



Department for  
**Communities**  
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An Roinn  
**Pobal**

Depairtment fur  
**Commonities**

# UK COVID-19 Public Inquiry

**WITNESS STATEMENT MODULE 2C  
DEPARTMENT FOR COMMUNITIES**

## Table of Contents

1.0	Background	4
1.1	Governmental Position	4
1.2	Ministers	5
1.3	Special Advisers	5
1.4	Party Officials	6
1.5	Senior Civil Servants	6
2.0	Relevant policies and practice regarding the use of devices	6
2.1	Relevant NICS-wide policies already disclosed to the Inquiry	6
2.2	Personal and Private Devices	7
2.3	Government-issued Devices	7
2.4	Other Relevant Overarching Policies	8
3.0	Use of Informal Messaging	9
4.0	Recording and Retention of Information and Communications	9
4.1	NICS and Departmental Record Keeping Policies	9
4.2	Destruction of Records	10
4.3	Destruction of Records on Devices	10
5.0	Resetting of Devices	10
5.1	Resetting of government-issued devices	10
5.2	Resetting of private or personal devices	11
6.0	Back up of Data	11
7.0	Compliance with NICS and Departmental Policies, Monitoring and Enforcement	11
7.1	Ministers	11
7.2	Special Advisers	11
7.3	Senior Civil Servants	12
8.0	Return of Government-issued devices	12
8.1	Policies relating to the return of Government-issued devices are listed below:	12
9.0	Communication with Individuals on announcement of the Covid Inquiry	13

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

9.1 Communications within the Department	13
9.2 Communications with Minister and Special Adviser on announcement of the Covid Inquiry	14
10.0 Resetting of Minister and Special Adviser's Devices	14
10.1 Departmental Position	14
10.2 Ministers	15
10.3 Special Adviser	16
11.0 Potential Data Loss	16
11.1 DfC Corporate Approach to Record Keeping	16
11.2 Learning from the Renewable Heat Incentive Public Inquiry	17
11.3 Decision Making Process	18
11.4 Restoration / Recovery of Data	18
11.5 Alternative Sources of Data	19
11.6 Departmental Actions in respect of potential data loss	19
11.7 Departmental Actions to preserve Data	19
12.0 Minister and Special Adviser Informal Communications Using Electronic Devices	20
13.0 Auto Delete Functionality	22
14.0 Statement of Truth	23
Annex A – Mobile Devices: DfC Position	24
Annex B – List of Relevant Policies shared with Ministers on appointment to the Department.	27
Annex C - WhatsApp and SMS Message Threads Provided to the Inquiry	28





## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

Witness Name: Colum Boyle

Statement No.:1

Exhibits: xx

Dated: 25 March 2024

### UK COVID-19 INQUIRY

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#### WITNESS STATEMENT OF Colum Boyle, Department for Communities, Northern Ireland

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I, Colum Boyle, Permanent Secretary of the Department for Communities, Northern Ireland, since 25 April 2022 make the following witness statement in response to a Rule 9 request received on 21 November 2023.

My statement covers the specified period 11 January 2020 to 15 February 2022. It provides information relevant to the scope of Module 2C, predominantly addressing the use of Departmental mobile devices for communication via informal means (WhatsApp, SMS messages etc) by Ministers, Special Advisers, party officials, and Senior Civil Servants during the pandemic.

In the matters set out below, I stand ready to provide further information as required.

#### 1.0 Background

##### 1.1 Governmental Position

1.1.1. The **Department for Communities (the Department)** was established under the Departments Act (NI) 2016 and is one of nine departments within the Northern Ireland Executive. The Department delivers a wide range of services to the public – both directly and

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

through its Arm's Length Bodies – that impact the lives of most people at some point as we support people, build communities and shape places.

1.1.2 The Department has one Ministerial role, with said Minister part of the Northern Ireland Executive. This position did not change during the pandemic.

### **1.2 Ministers**

1.2.1 The Minister for Communities was Ms Deirdre Hargey MLA from 11 January 2020 to 14 June 2020; and from 16 December 2020 until all Northern Ireland Executive Ministers ceased to hold office on 27 October 2022. Ms Carál Ní Chuilín MLA held the Ministerial role for an interim period (15 June 2020 to 15 December 2020) as Minister Hargey was on a leave of absence due to illness.

1.2.2 The Department provides the Minister with a government issued laptop, iPad, and mobile phone on appointment. These devices are provided for use in carrying out the Minister's Executive and Departmental business. Devices are procured through IT Assist (part of the Department of Finance) which provides IT systems and services to all NICS departments.

1.2.3 Ministers are encouraged to use government issued mobile phones; however, Ministers may decline to do so. Ministers do not seek advice or permission from the Department in making this choice.

1.2.4 Both former Ministers used government issued laptops and iPads but declined to use the government issued mobile phones that were provided to them. These were returned to Private Office officials unused when each Minister ceased to hold office.

### **1.3 Special Advisers**

1.3.1 A Minister's Special Adviser (SpAd) is appointed as a temporary civil servant for the duration of the relevant Minister's term of office. SpAds are provided with a government issued laptop, iPad, and mobile phone on taking up their position in the Department.

1.3.2 Minister Hargey appointed Mr Ronan McGinley as SpAd from 3 February 2020 to 14 June 2020, and reappointed him from 16 December 2020 to 27 October 2022. Mr McGinley was appointed as SpAd by Minister Ní Chuilín from 15 June 2020 to 15 December 2020. Mr McGinley's service as SpAd within the Department was therefore continuous.

1.3.3 Mr McGinley used his government issued mobile phone, iPad and laptop for Departmental and Executive business throughout the majority of the specified period.

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

### **1.4 Party Officials**

1.4.1 The Department has no responsibility for Party Officials. No policy or guidance refers to Party Officials, as they have no Departmental role and we do not provide any devices for their use.

