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Statement No.: WO716001

Exhibits: WITN0716002 – WITN0716034

Dated: 1 December 2018

INFECTED BLOOD INQUIRY

FIRST WRITTEN STATEMENT OF THE WELSH GOVERNMENT

I, Marlize Palmer, will say as follows: -

Health and Social Services Group, Welsh Government record-keeping and archiving system(s):

Background to the Welsh Government's Health and Social Services Group

Welsh Board of Health, 1919-1969

1. The Welsh Board of Health was formed in 1919 and was wound up in 1969 and many of its functions were passed to the then newly-formed Community Health Division of the Welsh Office.

2. The functions of the Minister of Health (Mr Bevan, 1945) in Wales were performed through the Welsh Board of Health and in circulars from the Department of Health to local authorities.

3. By 1964, under powers delegated by the Minister of Health, the Welsh Board of Health was responsible for general supervision of the hospital, specialist and

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mental health services; the general medical, dental, pharmaceutical and supplementary ophthalmic services; the welfare foods and food hygiene services; the artificial limb and appliance service; the Regional Medical Service; and Port Health. It also supervised the health and welfare services provided by local authorities. Executive responsibility for these functions remained with the Minister of Health.

The Welsh Office, 1965 - 1999

4. The Welsh Office was a department of the Government of the United Kingdom with responsibilities for Wales. It was established in April 1965 to execute government policy in Wales, and was headed by the Secretary of State for Wales, a post which had been created in October 1964.

5. The Welsh Office took over functions from other departments relating to economic planning, housing, local government, sewerage, environmental health, town and country planning, Welsh national parks, historic buildings, and cultural activities.

6. By 1969, the role of the Welsh Office had expanded to also cover responsibility for health and welfare services. This new function was managed by the Welsh Office's Community Health Division. By 1979, the Welsh Office had full responsibility for health matters in Wales. In many areas of their work, the Health and Social Work Departments operated in a similar way to the Department of Health in England. The "health department" was known by a variety of names during this period:

- Welsh Office, Community Health Division, 1969-1971
- Welsh Office, Community Health and Welfare Division, 1971-1973.
- Welsh Office, Health and Social Work Department, (1975)
- Welsh Office, Health Department (WOHD) 1989-1999

The National Assembly for Wales (NAfW): 1999 - 2006

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7. The Government of Wales Act 1998 provided for the establishment of the National Assembly for Wales following the affirmative devolution referendum in September 1997. The Act also provided for the transfer of all the powers of the Secretary of State for Wales to the new Assembly.

8. In October 2002 a substantial increase in the future resources to be allocated to health in Wales were announced.

9. 'Well Being in Wales', set out the National Assembly for Wales' vision for an integrated approach in which different policies and programmes add value to each other in tackling the economic, social and environmental factors that affect people's health. It was adopted by the Assembly in December 2002 following plenary debate.

The Welsh Assembly Government (WAG): 2006 - 2011

10. The Government of Wales Act 2006 fulfilled HM Government's commitment to move the Welsh devolution process forward. It had two key elements, which were implemented in May 2007:

- formal separation of the National Assembly for Wales and the Welsh Assembly Government to provide clarity of the respective remit and role of the legislature and the executive, and to improve effective scrutiny
- enhanced legislative powers for the Assembly through a new category of legislation called Assembly Measures, so that legislative priorities for Wales are secured more quickly and easily than through provisions in bills passed by the UK Parliament

11. The policies of the Welsh Assembly Government[1] aimed to promote health and develop a health service, not an illness service. These themes were given a

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[1] March 2006:
https://www.webarchive.org.uk/wayback/archive/20060329120000/http://www.wales.gov.uk/subihealth/hscwb/hscwb-page1-e.htm

strong endorsement in the 2006 'Review of Health and Social Care in Wales'[2] report, which looked at the whole system of health and social care.

12. From 1 April 2007, the Office of the Chief Medical Officer (OCMO) and the Office of the Chief Nursing Officer (OCNO) joined forces to create one new department - the Department for Public Health and Health Professions. The new Department provides public health, and health professionals, leadership within and across the Welsh Assembly Government.

13. The Chief Medical Officer (CMO) provides independent professional advice and guidance to the First Minister and other Welsh Assembly Government ministers, and to officials in the National Assembly for Wales on health and healthcare matters.

Welsh Government (WG) 2011 - present

14. In 2011 the Welsh Assembly Government changed its name to the Welsh Government in order to avoid on-going confusion between the legislative and executive.

15. Health and Social Services/NHS Wales - The Welsh Government's Departments are headed by senior civil servants. The Director General for Health and Social Services is Dr Andrew Goodall who is also Chief Executive of NHS Wales. As Chief Executive (NHS Wales) he is accountable to the Cabinet Minister for Health and Social Services, and is responsible for providing him with policy advice and exercising strategic leadership and management of the NHS.

16. The Department for Health and Social Services advises the Welsh Government on policies and strategies for health and social care in Wales. This includes contributing to relevant legislation and providing funding for the NHS and other related bodies.

