

FROM: MICHAEL KENNEDY
TO: HOCS
DATE: 11 AUGUST 2023
RE: MOBILE DEVICES USED BY FORMER MINISTERS AND SPECIAL ADVISERS

Copied to: Denis McMahon
Jane Holmes

Background

1. I made you aware last Friday of the letter dated 31 July 2023 from the Covid Inquiry advising us that a Rule 9 would issue regarding informal communications between our former Ministers and Special Advisers as well as our senior officials. The letter asks for information regarding informal communications used by Minister, SpAds and senior officials in relation to the pandemic.
2. I also advised you that some of the mobile devices allocated to our former Ministers and Special Advisers had been reset when Ministers left office to be ready for use by incoming Ministers and Special Advisers

Factual Summary

3. Since then, we have been working to determine:
 - What has happened across the system?
 - Which phones have no information on them.
 - How each phone was handled.
 - Where there are gaps in the information we require.
4. DSO shared the letter from the Inquiry (with their permission) with legal teams for each department to determine the status of mobile devices across the NICS.
5. The table below summarises what we know at this stage. Further information is required.

Department	Status of device & explanation
DAERA	Both DAERA Ministers phones returned to IT Assist to be reset. Nothing in PO possession
DfC	Minister issued with NICS mobile phone, laptop and iPad. All devices were reset.
DfE	Minister’s phone reset. Staff on leave – no further information till Monday earliest
DE	Minister Weir’s mobile phone reset.
DoF	
DoH	Minister Swann’s mobile phone reset.
DfI	Minister & SpAd were issued NICS mobile phones, laptops and iPads. All devices were reset.

DoJ	
TEO	FM, dFM and SpAd devices reset

Timeline

6. Please see below a timeline setting out key events relevant to this matter.
- 12 May 2021: Prime Minister announces a UK-wide Public Inquiry into the Pandemic
 - 31 May 2021: Arlene Foster resigns as First Minister
 - 14 June 2021: letter from Darren Tierney, DG, Propriety and Ethics regarding record retention for the Covid-19 Independent Inquiry issued from HOCS to Permanent Secretaries, advising that the contents of the letter apply equally in the NICS
 - 25 June 2021: Advise from Chris Stewart to TEO colleagues regarding retention of relevant documents, emails, text messages, etc.
 - 16 September 2021: note from HOCS to Permanent Secretaries regarding Retention of Material including text messages and WhatsApp.
 - 17 September 2021: correspondence from HOCS to permanent Secretaries dated 16 September 2021 issued from TEO Permanent Secretary to Grade 3s.
 - 11 March 2022: draft Terms of Reference published for consultation.
 - 28 June 2022: Inquiry was formally established under the Inquiries Act (2005)
 - 20 July 2022: final Terms of reference published.
 - July 2022: reminder from HOCS to Permanent Secretaries regarding Retention of Material
 - 28 October 2022: reminder from HOCS to Permanent Secretaries regarding Retention of Material

Next Steps

7. This would include:
- Writing to the Inquiry Leal Team to advise them that this has happened (please see attached draft email from DSO).
 - DSO working further with Private Offices across the NICS to determine how each device was handled.
 - Working with colleagues in comms to develop lines to take, and

- Asking other parties named in the list if they have their phones and to export full strings of informal communications relevant to the Inquiry, including elements that may be personal or not immediately relevant.