### **1.5 Senior Civil Servants**

1.5.1 The Department ensures that all staff who require one are provided with a government issued laptop on appointment. In addition, a tablet and/or mobile phone will be provided if there is a justified business need.

1.5.2 Not all Departmental Senior Civil Servants (SCS) make the case to have a mobile phone allocated to them, preferring instead to use NICS softphone facilities. Before the pandemic, staff were fully office based and easily contactable face to face or by landline. During the pandemic, reliance on other methods of communication increased, including email, NICS softphone facilities, virtual meeting platforms, government issued mobile phones and, in some cases, the use of personal mobile phones for work purposes. Throughout the specified period, the Department used email as the primary means of communicating important messages and decision making processes. Policies noted in **2.2.2** are relevant.

1.5.3 My colleague Beverley Wall provided a witness statement to the Inquiry in August 2022 in response to the first Module 2C Rule 9 request to the Department. There are 19 SCS officers named in that statement, 14 of whom used a government issued mobile phone, with five preferring to use their personal devices. Some of these government issued devices have been surrendered when staff resigned, retired or moved department, in accordance with NICS and Departmental policies. Some have been replaced as part of rolling IT equipment replacement exercises. Some personal devices have been retained and others have been upgraded by the individual owner. A summary table is included at **Annex A**.

## **2.0 Relevant policies and practice regarding the use of devices**

### **2.1 Relevant NICS-wide policies already disclosed to the Inquiry**

You are aware of the policies listed below which are relevant:

A. Guidance for Ministers in the exercise of their official responsibilities;

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

- B. NICS HR Policy 6.11, 'Use of Electronic Communications';
- C. NICS Mobile Device Security Policy;
- D. NICS Code of Ethics;
- E. NICS Records Management Protocol for Special Advisers;
- F. NICS Records Management Policy;
- G. A Guide to Good Record Keeping;
- H. NICS Official Information held in Non-Corporate Communication Channels;
- I. NICS Retention and Disposal Policy and Policy Statement;
- J. NICS Email Management Policy.

Information on additional relevant policies, guidelines and protocols is included in the following sections.

### 2.2 Personal and Private Devices

2.2.1 NICS staff are not permitted to use personal laptops or tablets for Departmental business purposes. It should be noted that these policies apply to civil servants and by extension to Special Advisers. They do not directly apply to Ministers as they are not NICS employees; however some policies are shared with Ministers on appointment. A list of these is provided at **Annex B**.

2.2.2 There are limited additional policies or guidance notes that relate to the use of personal or private devices for carrying out government business. These are summarised in the table below:

Policy / Guidance	Scope	Exhibit
Using personally owned telephones for work	DfC Staff	[Exhibit CB/1 INQ000397219]
Private	All NICS Private	[Exhibit CB/2 INQ000397220]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Office Guidance June 2021</b>	Secretaries and Private Office Staff	
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### 2.3 Government-issued Devices

2.3.1 A number of policies and guidance notes relate to government supplied devices and these apply to all NICS departments. Some of these relate to Civil Servants, others to Ministers and/or SpAds.

2.3.2 DfC Policies and Guidance applying from January 2020 onwards are summarised in the table below:

Policy / Guidance	Scope	Exhibit
<b>DfC Security of Portable Assets</b>	DfC staff	[Exhibit CB/3 INQ000397222]
<b>DfC Information Transfer Guidance</b>	DfC staff	[Exhibit CB/4 INQ000397223]
<b>DfC Disposal of Records Schedule</b>	DfC Staff	[Exhibit CB/5 INQ000397209]
<b>DfC Remote Working Guidelines</b>	DfC Staff	[Exhibit CB/6 INQ000397224]
<b>NICS Handling Information</b>	NICS Staff	[Exhibit CB/7 INQ000397202]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

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### 2.4 Other Relevant Overarching Policies

The following policies will also apply:

Policy / Guidance	Scope	Exhibit
<b>NICS HR Policy 6.01 Standards of Conduct</b>	NICS Staff	[Exhibit CB/8 INQ000397203]
<b>North ern Ireland Executive: Ministerial Code</b>	Minister Provided to Special Adviser on appointment	[Exhibit CB/9 INQ000397204]
<b>Functioning of Government (Miscellaneous Provisions) Act (Northern Ireland) 2021</b>	Minister, Special Adviser	[Exhibit CB/10 INQ000397205]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Code of Conduct for Special Advisers</b>	Special Adviser Provided to Minister on appointment	[Exhibit CB/11 INQ000397206]
<b>Special Adviser Appointment Letter</b>	Special Adviser	[Exhibit CB/12 INQ000397208]
<b>NICS Guide to IT Security</b>	NICS Staff Provided to Minister / Special Adviser on appointment	[Exhibit CB/13 INQ000397208]

### 3.0 Use of Informal Messaging

3.1 Policies and guidance relating to informal messaging are included in the tables above. The Department did not routinely use informal messaging to conduct official business.

3.2 Informal messaging is not used for Departmental decision-making or for the communication of information to inform policy development. It is primarily used for logistical communications such as practical arrangements for meetings, updates on staffing, and team check ins. Usage of informal messaging inevitably increased during the pandemic; however this did not replace established channels of official communication such as papers, memos, and e-mails.

3.3 Records management guidance clearly states that any information held on any system that is relevant to the Departmental record must be transferred to Content Manager (CM), the NICS official Records Management System. Not all records can or indeed should be preserved in official records, and it is the responsibility of business areas to determine which records are relevant, following NICS and Departmental guidance.