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[2] http://www.wales.nhs.uk/documents/wanless-review-e.pdf accessed on 29 November 2018
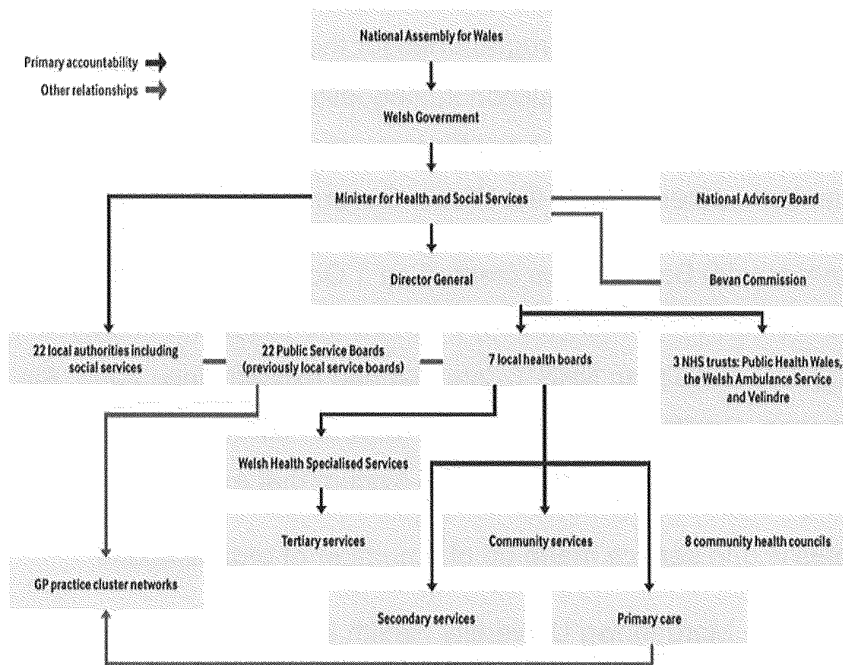
17. The Chief Medical Officer holds the appointment of Director of the Department for Public Health and Health Professions. The Office of the Chief Medical Officer (OCMO) leads on policy and programmes for the protection and improvement of people's health and for the reduction in inequalities in health. It also provides professional and medical advice to Ministers, the Health & Social Care Department and other parts of the Welsh Government.

18. The current Health Boards were created on 1 October 2009 following a reorganisation of NHS Wales (2006) that saw the abolition of 22 Local Health Boards (LHBs) and seven NHS Trusts that had existed since 2003. Since the reorganisation, Health Boards are responsible for delivering all NHS services, rather than the two-tiered Trust and LHB system that existed previously.

19. NHS Wales is one service made up of a number of organisations:

- Abertawe Bro Morgannwg University Health Board

- Aneurin Bevan University Health Board

- Betsi Cadwaladr University Health Board

- Cardiff & Vale University Health Board

- Cwm Taf University Health Board

- Hywel Dda University Health Board

- Powys Teaching Health Board

    - Community Health Councils

    - Hospitals

    - Local Health Boards

    - NHS Trusts

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Figure 1: Organisation of health and social care in Wales

Primary accountability ➡
Other relationships ➡

National Assembly for Wales

Welsh Government

Minister for Health and Social Services — National Advisory Board

Director General — Bevan Commission

22 local authorities including social services | 22 Public Service Boards (previously local service boards) | 7 local health boards | 3 NHS trusts: Public Health Wales, the Welsh Ambulance Service and Velindre

Welsh Health Specialised Services

Tertiary services | Community services | 8 community health councils

GP practice cluster networks

Secondary services | Primary care

20. Additional information on the history of the Health and Social Services Group is available in exhibit **[WITN0716002]**.

Penrose Inquiry

21. The Welsh Government did not provide any information to the Penrose Inquiry.

Information and Records Management practices 1965 - present

Welsh Office (WO) 1965 – 1999: Registry and Docket book system (1965 to 1994)

22. Since its establishment in April 1965 the Welsh Office operated a centralised registry filing system to help manage its records. Registry staff, working with colleagues in the business, opened, managed and disposed of Welsh Office registered files, including those of the Health and Social Services area.

23. When the Welsh Office inherited functions from other government departments, it also inherited the staff and the filing systems they used. In most cases, a complete regional office was transferred which continued to follow its own existing practices and continued to use the same systems. It was not until the early 1990s, with the introduction of an electronic registry system (RecFIND) that a comprehensive registry system was introduced into the Welsh Office. Throughout the existence of the Welsh Office, new file prefixes were created as new units and functions were introduced. This has resulted in a profusion of prefixes, some lasting only for a short period. There was duplication of prefixes across the Welsh Office. There were often two or more series in existence at the same time covering the same functions, though belonging to different units, and it is no longer clear which was the lead division.

24. The Welsh Government introduced computers and printers across its global network between 1992 and 1994 and shared drives between 1995 and 1999. A 'print-to-paper' policy operated from 1994/95. The Welsh Assembly Government maintained a 'print-to-paper' policy for its records until 2010 when the Registry system was replaced with the rollout of our Objective[3] Electronic Content Management (ECM) system, iShare.

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[3] For further information, visit www.objective.com

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25. Prior to the introduction of the Freedom of Information Act in January 2000, and its full implementation in January 2005, the Welsh Assembly Government did not have a strategic records management function with a formally agreed records management policy. TNA guidance and procedures were followed. The Welsh Assembly Government introduced its first records management policy in 2001 **[WITN0716003]**.

26. Our records management policies are regularly updated to reflect changes in legislation, changes in government machinery, internal changes in how we work, etc. Our policies were updated in 2003 **[WITN0716004]**; 2006 **[WITN0716005]**; 2013 **[WITN0716006]** and 2018 to include GDPR and the Data Protection Act 2018 changes **[WITN0716007]**.

27. Registry staff members were responsible for opening files for Welsh Office staff to file the papers they had created as part of their work. Files were opened and registered based upon an analysis of the Welsh Office's requirement to maintain accountable records of particular activities and its information needs. The type of records which were placed on Welsh Office registered files included:
   • policy papers (reports, correspondence, etc.)
   • minutes, circulated papers etc. of meetings
   • papers relating to the preparation of legislation
   • research and development papers
   • casework

The Registry and the Life of Records

28. The Registry staff were responsible for the creation (file opening), location, storage, retrieval and safekeeping of all records which had a 'put away' (PA) date of less than 12 months. They also operated a PA date system where all semi-current registered paper files were closed after a maximum of five years.

