division and Senior Information Risk Owner, issued a notice to all DAERA staff **[Exhibit KG2/70 INQ000409225]** regarding information held on non-corporate channels. The notice advised that staff should not be processing (which includes communicating) any official information using unofficial devices or communication channels, other than in exceptional circumstances. In those exceptional circumstances, Paul McGurnaghan advised that it was critical that any important information such as decisions taken, information that might inform a decision, or course of action, was promptly saved within CM as the official repository.
54. On 8 May 2023, former Permanent Secretary, Denis McMahon, provided me with informal communications (WhatsApp and SMS messages) in relation to the Covid Inquiry for his time in DAERA.
55. On 17 May 2023, Covid Inquiry Manager (junior official) emailed all deputy secretaries (Brian Doherty, Fiona McCandless, Robert Huey, Norman Fulton, Tracey Teague, David Reid) and the NIEA chief executive (Paul Donnelly) asking them to store and appropriately title all relevant message chains held within non-corporate channels within CM.

56. On 7 June 2023, seven junior DAERA officials attended a DSO Covid Inquiry Departmental Training session and on 12 June 2023, seven DAERA staff attended a DSO training session on the Importance of Disclosure **[Exhibit KG2/71 INQ000409227]**. At these training events, legal advice was provided on the retention of documents **[Exhibit KG2/72 INQ000409226]**.
57. On 6 July 2023 and following the Cabinet Office Judicial Review, Covid Inquiry Branch (junior official) emailed all deputy secretaries and the NIEA chief executive asking them to review the extent to which Covid related information is held on departmental devices for which they are responsible and to ensure that those messages are saved to CM.
58. On 1 August 2023, DAERA Covid Inquiry Manager (junior official) was advised by DAERA's Departmental Solicitor's Office Representative (junior official), that The Executive Office (TEO) had received a letter from the Inquiry requesting WhatsApp and other messages on devices and other means of informal communication, to include work / personal phones and devices.
59. On 10 August 2023, Hugh Widdis, the Departmental Solicitor, wrote to all Permanent Secretaries about the retention of mobile phones and disclosure of information to the Inquiry and provided DSO refresher guidance **[Exhibit KG2/74 INQ000409229]**. On 10 August 2023, I forwarded that email and correspondence to Deputy Secretary Brian Doherty and DAERA Covid Inquiry Branch with an instruction to issue a further reminder to those in the senior team who were in DAERA during the period covered by the Inquiry. I also sought confirmation whether the phones of former ministers, special advisers and previous Permanent Secretary, Anthony Harbinson had been reset.
60. On 23 August 2023, DAERA Covid Inquiry Manager (junior official) e-mailed all DAERA deputy secretaries and the NIEA chief executive **[Exhibit KG2/75 INQ000409230]** with advice from Hugh Widdis, the Departmental Solicitor (dated 10 August 2023, this is legal advice on which we do not waive privilege), for dissemination to their SCS staff, reiterating the importance of ensuring that all Covid relating information held in any format was retained. All provided DAERA Covid Inquiry Manager (junior official) with confirmation that their respective SCS teams had saved all Covid-related information.
61. On 14 November 2023, Jayne Brady, issued a memo to all permanent secretaries reinforcing to departments the need for all material that falls within scope of the Inquiry,

including potential future Modules, to be retained for disclosure to the Inquiry [**Exhibit KG2/76 INQ000409231**].

62. On 17 November 2023, Deputy Secretary, Fiona McCandless, wrote to DAERA senior civil servants [**Exhibit KG2/77 INQ000409232**], attaching the memo from Jayne Brady (dated 14 November), reiterating the importance of ensuring that documents relevant to the Inquiry were securely retained and kept accessible. In her memo, she requested that SCS staff in DAERA pay particular attention to text messages and WhatsApp messages held on mobile phones and notebooks or diaries that were used during the pandemic.

63. On 27 November 2023 [**Exhibit KG2/78 INQ000409233**], following receipt of the Inquiry's Rule 9, I wrote to all DAERA senior civil servants asking for "additional information and assurance from colleagues who were in SCS roles within DAERA including its two agencies at any point during the period 11 January 2020 – 15 February 2022 to help ensure that the Department fulfils its obligations to the Covid-19 Inquiry."

64. As of 16 January, I can confirm that all DAERA senior civil servants, except one who is currently absent from work, have provided details of their use of informal communications on personal, private and government issued devices within the Module 2C Outline of Scope during the specified period. These messaging strands were provided to the Inquiry on 21 December 2023.

65. In respect of informal communications, I have not seen any evidence of other steps being taken to preserve relevant evidence or prevent any standard deletion, or factory resetting of devices.