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

### 4.0 Recording and Retention of Information and Communications

#### 4.1 NICS and Departmental Record Keeping Policies

In addition to the NICS wide policies and guidance relating to record keeping which are shared with new staff as part of the NICS Induction programme, there is some guidance specific to the Department which is available to all staff on the Department's Intranet. All relevant policies are listed below:

Policy / Guidance	Exhibit
DfC Disposal of Records Schedule	[Exhibit CB/5 INQ000397209]
DfC Records Management Policy	[Exhibit CB/14 INQ000397211]
DfC Records Management Handbook	[Exhibit CB/15 INQ000397212]

#### 4.2 Destruction of Records

4.2.1 In line with the overarching NICS Records Management Policy and NI Executive Codes of Conduct, it is each individual's responsibility (whether Minister, SpAD or NICS staff) to ensure that all relevant official information is extracted and retained in Content Manager (CM), the official Records Management System of the NICS.

4.2.2 NICS Guidance on non-corporate communications channels referred to at **2.1.H** above clearly states that any relevant information held on 'non-corporate channels' must be transferred to corporate channels, and stored in Content Manager. Once the information is stored in Content Manager, it is no longer necessary to retain it on the device.

4.2.3 Ministers and Special Advisers are responsible for identifying any relevant records which exist outside of corporate channels and providing these to Private Office staff to be stored in Content Manager in accordance with guidance for Ministers referenced at **2.1.A** and for Special Advisers ( [Exhibit CB/11 INQ000397206, paragraph 13 refers].

#### 4.3 Destruction of Records on Devices

4.3.1 Whether personally owned or government issued, individuals are personally responsible for transferring relevant information from informal channels, and for any action taken to delete records on their device. In accordance with NICS guidance, once any relevant information



## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

has been transferred from informal channels to corporate channels, and stored in Content Manager it is no longer necessary to retain it on the device.

### **5.0 Resetting of Devices**

#### **5.1 Resetting of government-issued devices**

5.1.1 The NICS Mobile Device Security Policy referred to at **2.1.C** states that all devices must be returned to IT Assist for reallocation or secure disposal, when they are no longer in use. Actions taken in respect of devices returned to IT Assist were compliant with Departmental and NICS guidance in effect at the time.

#### **5.2 Resetting of private or personal devices**

5.2.1 Once any relevant information is stored in Content Manager, it is no longer necessary to retain it on the device. A private or personal device is not the property of the Department and therefore individuals are personally responsible for any resetting of these devices.

### **6.0 Back up of Data**

#### **6.1 Back up of data held on private or personal devices**

6.1.1 Guidance note '*Using personally owned telephones for work*' [**Exhibit CB/1 INQ000397219**] covers the use of personal phones for Departmental business. A private or personal device is not the property of the Department and therefore individuals are personally responsible for its use, including backing up data.

### **7.0 Compliance with NICS and Departmental Policies, Monitoring and Enforcement**

#### **7.1 Ministers**

7.1.1 The Department does not monitor the use of personal devices. Both Ministers chose not to use the government issued mobile phones provided to them by the Department, instead opting to use their personal mobile phones. There is no mechanism to monitor or enforce Ministers' compliance with policies and procedures relating to private or personal devices.

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

### 7.2 Special Advisers

7.2.1 While Special Advisers are appointed as temporary civil servants, the process of selection and appointment is carried out directly by individual Ministers. Paragraph 13 of the *NICS Code of Conduct for Special Advisers* includes instruction on the use of official systems for communications relating to official business.

7.2.2 The Minister's Private Secretary will agree arrangements with the Special Adviser to help ensure good records management practices and compliance with legislation, policies and procedures. The arrangements in place for Mr McGinley were that he would copy all relevant emails to the Department's Private Office. Private Office officials ensured that these were appropriately stored in Content Manager, alongside any relevant scanned documents. It remains the Special Adviser's responsibility to identify any relevant information held on non-corporate channels and transfer this to corporate channels to be recorded and stored appropriately by Private Office staff.

7.2.3 Ministers are responsible for carrying out reviews of their Special Adviser's performance, ensuring that the terms of appointment and other guidance for Special Advisers is adhered to. If the Permanent Secretary were to be made aware of any concerns regarding the Special Adviser's compliance with policies or agreed practices, this would be raised with Minister in advance of Minister carrying out the Special Adviser's performance review.

7.2.4 Mr McGinley did use his government issued devices including a Departmental mobile phone. There were no concerns raised in relation to his compliance with agreed practices or policies; however, neither the Department nor IT Assist routinely monitor the use of devices.

### 7.3 Senior Civil Servants

7.3.1 Each Senior Civil Servant is employed in accordance with NICS terms and conditions of service. These terms require individuals to ensure that their behaviour complies with NICS and departmental policies and procedures. Many of these policies are contained in the *NICS Staff Handbook*, and a number have been referred to earlier in this statement.

7.3.2 All Civil Servants have their performance monitored and assessed by their Line Manager. There are three formal performance management stages during the reporting year, however Managers will take action informally as part of day to day management if they become aware that staff are not complying with policies. Other policies, i.e. *Probation* and *Discipline* can be initiated if needed.

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

7.3.3 However, as stated previously, neither the Department nor IT Assist routinely monitor use of devices.

### 8.0 Return of Government-issued devices

8.1 Policies relating to the return of Government-issued devices are listed below:

Policy / Guidance	Exhibit
<b>DfC Security of Portable Assets</b>	[Exhibit CB/3 INQ000397222]
<b>NICS Mobile Device Security Policy</b>	Already held
<b>DfC Joiners, Movers and Leavers Policy</b>	[Exhibit CB/16 INQ000397214]

8.1.1 When a Minister, Special Adviser, or Senior Civil Servant leaves the Department, *DfC Joiners, Movers and Leavers* guidance is followed to ensure that all government-issued IT assets are recovered and returned to Departmental ICT or IT Assist, and access to all Departmental systems is revoked.

8.1.2 In accordance with IT Policies, all returned devices are reset and reallocated, or securely disposed of if reallocation is not possible. These actions are primarily carried out by IT Assist or in exceptional circumstances by Departmental ICT.

