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FROM: JAYNE BRADY
HOCS

TO: PERMANENT SECRETARIES

DATE: 24 AUGUST 2023

**RE: ERASURE OF EVIDENCE POTENTIALLY RELEVANT TO THE COVID-19
INQUIRY ON MOBILE DEVICES USED BY FORMER MINISTERS AND SPECIAL
ADVISERS**

Background

I am writing to you in relation to the possible erasure of material held on mobile devices that is potentially relevant to the statutory Covid-19 Public Inquiry on behalf of the Inquiry Reference Group I chair.

2. You will have received a copy of a letter dated 31 July 2023 from the Covid Inquiry advising that a Rule 9 would issue regarding informal communications used by our former Ministers and Special Advisers as well as our senior officials.

3. You will be aware that a number of communications on the necessity to retain all material potentially relevant to the Inquiry before Ministers left office have been issued.

4. Since then, I have been advised that some of the mobile devices allocated to our former Ministers and Special Advisers were reset when Ministers left office and all data on them erased.

5. The Inquiry has been advised of the situation and are taking the issue very seriously. This is a serious matter and could have potential criminal repercussions as per section 35 of the Inquiries Act.

Internal Investigation

6. The HOCS Inquiry Reference Group has commissioned an internal fact-finding investigation to determine the circumstances for each mobile device. Terms of Reference for the investigation are attached.

Next Steps

7. The Group Head of Internal Audit is leading the fact-finding investigation with immediate effect. I would strongly recommend that you consider the Terms of Reference and agree to be included in the investigation to ensure a consistent approach is taken across the NICS.

8. All relevant mobile devices used by former Ministers and SpAds will need to be handed over to the Fact-Finding investigation for analysis. Contact details for each Private Office have been provided to the Investigation team and I would be grateful if you could emphasise with them the importance of their full cooperation with the investigation.

9. It is essential now that all Senior Civil Servants retrieve and securely store full threads of messages and WhatsApp communications relevant to the Inquiry, which is held on mobile devices used by them, if that has not already been done. You may wish to also consider information that may be held on devices used by junior officials depending on the role they held during the pandemic.

10. The guidance on how to download messages will be re-circulated along with a summary of previous communications to assist staff in ensuring no further information is inadvertently erased.

11. An extraordinary meeting of PSG is being convened to discuss this matter. An electronic invite has issued to you for Tuesday 29 August at 17.00 via Teams. I would appreciate if you could make every effort to facilitate your attendance. However, if this is not possible, please notify my office of your Grade 3 deputy.

12. I appreciate this is likely to cause concern for the officials involved and would ask that you are mindful of this and remind them of support available through line managers and the support package that is available via the following link: [Covid Inquiry - Support for Staff | Staff Service | NICS Intranet \(nigov.net\)](#).

13. Legal support is also available through DSO to anyone who wishes to avail of it.

Personal Data

JAYNE BRADY
Head of the Northern Ireland Civil Service