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29. Five years[4] after a file had passed out of active or semi-active use by Welsh Office departments, the Registry staff carried out "first review" when they decided whether the file had any continuing administrative value to the organisation or could have administrative value in the future. Some files were destroyed immediately and others were earmarked for destruction without further review after a 10 year period. 25 years after a file was created (supposing it survived 1st review) reviewers in Welsh Office's Registry, under TNA supervision, carried out "second review" at which point they decided whether the file had 'historical' value. Those that did have been transferred to TNA.

30. TNA advice on how to decide which records are of historical value has been given in various manuals for government departments and through the Acquisition and Disposition Policies and the accompanying Operational Selection Policies[5] (OSPs). There was no specific OSP for Welsh Office records for the period 1965-1979. No policies and procedures were in place for archival review prior to 1979. Welsh Office staff operated a 'file-by-file' review to decide whether a file and/or file series should be preserved or destroyed.

31. OSP 7 covering the Welsh Office from 1979 – 1997 was published in November 2005 and is available at **[WITN0716008]**. Record-keeping staff applied the criteria set out in OSP 7 when selecting records/files for permanent preservation and transfer to TNA. Blood transfusion was not listed as a subject area for preservation. Blood transfusion was not listed in our subsequent OSPs either Operational Selection Policy (OSP) 59 (1997-2006) **[WITN0716009]**; Operational Selection Policy (OSP) 60 (2006-2011) **[WITN0716010]**; and Operational Selection Policy (OSP) 61 (2011-2016) **[WITN0716011]**.

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[4] The volume of files to be reviewed increased substantially in the 1990's and 1st review was mostly undertaken 10 years after a file had passed out of active used.

[5] http://www.nationalarchives.gov.uk/information-management/manage-information/selection-and-transfer/selecting-records/osp-number/

32. The timing of disposal for common administrative records was regulated by TNA's 'model retention schedules' and supported by general guidelines provided by TNA for classes of administrative records, such as accounting records, legal records, personnel records, estate records etc.

Storage of Inactive Hardcopy Files ('archives' for inactive records)

33. In the 1980's additional off-site storage was required to house inactive files. A warehouse known as 'Curran Embankment', Cardiff was rented and managed by Welsh Office record-keeping (Records Centre) staff members. A warehouse locally known as 'Neptune Point' replaced Curran Embankment in June 2000. In June 2012 the Records Storage Project was established to transfer our physical records from Neptune Point to an outsourced storage provider. Neptune Point was decommissioned in December 2014. The Welsh Government now stores its inactive records/files with Iron Mountain[6]. Iron Mountain looks after the classification, storage, access and security of Welsh Government archived paper records (inactive files).

Key record-keeping guidance 1965 to 2000

34. No key internal guidance regarding the system for the period 1965 to 2000 exists in the form of a document(s). It seems that hard copy files for the period 1965 to 1994 were destroyed when the new electronic registry system, RecFIND was introduced. Some files were also destroyed when they reached their maximum retention period (i.e. 30 years). The phrase '30 year rule' is commonly used to describe the point at which records created by government departments are transferred to The National Archives, and at which most of these records are released to the public. In fact there is no single 'rule', but two rules that work together: The Public Records Act, which requires government

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[6] Iron Mountain stores and protects billions of information assets, including business documents, backup tapes and electronic fi les as well as medical data, music recordings and more for organisations around the world.

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departments to transfer records to The National Archives by the time they are 30 years old & The Freedom of Information Act, which requires most records to be released to the public by the time they are 30 years old. The Freedom of Information Act states that records should be released unless a specific exemption applies. Exemptions (for example, 'formulation of government policy') fall away after certain periods of time, mostly at 30 years. Therefore, many records that can be kept closed while they are under 30 years old have to be opened when they reach the point of 30 years after creation. Most records transferred to The National Archives are either already open, or are opened at 30 years.

35. The UK Freedom of Information Act (FoI) was passed in 2000 and came into full operation on 1 January 2005. The Act created a right of access to official information and places a duty on public authorities to publish information in accordance with "publication schemes". In addition, the Act encouraged all public authorities to maintain their records in accordance with the provisions of a Code of Practice issued by the Lord Chancellor under section 46 of the Act giving guidance on the keeping, management and destruction of records (the so-called the Records Management Code). The impact of the Freedom of Information Act on public services and records management in particular has been significant. The National Archives Model Action Plans and Evaluation Workbook and Methodologies also had an impact on the Welsh Assembly Government's record-keeping. It helped us to develop records management policies, procedures and ensured that our records management systems conformed to the Records Management Code. Most of the Welsh Assembly Government's records management policies and procedures were introduced after 2000. For example Welsh Assembly Government Records Management Policy 2003 [WITN0716004]; Welsh Assembly Government Records Management Policy 2006 [WITN0716005]; the Welsh Assembly Government Records Management Manual 2006 [WITN0716012] and Records Management Procedures 2010 [WITN0716013].

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36. Record-keeping staff apply the criteria set out in OSP 7; 59; 60 & 61 when selecting records/files created between 1997 and 2016 for permanent preservation and transfer to TNA. Files not selected for preservation and transfer are destroyed. Our operational selection policies are available at:

- Operational Selection Policy (OSP) 7 (1979-1997) **[WITN0716008]**
- Operational Selection Policy (OSP) 59 (1997-2006) **[WITN0716009]**
- Operational Selection Policy (OSP) 60 (2006-2011) **[WITN0716010]**
- Operational Selection Policy (OSP) 61 (2011-2016) **[WITN0716011]**

37. In 2010 the Constitutional Reform and Governance Act amended the Public Records Act 1958/1967 and shortened the review cycle for government files from 30 to 20 years. Reviewed documents with historical value are permanently preserved by The National Archives (TNA) at Kew in West London. The gradual transition to the "20 Year Rule" began in 2013 and the Welsh Government needs to complete this transition by 2023.