### 9.0 Communication with Individuals on announcement of the Covid Inquiry

#### 9.1 Communications within the Department

9.1.1 In May 2021, the then Prime Minister Boris Johnston announced that a UK Covid-19 Public Inquiry would be held. Following this announcement, in September 2021 Jayne Brady, Head of the Northern Ireland Civil Service (HOCS) issued a letter to the Permanent Secretaries of all NI departments emphasising the importance of retaining relevant records to be able to provide these to the Inquiry. Further letters from HOCS to Permanent Secretaries issued in July 2022 and October 2022.

9.1.2 In September 2021, the then Permanent Secretary of the Department, Tracy Meharg, shared HOCS' letter with DfC's Top Leadership Team to be disseminated as appropriate within their commands. It was also shared with the Department's Covid Inquiry Support

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

Team to take forward wider communications and establish a hub on the Department's intranet where guidance and information would be accessible to all staff.

9.1.3 On 10 February 2022, the Department's Data Protection Officer issued *Data Protection Notice DPN 02/22* [Exhibit CB/17 INQ000397215] requiring staff to ensure that all records relevant to the Covid Inquiry are transferred from any non-corporate channels to be securely held in Content Manager. This demonstrated the Department's focus on ensuring that all relevant material was contained securely in the NICS official records management system for future retrieval.

9.1.4 In September 2022 a presentation was delivered to the Department's Senior Civil Servants jointly by the Public Records Office of Northern Ireland and DfC Information Management Branch, on preparations for the Covid Inquiry [Exhibit CB/18 INQ000397218].

9.1.5 On 16 August 2023 refresher guidance on retention and disclosure to the Covid-19 Inquiry was published on DfC Intranet.

9.1.6 On 4 December 2023 I wrote to all DfC staff reminding them of their responsibilities in relation to retaining relevant Departmental records, so that we would be ready to provide records to continue to assist the Inquiry with its work and meet set deadlines.

9.1.7 On 5 December 2023 I wrote to all DfC Senior Civil Servants requesting that they continue to ensure that all information relevant to Covid decision making has been appropriately stored so that it may be provided to the Inquiry if requested.

9.1.8 The December 2023 communications specifically included reference to information held on non-corporate channels. Officials would understand their implicit responsibility to ensure that any important relevant information was transferred to corporate channels and stored appropriately in Content Manager. Once that action has been taken, there would be no expectation of any need to retain the original message or device. This is in accordance with existing guidance and policies.

### **9.2 Communications with Minister and Special Adviser on announcement of the Covid Inquiry**

9.2.1 The Minister was aware of the announcement of the Covid Inquiry, receiving a number of submissions on the issue. In addition, informal updates would have been provided to Minister on issues arising from a public Inquiry. On 23 February 2022 Minister and Special Adviser received a submission on Records Retention in relation to the UK Covid Inquiry. This made specific mention of retaining informal messaging [Exhibit CB/19 INQ000397217].

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

### **10.0 Resetting of Minister and Special Adviser's Devices**

#### **10.1 Departmental Position**

10.1.1 The Inquiry's Legal Team wrote to the Executive Office on 31 July 2023 seeking information on the status of devices used by Ministers, Special Advisers and Senior Civil Servants during the pandemic. The Department responded to the Inquiry's Legal Team in respect of Ministers and Special Adviser's devices on 21 September 2023. Following an internal exercise, the final position including Senior Civil Servants has been established and is provided at **Annex A**.

10.1.2 It became clear that having considered the information provided, the Inquiry's Legal Team was concerned that potentially relevant information may have been destroyed due to the reset or surrender of these devices.

10.1.3 The Head of the Civil Service instigated an investigation into the position of former Ministers' and Special Advisers' devices. Relevant Departmental staff fully participated in the investigation undertaken by Tracy McCavigan, Head of NICS Group Internal Audit. The investigation report was shared with the Inquiry on 8 December 2023 and found that "Private Office staff operated broadly in line with the overarching NICS policies, procedures, guidance and processes in place in their handling of mobile devices returned by Ministers and SpAds". In addition, the investigation concluded that "IT Assist staff operated in line with the overarching NICS policies, procedures, guidance and processes in place in their handling of mobile devices previously issued to Ministers and SpAds". However, it was noted that standard operating procedures may have inadvertently led to potentially relevant information on these devices being unavailable for further analysis.

10.1.4 Return and resetting of these mobile devices takes place under existing policies and procedures referred to in **8.1** above. Return of IT equipment usually takes place as soon as possible after the individual leaves the organisation. As this is in line with policies, permission of the former user to reset the device is not sought or required.

10.1.5 In respect of Ministers and Special Advisers, devices are usually returned to IT Assist by Private Office staff. In the case of Senior Civil Servants, devices would be returned either by the individual's Line Manager or by personal secretaries.

#### **10.2 Ministers**

**10.2.1 Ms Deirdre Hargey MLA** (Minister for Communities 11 January – 14 June 2020 and 16 December 2020 – 27 October 2022) was provided with a government issued mobile

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

phone, laptop and i-Pad on appointment in January 2020. She opted not to use her government issued mobile phone, instead using her personal mobile phone to conduct Departmental business. She used her government issued iPad and laptop to check her Departmental email account, read papers and briefings, provide clearances, and join remote meetings. The Department is not aware that Minister used informal messaging on these government issued devices. On leaving the Department in October 2022, Minister Hargey's devices were collected by Private Office staff and returned to Departmental ICT in accordance with the '*DfC Joiners, Leavers and Movers*' policy.

**10.2.2 Ms Carál Ní Chuilín MLA** (Minister for Communities 15 June – 15 December 2020) was provided with a government issued mobile phone, laptop and i-Pad on appointment in June 2020. She opted not to use her government issued mobile phone, instead using her personal mobile phone to conduct Departmental business. She used her government issued iPad and laptop to check her Departmental email account, read papers and briefings, provide clearances, and join remote meetings. The Department is not aware that Minister used informal messaging on these government issued devices. On leaving the Department in December 2020, Minister Ní Chuilín's devices were collected by Private Office staff. Her iPad was reset and reallocated to Special Adviser Mr McGinley. Minister's laptop and mobile phone were returned to Departmental ICT in accordance with the '*DfC Joiners, Leavers and Movers*' policy.