The resetting of mobile devices

Ministerial Devices

66. The table below sets out the devices that were provided to former Minister Poots MLA.

<u>Device</u>	<u>Ordered</u>	<u>Date device returned to DAERA</u>
Laptop	12 November 2019	10 November 2022
Mobile phone	17 January 2020	10 November 2022
iPad	19 February 2020	10 November 2022
iPad (Second)	16 October 2020	19 April 2021
iPad (Replacement)	19 April 2021	10 November 2022

Damaged Screen		
Laptop (Second)	December 2020	10 November 2022

67. Minister Poots' devices were temporarily reassigned to former Minister Gordon Lyons MLA, during the period of his tenure, from 2 February to 8 March 2021. All devices were returned to Minister Poots when he returned to office on 9 March 2021.
68. In early October 2022, before Minister Poots left office, he made enquiries with the Private Office regarding whether he could purchase or retain his Departmental issued devices. A junior official within the DAERA Private Office, liaised with a junior official in DAERA Digital Services Division (DSD) by telephone to enquire if Minister Poots could purchase or retain his departmental issued devices. The junior official in DAERA's Private Office told Minister Poots, in person in Parliament Buildings, that he could not purchase or retain his departmental issued devices.
69. On 10 November 2022, former Minister Poots' two iPads and one mobile phone were returned to a junior member of staff within the Private Office. On returning the devices, the former Minister did not advise DAERA staff of any relevant information held on the devices that should be retained, nor was he asked.
70. On 11 November 2022, an asset return form **[Exhibit KG2/79 INQ000409234]**, was completed for the former Minister's devices (two iPads and a mobile phone). These devices were returned by a junior member of staff within the Private Office to IT Assist in Craigantlet Buildings on the same date in accordance with custom and practice. I have seen no evidence that consideration was given to the need to preserve relevant data relating to informal communications which may have been held on these devices prior to their return to IT Assist.
71. On 1 August 2023, DAERA Covid Inquiry Manager (junior official) was advised by DAERA's DSO representative (junior official) that TEO had received a letter from the Inquiry requesting WhatsApp and other messages on devices and other means of informal communication, to include work / personal phones and devices, including devices issued to former Ministers, Special Advisers and members of SCS.
72. The first time that the potential reset of a device was raised was on 4 August 2023, when a junior member of staff within DAERA's Private Office advised the Director of Digital

Services, Paul McGurnaghan that the mobile phone and iPad from former Minister Poots had been returned to IT Assist.

73. On 8 August 2023, DAERA's Departmental Solicitor's Office Representative (junior official) emailed DAERA's Covid Inquiry Manager (junior official), Corporate Services Director, David Simpson and SIRO, Paul McGurnaghan, the Inquiry's letter to TEO Permanent Secretary, Dr Denis McMahon, dated 31 July 2023. This letter requested information on informal communication and WhatsApp messages for former ministers, special advisers and senior civil servants within TEO and DoH (this information was also requested from DAERA).
74. On 11 August 2023, Eugene O'Loan, Director, Departmental Solicitor's Office, responded to the Inquiry's letter advising, inter alia, Minister Poots' phone had been reset **[Exhibit KG2/80 INQ000409235]**.
75. On 29 August 2023, a junior official in IT Assist confirmed by email **[Exhibit KG2/81 INQ000409236]** to a junior official within DAERA Private Office that they held two iPads for former Minister Poots MLA and that the devices had been reset by IT Assist.
76. IT Assist resets all devices when they are needed for reallocation or before they are disposed of as a security requirement to prevent possible data breaches. IT Assist does not retain the dates that devices are reset.
77. Consent to reset these iPads was not sought from the Minister. Former Minister Poots was not informed that his iPads had been reset but he would have been aware of the custom and practice where devices are reset once they have been returned. Once a user has returned a device, IT Assist does not require consent to reset it, nor does it inform the previous users that their old device has been reset.
78. On 31 August 2023, Jayne Brady issued a draft Terms of Reference **[Exhibit KG2/82 INQ000409238]** focusing on NICS issued mobile devices used by former ministers and special advisers. NICS Internal Audit Services were instructed to conduct a fact-finding investigation on mobile devices containing information that may be potentially relevant to the Inquiry (for example, MMS and WhatsApp messages) which had been erased / reset prior to being returned or on return, thus impacting the ability to demonstrate full disclosure.
79. On 5 September 2023, a junior official in IT Assist confirmed to a junior official within the DAERA Private Office by email **[Exhibit KG2/81 INQ000409236]** that they destroyed the

former Minister's mobile phone in January 2023. It is unclear to me what specific policy applied to the destruction of these devices.