Prefixes relevant to the Infected Blood Inquiry

38. The most relevant prefixes to the Infected Blood Inquiry are:

Period in which files were created (opened)	Prefix and Main Theme	Files and/or file series
Welsh Office (WO) 1965 – 1999	XBA	23
Welsh Office (WO) 1965 – 1999	XHP	63

For more information on how 'XBA' and 'XHP' were identified as 'most relevant to the Inquiry' see exhibit **[WITN07160014]**. A large number of these files,

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especially those created before 1994, were destroyed as a result of the 20 Year Rule. A list of all hard copy files destroyed is available at **[WITN0716015]**.

39. Other Health Prefixes used by the Welsh Office between 1979 – 1997 and listed in the Welsh Government's Operational Selection Policy OSP 7 **[WITN0716008]** are:

    AHS; CAH; CH; CHN; DM; EHC; FPM; FPS; GHS; HAS; HBSS; HF; HL; HM; HMWA; HP; HPB; HS; HSD; HSP; IHD; LASS; LS; MHS; MPB; MS; MISC; NAA; NHSR; PGS; PH; RM; SWS; SPB; XBA; XDE; XEC; XHP; XHQ; XVA; XX

National Assembly for Wales (NAfW) and Welsh Assembly Government (WAG) 1999 – 2011: 'RecFIND' record-keeping system (1994-2010)

40. RecFIND was the Welsh Assembly Government's electronic registry from 1994 to 2010. Records were managed by Records Services staff and were operationally split into two distinct areas: the Records Unit and the Records Centre. There were two Records Units in Cathays Park – on the ground floor, CP2 and HR Division, CP1, which served the whole of the Welsh Assembly Government. These Units were responsible for the creation, location, storage, retrieval and safekeeping of all records which had a put away (PA) date of less than 12 months. The RecFIND registry system had no built-in security or information retention rules. Retention and disposal was managed by writing the retention period on the file cover and undertaking 'file by file reviews'.

41. Records Unit responsibilities were:
    - opening, registering and indexing new files, after agreeing the title with the Division;
    - providing advice on, and authorisation for file classification systems;
    - recording the movement of files;
    - storing files and operating the "Put Away" (PA) system;
    - retrieving or locating registered files which were in Records Unit custody; and

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- referring security classified files to Divisions for review of their classification;

42. The Records Centre, at Neptune Point, Cardiff, was responsible for the retrieval and long-term storage of all Welsh Assembly Government inactive records/files. The Centre carried out periodic reviews of appropriate records/files and liaised closely with The National Archives in considering which inactive records should be destroyed or should be transferred to them for long term preservation.

43. The Records Centre, was responsible for:
- providing secure storage facilities for active and semi-active registered files and vital records
- providing a four-hour retrieval service for files stored at the Records Centre
- identifying registered files required for review
- approving (with the DRO) retention and disposal policies for Departmental records
- operating retention/disposal schedules by authorising the destruction of selected records
- selecting those records worthy of permanent preservation in The National Archives
- ensuring that records not selected were destroyed in accordance with the requirements of The National Archives
- identifying residual sensitivity in records selected for long term preservation at the TNA.

Prefixes relevant to the Inquiry

44. A general search across all the paper files listed in iShare for the period 1999-2010 containing the search terms "blood; Creutzfeldt-Jakob disease (CJD); Hepatitis C virus (HCV); hepatitis B virus; human immunodeficiency virus (HIV)' AIDS; and Syphilis" returned the following prefixes with the largest number of hard copy files which might be most relevant to the Infected Blood Inquiry:

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Period in which files were created (opened)	Prefix and Main Theme	Files and/or file series
Welsh Assembly Government (WAG) 1999 – 2010	A--XBA > XBA BLOOD >	58
Welsh Assembly Government (WAG) 1999 – 2010	A--HCW > HCW SPECIALISED SERVICES - ADULT > BLOOD SERVICES	11
Welsh Assembly Government (WAG) 1999 – 2010	A--XHP	55
Welsh Assembly Government (WAG) 1999 – 2010	A--XVE > XVE COMMUNICABLE DISEASES > INFECTION & CROSS INFECTION	27
Welsh Assembly Government (WAG) 1999 – 2010	XBA > XBA FORMER REGIONAL SERVICES > BLOOD TRANSFUSION SERVICE	23

45. A large number of these files, especially those created before 1994, have already been destroyed as a result of the 20 Year Rule. A full list of all Welsh Government Health and Social Care Group's prefixes (iShare export) is available at **[WITN0716016]**. Hard copy files held at the Welsh Government which were not transferred to The National Archives or destroyed are listed at **[WITN0716017]**. These files (housed in CP2, room 141) will be made available to the Inquiry.

46. Information on our RecFIND electronic registry system was migrated to iShare (our ECM) in 2008 as part of Phase 1 of the iShare roll-out. iShare is used to manage our hardcopy paper files. We hold a large number of files and file parts:

Physical File Part - Location Analysis Summary		
Location	File Part Count	Comment / Explanation
Iron Mountain	6,72,350	In Iron Mountain storage or in transit to/from Iron Mountain. Iron Mountain is our current outsourced hard copy file storage facility.
Missing	197,340	Flagged as missing or in locations which no longer exists e.g. Neptune Point, your previous file storage facility. It also includes files 'destroyed' but not recorded because our electronic registry system, RecFIND did not have the facility to record file destructions.
With WG Officer	81,894	Marked as being with a specific individual (WG staff member).
External Organisations	3,320	Marked as with external organisations e.g. Police, RCAHMW, TNA, etc.
Generic Locations	60,197	Marked as being with WG office (for example Aberystwyth) but not a specific individual.
Total File Parts	1,015,101	

Shared Drives

47. The Welsh Office started working digitally from around 1994 when the first PCs arrived on staff members' desks. Prior to the introduction of our current ECM, iShare, in 2010 we stored our records in file systems (sometimes referred to as shared drives) which had no formal controls in place. It was easy to delete and alter information stored on shared drives. The management of emails and electronic records presented a significant challenge. To overcome this challenge we operated a 'print to paper' policy where all important documents and emails were printed and filed on hard copy files.