### **10.3 Special Adviser**

10.3.1 Mr Ronan McGinley ceased to hold his position as Special Adviser on 27 October 2022. His government-issued phone was returned by him on 2 November 2022, and transferred to Departmental ICT by Private Office officials in accordance with the '*DfC Joiners, Leavers and Movers*' policy. Mr McGinley indicated that the phone had been reset by him prior to its return; however Departmental officials did not access the device to confirm this. On receipt of the mobile phone, IT Assist securely wiped and disposed of it in accordance with NICS policy, as it was damaged and therefore could not be reallocated.

### **11.0 Potential Data Loss**

11.0.1 It is not possible for the Department to identify what specific data was held on any government issued device which is unavailable or what data was held on any private device.

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

However, when considering what potential data may now be unavailable as a result of a number of devices being returned to Departmental ICT or IT Assist for reset and reallocation in accordance with NICS and DfC Policy, it is important to note the fact that neither Minister used their government issued mobile phone, as well as the Departmental approach to record keeping generally.

### 11.1 DfC Corporate Approach to Record Keeping

11.1.1 All DfC staff are advised of the need to retain information that forms part of the official Departmental record and save it to Content Manager. No relevant information should be retained on any device that would have been reallocated or decommissioned in line with established retention and disposal schedules without first having been recorded on Content Manager. Staff are advised of the need to keep accurate official records, to comply with good record keeping guidance and provide an audit trail for decisions.

11.1.2 The Department handles a vast amount of information relating to specific topics and policies as well as records of decisions, action taken and the rationale behind these decisions. NICS records are a vital public asset and are required to ensure the effective operation, openness and accountability of each department. Like any asset, records require careful management and the Department follows NICS policies regarding departmental responsibilities and activities in this respect.

11.1.3 In addition to the NICS wide policies and guidance relating to record keeping which are shared with new staff as part of the NICS Induction programme, there is some guidance specific to the Department which is available to all staff on the Information Management hub on the Department's Intranet. Staff are also required to undertake annual training on *Data Protection Essentials*, and *Freedom of Information Essentials* both of which make reference to record keeping.

11.1.4 Effective records management goes a long way to ensuring that the Department has the right information at the right time to make the best-informed decisions. It also provides evidence of what we do and why, therefore protecting the interests of the Department, NICS, our staff and all who interact with the NICS. We aim to balance our commitment to openness and transparency with our responsibility as an effective information controller and processor.

11.1.5 We continually create records, and work to ensure that these are managed efficiently, made accessible where appropriate, and retained securely throughout their lifecycle. All records created in the Department are managed in line with NICS and Departmental policy,

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

or in line with specifically agreed Memoranda of Understanding or Service Level Agreements as appropriate.

### **11.2 Learning from the Renewable Heat Incentive Public Inquiry**

11.2.1 Issues arising throughout the Renewable Heat Incentive (RHI) Public Inquiry and from its report in March 2020, resulted in cultural and procedural changes with a lasting impact across all Northern Ireland Civil Service departments. These included the revision of *Codes of Conduct* for Ministers and Special Advisers, a review of *Private Office guidance*, regrading of the Private Secretary role and a renewed focus on good record management.

### **11.3 Decision Making Process**

11.3.1 A formal clearance process is operated in the Department via the 'Submission' process. This ensures that information, advice and recommendations are evidenced and presented to Minister for consideration and decision. Any additional information or advice supplied by officials in response to Minister or Special Adviser queries are formally captured and recorded, and form part of the official record. All documentation relating to Ministerial submissions and subsequent decisions is recorded by Private Office staff in the Knowledge Network casework system and by the relevant business area in Content Manager. All meetings held between Minister and officials are formally noted by Private Office staff and stored in Content Manager.

11.3.2 Decisions are formally communicated via email or the Knowledge Network casework system. Informal messaging platforms were not routinely used to communicate advice or decisions. Any limited occasions where non-corporate channels *may* have been used, to communicate an urgent decision for example, would have been transferred to corporate channels as soon as possible by a letter, internal memo, e-mail, or meeting note forming part of the official record in accordance with NICS guidance '*Official Information held in Non-Corporate Communication Channels*'.

### **11.4 Restoration / Recovery of Data**

11.4.1 The phones issued to former Ministers Hargey and Ní Chuilín were unused and therefore there was no data to recover. The government issued phone used by Mr McGinley, which he indicated had been restored to factory settings prior to return, could not be recovered from IT Assist as it had already been securely wiped and disposed of due to damage, therefore recovery of data could not be attempted.



## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

11.4.2 Informal message threads have been recovered from a number of mobile phones held by senior officials within the Department. A list of these is provided at **Annex C** and the messages have been provided to the Inquiry. The recovered messages capture the nature of the informal communications in usage during the specified period; as such there has been no attempt to recover Government issued phones used by named Senior Civil Servants which had been returned to IT Assist to be securely wiped and disposed of or reallocated in accordance with NICS and Departmental policies, therefore no recovery of data has been attempted.

### **11.5 Alternative Sources of Data**

11.5.1 Data has been recovered from a number of mobile phones used during the specified period which are still held by senior officials. Some data has also been recovered from the mobile device held by the former Departmental Permanent Secretary, Tracy Meharg. Data recovered includes various message threads with Ms Hargey, Ms Ni Chuilín, Mr McGinley and other senior officials. The message threads listed at **Annex C** have been provided to the Inquiry.