80. Consent to reset the Minister's mobile phone was not sought from the Minister and he was not informed that his mobile phone had been reset. Once a user has returned a device, IT Assist does not require consent to reset it, nor does it inform the previous users that their old device has been reset.
81. On 25 September 2023, DAERA's legal representative provided a substantive response to the Inquiry's letter to TEO dated 31 July 2023 [**Exhibit KG2/83 INQ000409239**].
82. On 20 November 2023, IT Assist provided both of the Minister's iPads to NICS Internal Audit Services. NICS Internal Audit Services stated that the two iPads would remain secured in Craigtantlet Buildings until their Fact-Finding Investigation was complete. They did not interrogate these devices during the period they held them (20 November – 19 December). Prior to these dates, neither DAERA nor IT Assist attempted to interrogate these devices.
83. On Monday 5 December 2023, DAERA's Data Protection Officer collected the two iPads from NICS Internal Audit Services but was instructed by the NICS Internal Audit Services to return them on Wednesday 7 December 2023. DAERA's Data Protection Officer subsequently returned both devices on 7 September 2023.
84. On 8 December 2023, Jayne Brady wrote to all permanent secretaries [**Exhibit KG2/84 INQ000409240**] to arrange for the devices that were recovered by the Investigation team to be collected and interrogated by their respective Covid Inquiry Branches to determine what information has been retained. As former Minister Poots' two iPads were reset, DAERA staff were unable to retrieve any information from the two iPads.
85. On 19 December 2023, a junior member of staff in DAERA DSD collected both of the Minister's iPads from the Investigation team and transferred them to DAERA Headquarters, Clare House, Belfast.
86. On 20 December 2023, Jayne Brady wrote to all permanent secretaries [**Exhibit KG2/85 INQ000409241**] indicating that the NICS should take a consistent approach to extracting potentially relevant information from the devices for onward disclosure to the Inquiry. It was agreed that the Digital, Security and Finance Shared Services within the Department of Finance would provide a centralised approach for the technical examination of the devices through the NICS contract and would arrange for collection of all devices.

87. On 21 December 2023, a note issued from Paul Duffy, Deputy Secretary, Digital, Security and Finance Shared Services in the Department of Finance [**Exhibit KG2/86 INQ000409242**] with more details on the arrangements for the technical examination of the devices. DAERA confirmed that its Data Protection Officer would be the point in contact in providing these devices.
88. On 9 January 2024, both of the Minister's iPads were delivered to Digital, Security and Finance Shared Services on 9 January 2024 for onward delivery to an external contractor for interrogation to ascertain if any information could be retrieved from these devices.
89. On 18 January 2024, Colin Daysh, Director in Digital, Security and Finance Shared Services confirmed that an external expert forensics company had commenced examination of these devices.
90. On 1 February 2024, Nihon Cyber Defence provided the department with a forensic report for each device [**Exhibit KG2/86A INQ000415326 and Exhibit KG2/86B INQ000415327**] stating, "Upon a manual inspection of the device, this was found to have been factory reset. Due to the model and operating system of the device, an extraction off the device was not able to be obtained. No data was therefore provided as part of this exhibit."

Special Adviser Devices

91. Special Adviser, Mark Beattie, was provided with an iPhone, a laptop and an iPad. The laptop had been ordered on 20 December 2019 in preparation for a new NI Executive. His mobile telephone was ordered on 10 February 2020 and his first iPad was supplied in March 2020. On 18 March 2021, the former Special Adviser's iPad was upgraded to a newer model and he returned the old device. The Department does not hold a record of the dates the devices were supplied to Mark Beattie.
92. In early October 2022, before Special Adviser, Mark Beattie, left office, he made enquiries with the Private Office regarding whether he could purchase or retain his Departmental issued devices. A junior official within the DAERA Private Office, liaised with a junior official in DAERA Digital Services Division (DSD) by telephone to enquire if Mark Beattie could purchase or retain his departmental issued devices. The junior official in DSD advised the junior official in Private Office that this was not possible as devices are reset by IT Assist and recirculated back into the NICS. The junior official in DAERA's Private Office subsequently told Mark Beattie, in person in Parliament Buildings, that he could not

purchase or retain his departmental issued devices as devices are reset by IT Assist and recirculated back into the NICS.

93. On 27 October 2022, Special Adviser, Mark Beattie asked a junior official within the Private Office if he could reset his devices before he returned them to NICS. The junior official in the Private Office verbally advised him that his devices could be reset, on the basis of advice provided by a junior member of staff from DAERA's Digital Services Division. On this basis, Special Adviser, Mark Beattie, would have known that his devices would be reset.
94. On 28 October 2022, Special Adviser, Mark Beattie, completed the NICS Employee Leaving Checklist **[Exhibit KG2/87 INQ000409243]** confirming that all relevant records had been saved on the records management system. On this date, he returned his iPad and mobile phone to a junior official within the DAERA Private Office.
95. On 11 November 2022, these devices were returned by a junior member of staff within the Private Office to IT Assist in Craigtantlet Buildings, in accordance with custom and practice. I have seen no evidence that consideration was given to the need to preserve relevant data relating to informal communications which may have been held on these devices prior to their return to IT Assist. Private Office staff did not try to access the phone before it was returned so cannot confirm if he had reset it.
96. On 29 August 2023, a junior official in IT Assist confirmed by email **[Exhibit KG2/81 INQ000409236]** to a junior official within DAERA Private Office that they held one iPad for Mark Beattie and that the device had not been reset.
97. On 5 September 2023, a junior official in IT Assist confirmed to a junior official within the DAERA Private Office by email **[Exhibit KG2/81 INQ000409236]** that they disposed of (destroyed) the former Special Adviser's mobile phone in January 2023.
98. Consent to reset the former Special Adviser's mobile phone was not sought from the Special Adviser and he was not informed that his mobile phone had been reset. Once a user has returned a device, IT Assist does not require consent to reset it, nor do they inform the previous users that their old device has been reset.
99. On 20 November 2023, IT Assist provided the Special Adviser's iPad to NICS Internal Audit Services. NICS Internal Audit Services stated that the iPad would remain secured in Craigtantlet Buildings until their Fact-Finding Investigation was complete. They did not