Welsh Government 2011 – present: Objective Enterprise content management (ECM), known as iShare 2010 – present

48. The Welsh Government uses iShare, an ECM system from Objective as our central information repository. The rollout of iShare was completed in 2012 and it replaced the various shared drives and information storage systems (UNIX system for agriculture information) the Welsh Government previously used. This allowed us to better share information with colleagues and collaborate with stakeholders more effectively. iShare was configured around a Corporate File Plan (CFP). A CPF is an organisation-wide filing structure with built in security and information retention rules. The high level CFP is available at **[WITN0761018]**. The CFP was closed in 2017 and a phased transition from the centrally managed Corporate File Plan (CFP) to the staff controlled Business File Plan (BFP) is currently underway. The Business File Plan (BFP) is the new iShare filing structure for the whole of Welsh Government and is a direct replacement for the existing Corporate File Plan (CFP). The BFP enables Welsh Government business areas to decide how they want to organise their iShare files and documents by allowing teams to create and manage their own folder structure to reflect their business requirements.

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49. iShare is our main recordkeeping system and we hold a large volume to date on iShare:

iShare Document Summary		
Type	Total Count	Total Size
Documents	23,024,813	16.27 TB
Document Versions	38,324,537	23.64 TB

50. Searches across iShare for documents containing the search terms "HCV"; "HIV" AND "Contaminated Blood"; "HIV" AND "Blood Transfusion"; "HIV" AND "Infected Blood"; "Hepatitis B" AND "Contaminated Blood"; "Hepatitis B" AND "Blood Transfusion"; "Hepatitis B" AND "Infected Blood"; "Human T-Lymphotropic Virus"; "Syphilis" AND "Contaminated Blood"; "Syphilis" AND "Blood Transfusion"; "Syphilis" AND "Infected Blood" etc. identified the following:

- Creutzfeldt-Jakob disease (CJD) – 1.51GB consisting of 4,872 documents **[WITN0716019]**

- Hepatitis C virus (HCV) – 20.1MB consisting of 81 files **[WITN0716019]**

- Hepatitis B virus - 239MB consisting of 790 files **[WITN0716019]**
- Human Immunodeficiency Virus (HIV) / AIDS – 102MB consisting of 718 files **[WITN0716019]**
- Syphilis – 0 documents
- Macfarlane Trust **[WITN0716020]**
- Eileen Trusts **[WITN0716020]**
- Skipton Fund **[WITN0716020]**
- Caxton Trustees AND blood **[WITN0716020]**
- Blood donor vetting **[WITN0716020]**
- Ross Report AND blood **[WITN0716020]**

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- Compensation AND blood **[WITN0716020]**
- Archer Inquiry AND blood **[WITN0716020]**
- BBV action plan AND blood **[WITN0716020]**
- NHS blood products **[WITN0716020]**
- Information held on shared drives, including Welsh Office Department of Health (WODH) shared drive **[WITN0716021]**

51. Not all the documents identified above will be relevant to the Infected Blood Inquiry. These datasets also contain a significant number of duplicates, probably between 30% and 40%[7].

Penrose Inquiry

52. The Welsh Government did not provide any information to the Penrose Inquiry. We do however hold general information on the Penrose Inquiry on our systems. These are available at **[WITN0716022]**.

Welsh Government historical information at TNA

53. The Welsh Government's DRO and the Appraisal team are responsible for appraisal and transfer of Welsh Government records with long term preservation value to The National Archives. Appraisal is the process of distinguishing records of continuing value from those of no further value so that the latter may be eliminated. Records can possess different types or degrees of value to an organisation, which will affect how long collections need to be kept. In general, there are two layers of value:
- Primary value: the value to the organisation that created them for administrative, legal and fiscal purposes. Identifying records of ongoing business value will: assist efficient and effective administration; enable

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[7] This figure is based on duplicated identified in IICSA 'iShare and shared drive' datasets.

decision making and policy development based on current information; and allow organisations to be accountable in terms of the management of resources, as well as legal and financial scrutiny;

- Secondary value: the additional historical value to the organisation and wider society. This can include 'evidential' value derived from the way the record documented the history, structure and functions of an organisation, and 'informational' value in providing research material on persons, places and subjects. Select records for permanent preservation which show the significance of the functions and activities of the Welsh Government (see our OSPs), and which provide information relevant to themes outlined in The National Archives' Records collection policy. These records tend to include high level policy or complex case files.

54. The National Archives is responsible for co-ordinating the arrangements for the transfer and for supervising the way in which it is carried out. In the main these records will consist of those which at first review stage were deemed worthy of consideration for transfer to The National Archives. Other records may automatically select themselves in that they clearly have a public, policy or historical interest. A full list of all Welsh Government files transferred to the National Archives which might be relevant to the Inquiry is list in exhibit **[WITN0716023]**.

Welsh Government Publications

55. The Welsh Government's library holds copies of our Health and Social Services Group publications (i.e. circulars, statistical reports, strategies, consultation papers and technical advice notes) which are important from a policy and historic perspective, whether or not they reflect current policy or practice. These might be of interest to the Inquiry and are available in exhibit **[WITN0716024]**. The Welsh Health Circulars (WHC) act as a communication tool between the Health and Social Services Group and the NHS. The broad purposes of circulars and circular letters are:

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- To convey the views of Ministers on policies and priorities

- To convey consents under statutory powers

- To publicise and explain new legislation and regulations

- To explain procedures and systems

- To convey other information and advice, often of a technical or operational nature

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Health and Social Services Group's repositories & storage facilities

56. The Welsh Government has been mainly working digitally since 2010. The following systems are approved for the storage of corporate records and information. They may be used to store OFFICIAL and OFFICIAL-SENSITIVE Welsh Government information. SECRET and TOP SECRET information should be stored in accordance with the Information Security Policy. Exceptionally, there may be justification for holding records on a network drive location.