### **11.6 Departmental Actions in respect of potential data loss**

11.6.1 Departmental guidance highlights individual's responsibilities to manage records effectively, in a way that supports efficient working practice and meets the Department's legal responsibilities, stating that records of phone calls, texts or WhatsApp exchanges should be retained if related to a *substantive discussion or a decision*.

11.6.2 Not all records are or need to be preserved on the records management system. In practice the outcome of a phone call, brief discussion, WhatsApp, or text message may be further communicated or confirmed by way of an email, which would form part of the Departmental record.

11.6.3 The Department has comprehensive official records of policy development and decisions taken in responding to the pandemic. No further actions have been taken by the Department in respect of any potential loss of WhatsApp or SMS messages.

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

### **11.7 Departmental Actions to preserve Data**

11.7.1 After the Covid Inquiry was announced by the Prime Minister in May 2021, the Department focused attention on ensuring all relevant information relating to Covid decision making was retained in Content Manager, the Departmental Records Management System. Following an initial search, around 109,000 records were identified and will now remain secure from deletion until after the Inquiry has completed its work. This would not include peripheral information shared by email, text message, or WhatsApp, which was not deemed relevant, or was not otherwise transferred into official records.

11.7.2 Guidance also issued from the Head of the Civil Service, Jayne Brady in relation to record keeping and the Covid Inquiry, and reminders about record keeping were communicated to staff.

11.7.3 Any resetting of devices after this date was carried out in line with policies and procedures in place at the time, and in full expectation that any relevant information had been retained in line with records management policy and guidance, and normal operating practice.

### **12.0 Minister and Special Adviser Informal Communications Using Electronic Devices**

2.0.1 Both Departmental Ministers, Ms Hargey and Ms Ní Chuilín declined to use their government-issued mobile phones. The SpAd Mr McGinley used his government issued mobile phone to carry out Departmental business.

12.0.2 The Department holds no record of any communications between the Minister and Special Adviser using informal messaging platforms and is unable to confirm whether they used any messaging platform to communicate with each other about the management of the pandemic.

12.0.3 Mr McGinley did not share any informal communications with Private Office to store on Content Manager prior to his phone being returned to Private Office officials when he left the Department in October 2022. His phone was returned to IT Assist by Private Office officials in accordance with the '*DfC Joiners, Leavers and Movers*' policy.

12.0.4 The investigation carried out by Tracey McCavigan, Head of Internal Audit, was unable to recover Mr McGinley's phone from IT Assist as it had already been wiped and securely disposed of in accordance with policy. Therefore, it was not possible to take any further action to restore or recover information held on that device.

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

12.0.5 A table of known information is provided below:

	Minister Deirdre Hargey	Minister Carál Ní Chuilín	SpAd Ronan McGinley
<b>Use of messaging platforms to communicate with each other about the management of the pandemic</b>	Unknown what methods of communication were used between Minister and SpAd – no records held by the Department	Unknown what methods of communication were used between Minister and SpAd – no records held by the Department	Unknown what methods of communication were used between Minister and SpAd – no records held by the Department
<b>Membership of groups used to comment on the pandemic</b>	Unknown	Unknown	Unknown
<b>Participation in one-to-one chats about the management of the pandemic and the purpose of the chats</b>	<p>The following message threads may contain some information relevant or adjacent to Covid issues:</p> <p>Mark O'Donnell (issues relevant to Housing / Local Government)</p> <p>Moirá Doherty (issues relevant to Covid interventions – Arts, Community Organisations, and Sport)</p> <p>Rosheen Thompson (Minister's Private Secretary – practical and administrative issues)</p> <p>Louise Anderson Minister's Private Secretary – practical and administrative issues)</p>	<p>The following message threads may contain some information relevant or adjacent to Covid issues:</p> <p>Mark O'Donnell (issues relevant to Housing / Local Government)</p> <p>Rosheen Thompson (Minister's Private Secretary – practical and administrative issues)</p> <p>Louise Anderson Minister's Private Secretary – practical and administrative issues)</p>	<p>The following message threads may contain some information relevant or adjacent to Covid issues:</p> <p>Mark O'Donnell (issues relevant to Housing / Local Government)</p> <p>Rosheen Thompson (Minister's Private Secretary – practical and administrative issues)</p> <p>Louise Anderson Minister's Private Secretary – practical and administrative issues)</p>
<b>Was this in accordance with relevant rules and policy</b>	Yes	Yes	Yes

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Information on individuals' approach to retention or deletion of messages</b>	Unknown – personal device used. No records held by the Department	Unknown – personal device used. No records held by the Department	Unknown – no informal messaging records shared with Private Office for retention
<b>What steps were taken to ensure retention of communications on government issued devices</b>	No additional steps beyond the Department's established records management practices	No additional steps beyond the Department's established records management practices	No additional steps beyond the Department's established records management practices

### 13.0 Auto Delete Functionality

13.0.1 The extent of Ministers' and Special Adviser's use of informal messaging is unknown as the Special Adviser's device is unavailable and the Ministers' government issued devices were returned unused. It is also unknown if any auto-delete functionality was used. The WhatsApp and SMS message threads that have been recovered from other sources would indicate that auto delete functionality was not in use by either Minister or the Special Adviser routinely, if at all.

13.0.2 There is no policy or guidance that covers automatic deletion of information relating to government business. NICS and Departmental records management guidance states that all work-related information which forms part of the official record is to be stored appropriately in Content Manager.

13.0.3 No instruction or communication was given by the Department to Ministers, Special Advisers or Senior Civil Servants to delete any messages from their government issued devices.

13.0.4 It should be noted that due to limited server storage, individuals have to manage the number of emails in their inbox and may delete large messages once relevant information has been stored in Content Manager, to assist with this. E-mails autodelete from mailboxes after 3 months in accordance with NICS IT Policy.



## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

### 14.0 Statement of Truth

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

**Personal Data**

**Signed:**

**Colum Boyle**

**Permanent Secretary, Department for Communities**

**Dated:** 25 March 2024

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

### Annex A – Mobile Devices: DfC Position

Name	Mobile phone	I-Pad	Laptop	Notes
<b>Minister Deirdre Hargey MLA</b>	Government issued phone not used – returned to IT Assist Nov 22	Government issued – returned to IT Assist Nov 22	Government issued – returned to IT Assist Nov 22	Left DfC 27 Oct 2023
<b>Minister Carál Ní Chuilín</b>	Government issued phone not used – returned to IT Assist Jun 21	Government issued – allocated to SpAd December 2020	Government issued – returned to IT Assist Jun 21	Minister June – Dec 2020
<b>Special Adviser Ronan McGinley</b>	Government issued – returned to IT Assist Nov 2022	Government issued – returned to IT Assist Nov 2022	Government issued – returned to IT Assist Nov 2022	Left DfC 27 Oct 2023
<b>Tracy Meharg</b>	Government issued – retained	Government issued – retained	Government issued – retained	Left DfC 21 March 2022
<b>Colum Boyle</b>	Government issued – retained	Government issued – has been replaced	Government issued – has been replaced	Did not work in DfC from Feb 2021 to April 2022
<b>Beverley Wall</b>	Government issued – New device issued November 2021, old device returned to IT Assist	Government issued – no longer held, returned to IT Assist November 2022	Government issued – returned to IT Assist on leaving DfC July 23	Left DfC July 2023
<b>Moirá Doherty</b>	Personal – retained	Government issued - retained	Government issued - retained	Left DfC July 2023
<b>Louise Warde-Hunter</b>	Government issued – returned to IT Assist April 20	N/A	Government issued – returned to IT Assist April 20	Left DfC April 2020

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Mark O'Donnell</b>	Personal – retained	Government issued - retained	Government issued - retained	
<b>Paddy Rooney</b>	Government issued – upgraded June 23; old device returned to IT Assist	N/A	Government issued – upgraded June 23; old device returned to IT Assist	
<b>Jackie Kerr</b>	Government issued – returned to IT Assist	Government issued – returned to IT Assist	Government issued – returned to IT Assist	Left DfC March 2021
<b>John O'Neill</b>	Government issued – returned to IT Assist early 2023	N/A	Government issued – retained by DfC	Left DfC early 2023
<b>Brenda Henderson</b>	Government issued – retained	N/A	Government issued – retained	
<b>Paul Price</b>	Personal – retained	N/A	Government issued - retained	
<b>David Polley</b>	Government issued – retained	N/A	Government issued – retained	
<b>Iain Greenway</b>	Government issued – retained	N/A	Government issued – retained	
<b>Kathryn Hill</b>	Personal - retained	Government issued - retained	Government issued – upgraded Feb 23; old device returned to IT Assist	
<b>Maeve Walls</b>	Government issued – returned to IT Assist July 23	N/A	Government issued – returned to IT Assist July 23	Left DfC July 2023



## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Anthony Carleton</b>	Government issued – retained	Government issued – retained	Government issued – retained	
<b>Karen Ward</b>	Government issued phone replaced – old phone retained but no longer functioning	Government issued – retained	Government issued – returned to IT Assist on leaving DfC	Left DfC May 2021
<b>Patricia McIntyre</b>	Personal – since been upgraded, no access to previous device	Government issued – retained	Government issued – retained	Left DfC Nov 2021
<b>Eamon O’Kane</b>	Government issued – retained	Government issued – retained	Government issued – retained	

## **M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

### **Annex B – List of Relevant Policies shared with Ministers on appointment to the Department.**

Use of Electronic Communications Policy

NICS Mobile Device Security Policy

NICS Guide to IT Security

Guidance for Ministers in the Exercise of their Official Responsibilities

NI Ministerial Code

Code of Conduct for Special Advisers

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

### Annex C - WhatsApp and SMS Message Threads Provided to the Inquiry

Provided by	WhatsApp Chat Name	People in Chat	Purpose of Chat	Date from	Date To	Exhibit
<b>Tracy Meharg DFC Permanent Secretary to March 2022</b>	PAC Hearing	Tony Murphy (DfC G7) Cormac Galbraith (DfC DP) Sport NI officials: Ian Weir George Lucas Antoinette McKeown John Hart	Virtual support to DfC Permanent Secretary / Sport NI for Public Accounts Committee hearing on Covid Sport Sustainability Fund	07/07/2021	09/07/2021	[Exhibit CB/20 INQ000363066]
<b>Tracy Meharg DFC Permanent Secretary to March 2022</b>	Team	Brenda Henderson Paddy Rooney Mark O'Donnell Beverley Wall Moira Doherty	Permanent Secretary and Deputy Secretary Team Chat	22/06/2021	05/03/2022	[Exhibit CB/21 INQ000363067]
<b>Tracy Meharg DFC Permanent Secretary to March 2022</b>	PSS	Andrew McCormack Katrina Godfrey Denis McMahon Peter May Mike Brennan Hugh Widdis Jenny Pyper Mark Brown Colum Boyle Anthony Harbinson	Permanent Secretaries / Head of the Civil Service chat	10/10/2020	03/05/2022	[Exhibit CB/22 INQ000363068]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