interrogate this device during the period they held them (20 November – 19 December). Prior to these dates, neither DAERA nor IT Assist attempted to interrogate these devices.

100. On Monday 5 December 2023, DAERA's Data Protection Officer collected the iPad from NICS Internal Audit Services but was instructed by a junior official in the NICS Internal Audit Services to return them on Wednesday 7 December 2023. DAERA's Data Protection Officer subsequently returned both devices on 7 December 2023.
101. On 8 December 2023, Jayne Brady wrote to all permanent secretaries [**Exhibit KG2/84 INQ000409240**] to arrange for the devices that were recovered by the Investigation team to be collected and interrogated by their Covid Inquiry Branches to determine what information has been retained.
102. On 19 December 2023, a junior member of staff in DAERA DSD collected both of the Minister's iPads from the Investigation team and transferred them to DAERA Headquarters, Clare House, Belfast. As former Special Adviser, Mark Beattie's iPad had not been reset, DAERA staff attempted to access the device to retrieve information but were unable to do so as the standard issue 4-digit Pin code did not allow access to the device.
103. On 21 December 2023, a note issued from Paul Duffy, Deputy Secretary, Digital, Security and Finance Shared Services [**Exhibit KG2/86 INQ000409242**] with more details on the arrangements for the technical examination of the devices. DAERA confirmed that its Data Protection Officer would be the point in contact in providing these devices.
104. On 9 January 2024, the Special Adviser's iPad was delivered to Digital, Security and Finance Shared Services for onward delivery to an external contractor for interrogation to ascertain if any information could be retrieved from the device.
105. On 18 January 2024, Colin Daysh, Director in Digital, Security and Finance Shared Services confirmed that an external expert forensics company had commenced examination of this device.
106. On 1 February 2024, Nihon Cyber Defence provided the department with a forensic report on the device [**Exhibit KG2/86C INQ000415328**] stating, "Upon inspection, the device required a 4-digit code. The device was then turned off prior to any passcodes being attempted. Once the device was rebooted, the device was then stated to be 'locked by owner' where this will require access to either an internet connection or the corresponding iTunes account. As both of these options were not possible and an

extraction off the device was not possible the device was returned unexamined. The device was found to contain a SIM card. The data from the SIM card was successfully extracted, however was found to contain no user created data. No data from the SIM card has therefore been provided.”

SCS Devices

107. Of the current DAERA SCS members who also worked in DAERA during the specified period:

- One official (Fiona McCandless, Deputy Secretary), had had her mobile device upgraded. She has retained her old device as a precautionary measure, and it has not been reset.
- One official (John Joe O’Boyle, Chief Executive, Forest Service), returned his damaged mobile phone to IT Assist on 4 May 2021, for subsequent disposal in line with the NICS Mobile Device Security policy. He subsequently received a replacement device.
- All other officials currently use the same mobile devices that they held during the specified period and these have not been reset.

108. During the specified period, fourteen former senior civil servants (Arron Wright, Colette McMaster, David Small, David Torrens, Derek Williamson, Dr Perpetua McNamee, John Mills, Marcus McAuley, Helen Anderson (deceased), Michael Hatch, Naomi Callaghan, Steven Millar, Tim Irwin and Anthony Harbinson), left the service and returned their NICS devices to IT Assist.

109. The Department attempted to contact the thirteen former senior civil servants. The mechanism for doing so is via DoF Pension Service. Six former senior civil servants did not respond. All of the seven who did respond (David Small, Naomi Callaghan, Perpetua McNamee, Michael Hatch, Marcus McAuley, Tim Irwin, Anthony Harbinson), confirmed that emails and decision-making documentation had been saved to Content Manager before the devices were returned to IT Assist to be reset or disposed of. I am reliant, in this instance on the responses provided and recognise that the assurances provided are limited with particular regard to informal communications.

110. 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). The Secure Disposal contract is an IT Assist contract with DoF and is not held

by DAERA. Consent from the user is not required to reset a device. My understanding is that IT Assist will reset all devices when they are needed for reallocation or before they are disposed of.