System	Definition
iShare (Electronic Document and Records Management System – EDRMS)	iShare rollout was officially completed in March 2012. It is the corporate repository for the majority of information created and received by Welsh Government officials in the course of their duties that must be retained for business or historical purposes.

System	Definition
Shared Drives	It is not technically feasible to store certain types of linked spreadsheets and databases in iShare. There are also software packages which do not natively integrate with iShare. These are stored on teams' shared drives. There must be a pointer from iShare to these repositories. It is the responsibility of the teams concerned to organise the content on these shared drives using the Retention and Disposal Schedule.

The shared drive (R:drive) is limited to the following:

• complex interlinked spreadsheets which are not compatible with iShare. iShare provides a level of compatibility with interlinked spreadsheets and advice should be sought from Information and Records Management on compatibility.

• Active Access databases which should not be stored in iShare. Non-active Access databases and periodic snapshots of Access databases should be stored in iShare.

The shared drive (S: drive) is limited to the following:

• temporary storage for software which does not directly integrate with iShare. The information should be manually added to iShare and removed from the drive at the earliest opportunity.

• storage of video files until such time that a more suitable solution can be found.

The S: drive is limited by size and teams must manually move information to iShare as soon as possible.

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System	Definition
HR Self Service (previously "Snowdrop")	Human Resources management software – for HR administration e.g. annual leave and sickness absence
SAP Finance System	The Welsh Government corporate financial management system.
PPIMS	The Welsh European Funding Office's (WEFO) Project and Programme Information Management System (PPIMS). PPIMS holds records of all projects that have received a verification visit, holding the necessary data for the EU Commission.
CaSSI	An integrated, customer focused self-service IT system for Care Inspectorate Wales (CIW). The CaSSI system stores information in iShare using application level integration which is invisible to the user.
EDDMS	An ICT system to manage roads projects within Transport: https://wag.causeway.com
IRIS	An integrated, customer focused self-service IT system for Cafcass Cymru. The Cafcass Cymru CRM system stores information in iShare using application level integration which is invisible to the user. The database also contains information about the service users, court hearings etc.

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System	Definition
Iron Mountain (enterprise information management services company)	Iron Mountain is our outsourced and off-site storage provider, for inactive hardcopy paper files. Inactive paper files stored at Iron Mountain are listed on our ECM, iShare. Iron Mountain also keeps a separate database to help them manage, retrieve and track the movement of hard copy paper files.

57. The following systems are in use but are not Corporate Information Management Systems:

System	Definition
iShare Home Folder	Staff may need to save information which does not form part of the Welsh Government's corporate record and is not appropriate to save within the iShare file plan. For this reason all staff have access to a personal iShare Home folder. Corporate information must not be stored in an individual's iShare home folder.
MyTemp files	A personal folder on shared drives to store information temporarily. Any item stored in this folder will automatically delete after 7 days if unused.

System	Definition
iShare Connect	A tool for sharing information within iShare with external stakeholders. The information itself must be stored within registered files in iShare – Connect is not a place to store corporate information. The external Connect web portal should not be used by Welsh Government staff to manage documents - this should be done from within the designated Connect areas in iShare.
MS Outlook	Incoming and outgoing emails of a transitory nature – these should be deleted once actioned and are no longer of immediate business use. If emails form part of a transaction or evidence of business they must be put on record and saved in iShare as soon as possible.

58. We also hold information in a number of other systems including, but not exclusively:

- Case management systems
- Grant management systems
- Geographical information systems

Information and records held in these systems are moved to iShare at the earliest opportunity or, where this is not feasible, referenced within iShare registered files.

Storage of inactive hardcopy paper records (files)

59. All inactive hard copy files (around 680,000) are stored with Iron Mountain and are held in high-specification facilities protected by physical security measures and staff who have undergone a vetting process. Items sent to or requested from

Iron Mountain are tracked at every stage using barcoded technology which provides a full chain of custody so we know that our records have reached their destination safely. Files are retrieved via their prefixes and an Iron Mountain barcode for the boxes the files are stored in.

60. The Welsh Government's Departmental Records Officer (DRO) and Appraisal team are responsible for the selection, appraisal and transfer of Welsh Government information and records for long term preservation.

61. The legal basis for the transfer of Welsh Public records to the National Archives is set out in the Public Records Act 1958 (as amended by the Public Records Act 1967), the Freedom of Information Act 2000, the Constitutional Reform & Governance Act 2010 and the Government of Wales Act 2006 s.146-148. The Lord Chancellor has issued a Code of Practice under S46 of the Freedom of Information Act which sets out the procedures which the Welsh Government and other government departments follow in relation to the creation, keeping, management and destruction of their records, and the arrangements they should follow in reviewing public records and transferring them to The National Archives.

62. Records over 20 years old (30 years prior to 2013) become "historical records" for the purposes of the Freedom of Information Act. The Welsh Government is required to work with The National Archives to appraise its records and select those that are of historical value. Records that are not of historical value are destroyed.

63. The changes introduced by the Constitutional Reform and Governance Act followed a review chaired by Paul Dacre which had recommended a reduction in the 30 Year Rule. The Act changed the 30 Year Rule to a 20 year one, so that records would normally be transferred to The National Archives 20 years after they were created rather than 30 years. The Freedom of Information Act exemptions were similarly modified so that records became "historical" after 20 rather than 30 years.

64. The Welsh Government followed the 'Grigg system'[8] for hard copy records until 2013 when the '30 Year Rule' became the '20 Year Rule'.