		Jayne Brady Julie Harrison				
<b>Tracy Meharg DFC Permanent Secretary to March 2022</b>	Covid Taskforce	Jayne Brady Peter Luney Colum Boyle <div>I&amp;S</div>	Advice papers for Emergency Covid Taskforce meetings received	15/12/2021	27/12/2021	[Exhibit CB/23 INQ000363069]
<b>Tracy Meharg DFC Permanent Secretary to March 2022</b>	PSS (Covid-19)	David Stirling Andrew McCormack Katrina Godfrey		17/03/2020	05/10/2021	[Exhibit CB/24 INQ000363070]
<b>Colum Boyle Permanent Secretary DoF to April 2022 / current DfC Permanent Secretary</b>	Covid Taskforce	Jayne Brady HOCS Bill Pauley DoF <div>I&amp;S</div>	Advice papers for Emergency Covid Taskforce meetings received	15/12/2021	30/06/2022	[Exhibit CB/25 INQ00036350]
<b>Colum Boyle Permanent Secretary DoF to April 2022 / current DfC Permanent Secretary</b>	PSS	Mike Brennan Andrew McCormack Katrina Godfrey Jenny Pyper Denis McMahon Peter May Hugh Widdis Richard Pengelly Mark Browne Anthony Harbinson Jayne Brady	Permanent Secretaries / Head of the Civil Service chat	10/10/2020	present	[Exhibit CB/26 INQ000363051]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

		Neil Gibson Tracy Meharg Julie Harrison				
<b>Colum Boyle</b>	W&H Group	Patricia McIntyre Anne McCleary David Malcolm Paddy Rooney Deirdre Ward Conrad McConnell	DfC Senior Work & Health Group officials chat	24/03/2020	17/06/2023	[Exhibit CB/27 INQ000363052]
<b>Colum Boyle</b>	David Malcolm	David Malcolm		16/03/2020	03/06/2023	[Exhibit CB/28 INQ000363053]
<b>Colum Boyle</b>	Team2 Alerts	Moirá Doherty Jackie Kerr Tracy Meharg Mark O'Donnell Beverley Wall	DfC Permanent Secretary and Deputy Secretary Team Chat	01/07/2020	20/05/2021	[Exhibit CB/29 INQ000363054]
<b>Colum Boyle</b>	Conrad McConnell	Conrad McConnell		08/04/2020	20/04/2021	[Exhibit CB/30 INQ000363055]
<b>Anthony Carleton</b> <b>DfC G5 – Head of DOC</b>	Health Regs Group	<b>I&amp;S</b> Mark Goodfellow Maura ? Claire Johnson Naomi Long David Hughes	Health Regulations cross departmental officials group chat	07/12/2020	13/12/2020	[Exhibit CB/31 INQ000363047]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Anthony Carleton</b>	Tracy Meharg	Tracy Meharg	DOC - Death certification	31/03/2020	31/03/2020	[Exhibit CB/32 INQ000363049]
<b>Mark O'Donnell</b>	HURLG Group Chat	Louise Warde Hunter David Polley Gerard Murray Anthony Carleton Pauline Campbell Paul Price Ciaran Donnelly Rhonda Williamson (DP) Patrick Anderson Angus Kerr Karen Purdy (DP)	DfC Housing Urban Regeneration and Local Government Group team chat	17/03/2020	present	[Exhibit CB/33 INQ000388849]
<b>Mark O'Donnell</b>	Minister Deirdre Hargey	Minister Deirdre Hargey	Re Stewart Street Development Site	23/05/2023	30/05/2023	[Exhibit CB/34 INQ000388850]
<b>Mark O'Donnell</b>	Minister Deirdre Hargey	Minister Deirdre Hargey	RE Bonfire sites	04/07/2021	04/04/2022	[Exhibit CB/35 INQ000388852]
<b>Mark O'Donnell</b>	Minister Caral Ní Chuilín	Minister Caral Ní Chuilín				[Exhibit CB/36 INQ000388852]
<b>Mark O'Donnell</b>	Ronan McGinley	Ronan McGinley				[Exhibit CB/37 INQ000388853]
<b>Moira Doherty</b>	Minister Deirdre Hargey	Deirdre Hargey		23/03/2020	21/06/2023	[Exhibit CB/38 INQ000388847]
<b>Moira Doherty</b>	Tracy Meharg	Tracy Meharg		17/03/2020	21/03/2022	[Exhibit CB/39 INQ000388848]

## M2C-COMMUNITIESNI-02 WITNESS STATEMENT

<b>Louise Anderson</b> <b>Minister's Private Secretary (Nov 20 – July 21)</b>	Minister Deirdre Hargey texts	Minister Deirdre Hargey		24/03/2020	25/02/2022	[Exhibit CB/40 INQ000363058]
<b>Louise Anderson</b>	Ronan McGinley texts 1/2	Ronan McGinley		16/03/2020	20/01/2022	[Exhibit CB/41 INQ000363060]
<b>Louise Anderson</b>	Minister Carál Ní Chuilín texts	Carál Ní Chuilín		09/11/2020	19/12/2020	[Exhibit CB/42 INQ000363061]
<b>Louise Anderson</b>	Ronan McGinley texts 2/2	Ronan McGinley		16/03/2020	20/01/2022	[Exhibit CB/43 INQ000388845]
<b>Louise Anderson</b>	Tracy Meharg	Tracy Meharg		13/10/2020	31/01/2021	[Exhibit CB/44 INQ000388846]
<b>Rosheen Thompson</b> <b>Minister's Private Secretary (Jan 20 – Nov 20 &amp; Aug 21 – May 22)</b>	Minister Deirdre Hargey	Minister Deirdre Hargey		04/08/2021	04/03/2022	RT/1
<b>Rosheen Thompson</b>	Minister Carál Ní Chuilín	Carál Ní Chuilín		20/08/2020	20/08/2020	[Exhibit CB/46 INQ000363062]
<b>Rosheen Thompson</b>	Minister Deirdre Hargey texts	Deirdre Hargey		06/08/2021	15/05/2022	[Exhibit CB/47 INQ000363063]

**M2C-COMMUNITIESNI-02 WITNESS STATEMENT**

<b>Rosheen Thompson</b>	Minister Carál Ní Chuilín texts	Carál Ní Chuilín		27/07/2020	11/11/2020	[Exhibit CB/48 INQ000363064]
<b>Rosheen Thompson</b>	Ronan McGinley texts	Ronan McGinley		10/11/2020	15/02/2022	[Exhibit CB/49 INQ000363065]