Ministerial Devices

111. As set out above, former Minister Poots' mobile phone was disposed of (destroyed) in January 2023 and both of his iPads were also reset. While I am aware of informal messaging between former Minister Poots and DAERA officials (as provided to the Inquiry as disclosure on 12 October and 21 December 2023), I am unable to state whether any additional informal communications may have been lost as a consequence of the resetting of former Minister Poots' devices.
112. As Minister Poots' mobile phone was disposed of, it has not been possible to recover or restore any data that may have been held on this mobile phone. Neither DAERA nor IT Assist has attempted to restore any data.
113. On 12 December 2023, the Departmental Solicitor's Office contacted former Minister Poots' legal representative to ascertain whether he had retained the access codes to his NICS issued devices.
114. On 13 December 2023, his legal representative advised that his client did not retain the access codes and that he did not change the access codes provided by IT Assist when the devices were issued.
115. On 19 December 2023, a junior member of staff in DAERA DSD collected both of the Minister's iPads from the NICS Internal Audit Services Investigation team and transferred them to DAERA Headquarters, Clare House, Belfast. As both of these devices had been reset, DAERA staff were unable to gain access in order to recover or restore any data that may have been held on these devices.
116. On 9 January 2024, both of the Minister's iPads were delivered to Digital, Security and Finance Shared Services for onward delivery to an external contractor for interrogation to ascertain if any information could be retrieved from these devices.
117. On 18 January 2024, Colin Daysh, Director in Digital, Security and Finance Shared Services confirmed that an external expert forensics company had commenced examination of these devices. As detailed in paragraph 90, on 1 February 2024, Nihon Cyber Defence provided the department with a forensic report for each device **[Exhibit**

KG2/86A INQ000415326 and Exhibit KG2/86B INQ000415327] confirming that no data could be retrieved from either device.

Special Adviser

118. As set out above, former Special Adviser, Mark Beattie's mobile phone was disposed of (destroyed) in January 2023 and his iPad has not been reset. While I am aware of informal messaging between the Special Adviser, Mark Beattie, and DAERA officials (as provided to the Inquiry as disclosure on 12 October and 21 December 2023), I am unable to state whether any additional informal communications may have been lost as a consequence of the resetting of former Special Adviser, Mark Beattie's mobile phone.
119. As Special Adviser, Mark Beattie's mobile phone was disposed of, it has not been possible to recover or restore any data that may have been held on this device. Neither DAERA nor IT Assist has attempted to restore any data.
120. On 12 December 2023, the Departmental Solicitor's Office contacted Special Adviser, Mark Beattie's legal representative to ascertain whether he had retained the access codes to his NICS issued device.
121. On 13 December 2023, his legal representative advised that his client did not retain the access codes and that he did not change the access codes provided by IT Assist when the device was issued.
122. On 14 December 2023 (and again on 18 December 2023 and 5 January 2024), with a view to understanding the informal communications that may have been stored on Special Adviser, Mark Beattie's iPad, DAERA's legal representative contacted his legal representative to ascertain if he had downloaded or used any messaging applications on his NICS issued iPad. DAERA's legal representative also asked whether Special Adviser, Mark Beattie, used his NICS issued iPad for anything other than Outlook mail and, if so, what other applications he used on the device or what he used the device for. A response to these requests was not provided by his legal representative until 14 January 2024, in which his legal representative confirmed that Special Adviser, Mark Beattie, did not download any message applications and did not recall using any message applications on his NICS issued iPad.
123. On 19 December 2023, a junior official in DAERA DSD collected Special Adviser, Mark Beattie's iPad from the NICS internal Audit Service investigation team and transferred it to DAERA Headquarters, Clare House, Belfast. A junior official in DAERA DSD then

attempted to gain access to the iPad using the standard issue pin code used for similar devices. However, the standard issue 4-digit Pin code did not allow access to the device.

124. Under direction of the DAERA Data Protection Officer (junior official), a junior official in DAERA DSD then tried to access Special Adviser, Mark Beattie's work iCloud account using his assigned Apple ID and a default Password which IT Assist issue to staff for similar devices. Variations of the password were attempted, however, none of the combinations were successful. DAERA were therefore unable to gain access to Special Adviser, Mark Beattie's iCloud account. Therefore, no data could be retrieved from Mark Beattie's iPad or from his iCloud, by DAERA staff.

125. On 9 January 2024, the Special Adviser's iPad was delivered to Digital, Security and Finance Shared Services for onward delivery to an external contractor for interrogation to ascertain if any information could be retrieved from this device.

126. On 18 January 2024, Colin Daysh, Director in Digital, Security and Finance Shared Services confirmed that an external expert forensics company had commenced examination of this device. As detailed in paragraph 106, on 1 February 2024, Nihon Cyber Defence provided the department with a forensic report on the device [**Exhibit KG2/86C INQ000415328**], confirming that no data could be retrieved from the device.

SCS

127. During the specified period, fourteen former senior civil servants (Arron Wright, Colette McMaster, David Small, David Torrens, Derek Williamson, Dr Perpetua McNamee, John Mills, Marcus McAuley, Helen Anderson (deceased), Michael Hatch, Naomi Callaghan, Steven Millar, Tim Irwin and Anthony Harbinson), left the service and returned their NICS devices to IT Assist.

