

HEAD OF THE CIVIL SERVICE
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FROM: JAYNE BRADY
HEAD OF NI CIVIL SERVICE

TO: PERMANENT SECRETARIES

DATE: 14 NOVEMBER 2023

Our ref: SSUB 239/23

I previously wrote to you in September 2021, July 2022 (SSUB 76/22) and October 2022 to seek assurance that your department continues to meet its obligations to UK Covid-19 Inquiry to provide relevant records, information and data as requested. This includes ensuring that no material that falls into scope in current Modules or may fall into scope for future Modules is destroyed, as well as ensuring that any public bodies and or Arms' Length Bodies for which your department is responsible for are adhering to the same principles.

It is important that the NICS continues to work with the Inquiry openly and transparently. Any significant loss of documentation or other records will cause delay, impede supportive preparation of any witnesses, increase costs and could harm the reputation of the NICS.

With the Module 2C Preliminary Hearing (PH) taking place on 12 December 2023, it is timely that Departments reinforce the need for all material that falls within scope of the Inquiry, including potential future Modules, to be retained for disclosure to the Inquiry. This is particularly so since it highly likely that the issue of record retention and disposal will discussed at the PH.

What does this mean for Business areas and individuals?

Under section 35 of the Inquiries Act 2005 it is an offence to alter, destroy or prevent relevant documents from being provided to the Inquiry. Documents that may be relevant

to the Inquiry, considering the Inquiry's Terms of Reference, must be securely retained and kept accessible in case they need to be disclosed to the Inquiry.

A 'document' is anything that records information. This includes records of decisions, the process by which decisions were reached, and the evidence and data used to support them.

It doesn't matter what format the information is held on, or the type of device or system. It could be saved on computers, or on mobile phones or social media, such as WhatsApp.

Examples of the different types of formats include:

- Note pads & 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)

It is important that the 'metadata' for electronic 'documents' is retained. 'Metadata' covers information which includes details of authorship and the date of modification of documents.

I would also like to advise you that the Module 2C Inquiry Legal Team has recently asked TEO to assess the volume of notebooks that were used during the pandemic by officials who have received Rule 9 requests for a witness statement. It is likely that you and your senior officials will be asked to provide the same information.

Action Required

Continue to save any documents which could be considered potentially relevant to the Inquiry. If in doubt, err on the side of caution.

Departments should consider suspending any routine document destructions policies that are in place for potentially relevant documents for the lifetime the Inquiry.

Under the upgrading of mobile phone devices policy, it is normal practice to return previous models, which are reset or destroyed. Officials who may have relevant material on devices are advised to retain them for the duration of the Inquiry.

I ask that this message is cascaded down to all staff within your department.

Personal Data

JAYNE BRADY
Head of the Northern Ireland Civil Service

CC:

Karen Pearson
Gareth Johnston
Tom Reid
Claire Archbold
Chris Stewart
Jane Holmes

NR

TEO Covid Inquiry