128. The Department attempted to contact the thirteen former senior civil servants. The mechanism for doing so is via DoF Pension Service. Six former senior civil servants did not respond. All seven former SCS staff that did respond (David Small, Naomi Callaghan, Perpetua McNamee, Michael Hatch, Marcus McAuley, Tim Irwin, Anthony Harbinson), confirmed that emails and decision-making documentation had been saved to Content Manager before the devices were returned to IT Assist to be reset or disposed of. I am reliant, in this instance on the responses provided and recognise that the assurances provided are limited with particular regard to informal communications.

129. While I am unable to state what informal communications may have been lost as a result of these devices being reset or disposed of, I am aware that WhatsApp group chats in which former members of the SCS participated have already been provided to the Inquiry by disclosure on 12 October and 21 December 2023.
130. 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). The Secure Disposal contract is an IT Assist contract with DoF and is not held by DAERA. Consent from the user is not required to reset a device. My understanding is that IT Assist will reset all devices when they are needed for reallocation or before they are disposed of.
131. As set out above, one current SCS official (John Joe O' Boyle, Chief Executive, Forest Service), returned his damaged mobile phone to IT Assist on 04 May 2021, for subsequent disposal in line with the NICS Mobile Device Security policy. While any informal messaging groups that John Joe O' Boyle participated in have been provided to the Inquiry by disclosure on 12 October and 21 December 2023, I am unable to state whether any additional informal communications may have been lost as his device was damaged before being returned to IT Assist to be reset or disposed of.
132. The Department first recognised that potentially relevant evidence may have been destroyed on 4 August 2023, when a junior member of staff within DAERA's Private Office advised the Director of Digital Services, Paul McGurnaghan that the mobile phone and iPad from former Minister Poots had been returned to IT Assist.
133. On 10 August 2023, I forwarded an email and correspondence to Deputy Secretary Brian Doherty and DAERA Covid Inquiry Branch with an instruction to issue a further reminder to those in the senior team who were in DAERA during the period covered by the Inquiry. I also sought confirmation whether the phones of former ministers, special advisers and previous Permanent Secretary, Anthony Harbinson had been reset.
134. On 11 August 2023, Eugene O'Loan responded to the Inquiry's letter advising, inter alia, Minister Poots' phone had been reset.
135. On 23 August 2023, DAERA Covid Inquiry Branch e-mailed all DAERA deputy secretaries and the NIEA chief executive [**Exhibit KG2/75 INQ000409230**] with advice from Hugh Widdis, the Departmental Solicitor (dated 10 August 2023, this is legal advice

on which we do not waive privilege), for dissemination to their SCS staff, reiterating the importance of ensuring that all Covid relating information held in any format was retained.

136. On 29 August 2023, a junior official in IT Assist confirmed by email to a junior official within DAERA Private Office that they held two iPads for former Minister Poots that had both been reset, and one iPad for former Special Adviser, Mark Beattie, that had not been reset.

137. Any DAERA devices that were reset during the specified period were reset following the announcement of the Covid Inquiry, except that of John Joe O'Boyle which was damaged and returned to IT Assist on 4 May 2021, for subsequent disposal in line with the NICS Mobile Device Security policy.

138. For those devices that were reset following the announcement of the Covid Inquiry, while a reasonable expectation bearing in mind the guidance that had been issued would be that any relevant information should already have been saved to Content Manager, I have seen no evidence that specific consideration was given to the need to check in each case whether the devices contained information or conversations relevant to the Inquiry and to ensure that they were preserved prior to the return of the devices to IT Assist in line with the normal arrangements for the management of such devices.

Informal communications using electronic devices

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
Edwin Poots	Y	WhatsApp / SMS	Y	Group Name: Thankyou Purpose: Trivial messaging	Y	Names: Denis McMahon / DAERA Press Officer Purpose: General Communications	Unable to confirm	Unable to confirm	None
Gordon Lyons	N	N/A	N	N/A	N	N/A	N/A	N/A	N/A
Mark Beattie	Y	WhatsApp / SMS	Y	Group Name: Thankyou Purpose: Trivial messaging	Y	Names: Norman Fulton / DAERA Press Officer Purpose: General Communications	Unable to confirm	Unable to confirm	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Denis McMahon	Y	WhatsApp / SMS	Y	Group Names: Gold Command / Top Management Team / Thank you / Permanent	Y	Names: Edwin Poots, Brian Doherty, Tracey Teague, Private Secretary, Katrina Godfrey, Rosemary Agnew, Robert Huey, Fiona	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				Secretary Stocktake / AgriFood Session / Brexit Team / Covid Taskforce / Defra NSDs Discussion / EUFRB / PSS Covid19 / Shadow Strategy Group 2 / Supermarket update / MPLA Action Learning Set / G3 Purpose: Provide strategic leadership to DAERA's pandemic response / Trivial messaging / Brexit preparedness		McCandless, Andrew McCormick, Colin Perry, David Kennedy, David Stirling, Emily Miles, Jayne Brady, Jenny Pyper, Peter May, Tamara Finkelstein, Mark Livingstone, Arlene Foster, Cathy Jack, Madeleine Alessandri. Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.			purposes of the Covid Inquiry, no steps were taken.

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
Anthony Harbinson	Y	WhatsApp	Y	<p>Group Names: Gold Command / Top Management Team / Permanent Secretary Stocktake / PSS Covid19</p> <p>Purpose: Provide strategic leadership to DAERA's pandemic response</p>	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Robert Huey	Y	WhatsApp	Y	<p>Group Names: Gold Command / Top Management Team / AgriFood Session / Brexit Team / Defra NSDs Discussion / Supermarket update / G3</p>	Y	<p>Names: Denis McMahon</p> <p>Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.</p>	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				Purpose: Provide strategic leadership to DAERA's pandemic response / Brexit preparedness					
Brian Doherty	Y	WhatsApp	Y	Group Names: Gold Command / Top Management Team / CSCPG Silver Command / Shadow Strategy Group 2 / G3 Purpose: Provide strategic leadership to DAERA's pandemic response / Brexit preparedness	Y	Names: Denis McMahon Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
Tracey Teague	Y	WhatsApp	Y	<p>Group Names: Gold Command / Top Management Team / EMFG Silver Command</p> <p>Purpose: Provide strategic leadership to DAERA's pandemic response</p>	Y	<p>Names: Denis McMahon</p> <p>Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.</p>	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Fiona McCandless	Y	WhatsApp	Y	<p>Group Names: Gold Command / Top Management Team / RAFSET - BOR Silver Command / Shadow Strategy Group 2 / G3</p> <p>Purpose: Provide strategic</p>	Y	<p>Names: Denis McMahon, Alison Caldwell, John Joe O'Boyle, Paul Donnelly.</p> <p>Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.</p>	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				leadership to DAERA's pandemic response / Brexit preparedness					
Norman Fulton	Y	WhatsApp	Y	Group Names: Gold Command / Top Management Team / Supermarket update / G3 Purpose: Provide strategic leadership to DAERA's pandemic response	Y	Names: Denis McMahon, Mark Beattie, Steven Millar Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Sean McGrade	Y	WhatsApp	Y	Group Names: Gold Command / CSCPG Silver Command / Shadow Strategy Group 2	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				Purpose: Provide strategic leadership to DAERA's pandemic response / Brexit preparedness					Inquiry, no steps were taken.
Sharon McFlynn	Y	WhatsApp	Y	Group Names: Gold Command Purpose: Provide strategic leadership to DAERA's pandemic response	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Mark Livingstone	Y	WhatsApp	Y	Group Names: Gold Command / Brexit Team Purpose: Provide strategic leadership to	Y	Name: Denis McMahon Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				DAERA's pandemic response / Brexit preparedness					Inquiry, no steps were taken.
Steven Millar	Y	WhatsApp	Y	Group Names: Gold Command / CSCPG Silver Command / Shadow Strategy Group 2 Purpose: Provide strategic leadership to DAERA's pandemic response	Y	Names: Norman Fulton Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Colin Breen	Y	WhatsApp	Y	Group Names: EMFG Silver Command Purpose: Provide strategic leadership to DAERA's	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				pandemic response					Inquiry, no steps were taken.
Alison Caldwell	Y	WhatsApp	Y	Group Names: RAFSET-BOR Silver Command Purpose: Provide strategic leadership to DAERA's pandemic response	Y	Names: Fiona McCandless Purpose: Brief updates / clarification / advice	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
John Joe O'Boyle	Y	WhatsApp	Y	Group Names: RAFSET-BOR Silver Command Purpose: Provide strategic leadership to DAERA's pandemic response	Y	Names: Fiona McCandless Purpose: Brief updates / clarification / advice	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
Roger Downey	Y	WhatsApp	Y	Group Names: Gold Command Purpose: Provide strategic leadership to DAERA's pandemic response	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Pauline Rooney	Y	WhatsApp	Y	Group Names: DAERA C3 LO/CoS Purpose: Logistical arrangements in response to pandemic	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Richard Crowe	Y	WhatsApp	Y	Group Names: Gold Command / DAERA C3 LO/CoS / C3 C19 / C3	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				<p>Core Team / CSCPG Silver Command / Shadow Strategy Group 2</p> <p>Purpose: Provide strategic leadership to DAERA's pandemic response / Logistical arrangements in response to pandemic / Brexit preparedness</p>					preserve data for the purposes of the Covid Inquiry, no steps were taken.
Private Secretary	Y	WhatsApp	Y	<p>Group Names: Gold Command / Thank You</p> <p>Purpose: Provide strategic leadership to DAERA's pandemic</p>	Y	<p>Names: Edwin Poots / Mark Beattie / Denis McMahon</p> <p>Purpose: To facilitate logistical and practical arrangements in relation to</p>	Unable to confirm	Not retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
				response / Trivial messaging		Ministerial business.			steps were taken.
Press Officer	Y	WhatsApp	Y	Group Names: Gold Command Purpose: Provide strategic leadership to DAERA's pandemic response	Y	Names: Edwin Poots / Mark Beattie Purpose: To facilitate logistical and practical arrangements in relation to media handling.	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Owen Lytle	Y	WhatsApp	Y	Group Names: EMFG Silver Command Purpose: Provide strategic leadership to DAERA's pandemic response	N	N/A	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.

NAME	USED MESSAGING PLATFORMS (Y/N)	PLATFORMS USED	MEMBER OF ANY MESSAGING GROUP ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF MESSAGING GROUP(S)	ONE TO ONE MESSAGES (CHATS) ON MANAGEMENT OF PANDEMIC (Y/N)	NAME & PURPOSE OF ONE TO ONE MESSAGES (CHATS)	MESSAGES IN ACCORDANCE WITH RELEVANT RULES & POLICIES	MESSAGES DELETED OR RETAINED	STEPS TAKEN BY DEPT TO ENSURE RETENTION OF THESE MESSAGES
Brian Doohar	Y	WhatsApp	N	N/A	Y	<p>Names: Denis McMahon / Gerry Waldron / Bryan Monson</p> <p>Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19 / General Communication with external bodies (Public Health Agency & Health & Safety Executive Northern Ireland)</p>	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.
Rosemary Agnew	Y	WhatsApp	Y	<p>Group Names: AgriFood Session / Brexit Team / Shadow Strategy Group 2 / Supermarket update</p> <p>Purpose: Brexit preparedness</p>	Y	<p>Names: Denis McMahon</p> <p>Purpose: To provide strategic leadership to the DAERA response to the impacts of Covid-19.</p>	Unable to confirm	Retained	Aside from guidance and communication reminding officials of the need to preserve data for the purposes of the Covid Inquiry, no steps were taken.

140. During the specified period, Cisco Jabber, a software phone system with instant messaging, was available on NICS issued laptops for use by all staff, including former Ministers, the former Special Adviser and all members of SCS. Cisco Jabber is used by DAERA staff to keep in contact with each other on matters considered to be trivial. When the Jabber chat window is closed, any chat history is also automatically deleted.
141. As per the NICS Jabber Usage Policy [**Exhibit KG2/52 INQ000409205**] instant messaging conversations are not centrally stored or saved. Importantly, the NICS Jabber Usage Policy also states that, if appropriate, any decisions made via instant messaging conversations should be followed up with an email.
142. The standard deletion of jabber continued throughout the specified period and no action was taken to alter the setting of standard deletion because it consisted of trivial messaging.
143. During the specified period, Ministers, Special Advisers and member of the SCS would also have attended meetings via Zoom or Cisco WebEx. While instant messaging facilities would have been available during these meetings, when the meetings closed, any chat history is also deleted.
144. I am unable to confirm if former ministers or special advisers used auto-delete functions or disappearing messages on their NICS issued devices or personal devices.
145. During the specified period, senior civil servants did not use auto-delete functions or disappearing messages on WhatsApp.
146. At no point were instructions given to former Ministers Poots and Lyons, former Special Adviser, Mark Beattie, or any current or former senior civil servants, to delete messages or emails from their government provided mobile devices.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

Personal Data

Dated: 1 March 2024

Annex A – Index of Acronyms

Acronym	Explanation
ARAC	Audit and Risk Assurance Committee (DAERA)
BOR	Brexit Operational Readiness
CM	Content Manager (DAERA's official repository for all departmental records)
CoS	Chief of Staff
CSCPG	Central Services & Contingency Planning Group
DAERA	Department of Agriculture, Environment and Rural Affairs
DSD	Digital Services Division
DSO	Departmental Solicitors Office
EMFG	Environment, Marine and Fisheries Group
EUFRB	European Union Future Relationship Bill
HoCS	Head of the Civil Service (Northern Ireland)
HR	Human Resources
ICT	Information and Communications Technology
ID	Identification
IT	Information Technology
LO	Liaison Officer
MERP	Major Emergency Response Plan
MLA	Members of the Legislative Assembly
MMS	Multimedia Messaging Service
MPLA	Major Projects Leadership Academy
NI	Northern Ireland
NICS	Norther Ireland Civil Service
NIEA	Northern Ireland Environment Agency
PO	Private Office
PRONI	Public Record Office of Northern Ireland
PSS	Permanent Secretary Stocktake
RAFSET	Rural Affairs, Forest Service, Estate Transformation Group
SCS	Senior Civil Service
SCSG	Senior Civil Service Group
SIRO	Senior Information Risk Owner
SMS	Short Message Service
TEO	The Executive Office