65. The 'Grigg system' has two main elements: a system of timing and procedures recommended by Grigg and then implemented by TNA and the Welsh Government; and the advice and guidance given by TNA on how reviewers were to assess the value of records. The Grigg system operated as follows:

- All registered paper files, except case files, are closed after a maximum of five years;

- Five years after a file has passed out of active use departments (either the business users or the departments' records centres) carry out "first review at which they decide whether the file has any continuing administrative value to the organisation or could have administrative value in the future. Files may be destroyed immediately or earmarked for destruction without further review after a stated period;"

- 25 years after a file was created (supposing it survived 1st review) reviewers in departmental records centres, under TNA supervision, carry out "second review" at which they decide whether the file has 'historical' value. Those that have are transferred to TNA.

- 'Case files' (today a term which includes datasets) are dealt with outside the system of review. Grigg proposed that all case files created across government be appraised as a whole, enlisting historical advice;

- Specific guidance applies to unregistered files, such as private office papers, video/films, sound recordings;

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[8] The report of the Royal Commission on Departmental Records chaired by Sir James Grigg was the basis of the Public Records Act of 1958 which ended the haphazard legal position as regards duties of custody and disposal of 'public records'. The Act defined 'public records', it assigned duties between TNA (previously the Public Records Office)and departments and within departments regarding custody and control, and it determined timings of transfer of historical records to TNA (at 30 years) and rights of public access (50 years amended to 30 years in the 1967 Act). In addition to these statutory responsibilities the Grigg report proposed a system for the review of government records which still obtains today. The key elements of that system were endorsed, with reservations, by a subsequent Committee of Inquiry chaired by Sir Duncan Wilson in a report published in 1981.

- TNA's advice on how to decide which records are of historical value is followed. The National Archives' Records Collection Policy **[WITN071625]** describes which records are likely to hold this kind of value, and therefore need to be managed in a way that ensures long term survival. TNA's advice was made available in various manuals for government departments and, more recently, through the Acquisition and Disposition Policies and the accompanying Operational Selection Policies (OSPs) via TNA's website;
- Welsh Government specific OPSs are available at:
  - OSP 7: The Welsh Office 1979 -1997 **[WITN0716008]**
  - OSP 59: Welsh Government 1997-2006 **[WITN0716009]**
  - OSP 60: Welsh Government Operational Selection Policy 2006 – 2011 **[WITN0716010]**
  - OSP 61: Welsh Government 2011-2016 **[WITN0716011]**
- The timing of disposal for common administrative records is regulated by our Retention & Disposal Schedule and supported by general guidelines provided by TNA for classes of administrative records, such as accounting records, legal records, personnel records, estate records etc. The Schedule is a 'living document' and is updated on a regular basis to reflect the changes in the Welsh Government's activities. Our first Corporate Retention Schedule was developed in 2009 and is available at **[WITN0716026]**.

66. A central element in TNA's appraisal system has been guidance to enable Welsh Government reviewers to judge the value of records, especially 'historical value'. This involves selection to show the significance of the functions and activities of the Welsh Government or selection on the basis of the informational content of the records. Reviewers also provide information into:
- The history of the Welsh Government, its organisation and procedures;
- The formulation of policy and legislation and, more selectively, its implementation and interpretation;
- Notable events or people where the records add significantly to what is already known;

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- Major events, developments or trends in political, social, legal or economic history;
- Scientific, technological or medical research and development;
- Regional or local conditions when it is unreasonable to expect information to be available locally, when it is convenient to hold it centrally, or when it is known that significant information does not survive locally;
- Demographic, medical, social, cultural and economic history and historical geography, by means of statistical and quantitative research.

67. The transfer of files to The National Archives comes at the end of the process of managing records within the Welsh Government. The Welsh Government carry out sensitivity reviews of those records that are of historical value so as to identify records that:

- Should be retained by the Welsh Government because they are too sensitive to be transferred to The National Archives (primarily because of continuing high security classification) or because they are still needed for operational use within the department (e.g. road scheme records, building records or records of staff still employed);
- Are still subject to continuing exemptions under the Freedom of Information Act and should be transferred to The National Archives as closed records, not accessible to the public;
- Should be transferred to The National Archive as open records, accessible to anyone, since no Freedom of Information Act exemptions apply.

68. All records, whether retained by the Welsh Government or transferred closed to The National Archives are still subject to Freedom of Information requests, and it is up to us and/or TNA to justify why an exemption applies. Our transfers to TNA are monitored and we provide TNA with information on transfers twice a year. The information provided informs TNA how we are performing in relation to the timetable for moving from a 30 to a 20 Year Rule. The information provided is

published in TNA's Record Transfer Reports (now known as Information Management Reports) - http://www.nationalarchives.gov.uk/documents/record-transfer-report-spring-2016.xls. These were published more or less every six months, but are now published on an annual basis, and show the numbers of records due for transfer or destruction the previous year and which are now overdue; and the numbers of records due for transfer or destruction in the current year or next year.

69. Welsh Government websites are harvested and archived by both the UK Web Archive (UKWA) and UK Government Web Archive. Welsh Government archived websites might be relevant to the Inquiry and are available at:

- Welsh Assembly Government[9] (Archived by The National Archives through UK Web Archiving Consortium)

- Welsh Assembly Government (English Language) (http://new.wales.gov.uk/?lang=en)[10]

- Welsh Assembly Government (English Language) (http://wales.gov.uk/?lang=en)

- Welsh Government – Consultations[11]

- Welsh Government – Office of the Chief Medical Officer[12]

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[9] https://webarchive.nationalarchives.gov.uk/*/http:/www.wales.gov.uk/

[10] https://webarchive.nationalarchives.gov.uk/*/http:/new.wales.gov.uk/?lang=en

[11] https://webarchive.nationalarchives.gov.uk/*/https:/consultations.gov.wales/

[12] https://webarchive.nationalarchives.gov.uk/*/http:/new.wales.gov.uk/topics/health/ocmo/?lang=en

Welsh Government Classes at the National Archives – BD class, MH 96 & MH 97

70. Welsh Government archives are available under the BD class[13]
(http://discovery.nationalarchives.gov.uk/browse/r/h/C26). The BD class
on The National Archives' Discovery Catalogue contains 'records created or
inherited by the Welsh Office and the Wales Office and covers the period 1854-
2012'. They mainly comprise the records of the Welsh Office divisions relating
to particular areas of business, but also include records of:

- Conferences of Heads of Government Departments in Wales;
- Council for Wales and Monmouthshire;
- Department of Trade and Industry and predecessors, Welsh Office;
- Local Government Staff Commission;
- Ministry of Education, Welsh Department;
- Ministry of Housing and Local Government, Wales Office;
- NHS Staff Commission;
- Wales Advisory Body for Local Authority Higher Education;
- Welsh Advisory Council for Civil Aviation;
- Welsh Board of Health;
- Records of the Welsh Board of Health; (otherwise in the Ministry of Health
  (MH) division, 'Records of the National Health Insurance Commissions etc.')
  relating to the provision of health services in Wales. The registers of sealed
  documents of the Board are in BD 35
- Welsh Council and Welsh Economic Council;
- Welsh Hospital Board;
  - Records of the Welsh Hospital Board relating to the administration of
    hospital and specialist medical services in Wales. Files of the Welsh
    Hospital Board are in BD 18. Files relating to the board's functions in

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[13] http://discovery.nationalarchives.gov.uk/browse/r/h/C26

respect of Civil Defence and National Health Service reserves are in BD 2

- Records of the board's Principal Medical Officer will be found in BD 103 Welsh Planning Board. This series contains registered files of the Welsh Board of Health (WBH) and, in a few cases, of the Local Government Board and National Health Insurance Commission for Wales.

- MH 96 1872-1978 Welsh Board of Health: Registered
- MH 97 1877-1922 Local Government Board: Public Health Department: Annual Reports of Medical Officers of Health in Wales

71. A list of Welsh Government Health and Social Services files transferred to TNA is available at **[WITN0761023]**.

Welsh Government Retention and Disposal Policies

72. Not all information can be retained indefinitely. The Public Records Act of 1958 & 1967 requires that all public records must be destroyed within 20 years or, those with long term value, referred to The National Archives for preservation. The provisions of the Public Records Acts mean that only those records selected for permanent preservation can be legally retained and custody of those normally has to have passed to The National Archives by the time 20 years have elapsed from their creation. Records not selected for preservation are destroyed.

73. The DRO and the Appraisal team are responsible for compiling, in conjunction with divisional officers, record Retention & Disposal Schedules[14] specifying for

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[14] A disposal schedule is "a set of instructions allocated to a folder to determine the length of time for which the folder should be retained by the organisation for business purposes and the eventual fate of the folder on completion of this period of time".

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each function whether and when their files are to be destroyed, reviewed or retained for consideration for permanent preservation in discussions with The National Archives.

The Retention & Disposal Schedule documents agreed decisions and the rationale behind those decisions.

Welsh Office (WO) 1965 – 1999, National Assembly for Wales 1999 – 2006, and Welsh Assembly Government 2006 - 2011

74. It seems that guidance in TNA's orange 'Manual of Records Administration' was followed to decide which records should be selected for preservation and which should be destroyed. We no longer hold a copy of TNA's orange manual.

75. A 'file by file review' process was in place for files created under the '"Registry Book" system for files created pre-1994. The retention period was written on the file. Record-keeping staff contacted the users of the files and they recommended a disposal period. These were often the latest date possible i.e. 25 years after file opening – see **[WITN07627]** for an example. It seems that sign-off for Welsh Office Health files was obtained for files created between 1956-1974 **[WITN0716028]**.

76. The timing of disposal for common administrative records was regulated by TNA's 'model retention schedules' and supported by general guidelines provided by TNA for classes of administrative records, such as accounting records, legal records, personnel records, estate records etc. From around 1998 TNA also provided additional advice in the form of the Acquisition and Disposition Policies.

77. Very few files and/or documentary evidence on agreed disposal decisions and the rationale behind those decisions for the period 1965 – 1999 have been kept.

78. A Retention Schedule for Health hardcopy files (2005 – 2010) **[WITN0716029]** was developed to help to inform the destruction on Health and Social Care files and was used to help implement the TNA 2007 IMA recommendations **[WITN0716130]**.

2007 TNA Information Management Assessment

79. In June 2007 TNA completed a review of compliance against the Lord Chancellor's Code of Practice on the Management of Records issued under section 46 of the Freedom of Information Act 2000 **[WINTN0716030]**.

80. One of the resulting recommendations was that the Welsh Assembly Government should tackle its paper record backlog as an 'invest to save exercise'. This recommendation was underpinned by an Internal WAG Audit, which pointed out that the Assembly Government's storage facility was nearing capacity.

81. A further recommendation was that the Welsh Assembly Government should develop and implement the corporate Business Classification Scheme / Functional File Plan in the pilot ERDMS project. It was also recommended that Retention and Disposal should be embedded in the file plan.

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82. Retention and disposal guidance in the Welsh Assembly Government's 'Standard Information Classification and Retention Scheme, 2006' **[WITN0716031]** was designed to cover paper records. It was redesigned in 2009 to cover both paper and electronic records to allow for more accurate and simpler appraisal and disposal. The schedule was approved and signed off by the Permanent Secretary (Gill Morgan) **[WITN0716026]**.

83. A Records Disposal: Records Service Improvements Project was undertaken in 2009/10 to deliver against 'WAG/TNA Action Plan Action 5.2 – implement a retention and disposal programme'. It involved the streamlining and cost-effective tracking, storage, retention and retrieval of original (physical) documents, files and archive boxes at Records Centre, Neptune Point and Records Units. The main aim was to reduce the overall records storage costs. A 'Robust Reviewing Programme – Methodology' **[WITN0716032]** was developed and approved by TNA. The robust review methodology replaced Welsh Assembly Government's approach to carrying out a 'file-by-file' review of those records which were created prior to the introduction of the RecFIND system (pre-1994).

Welsh Government: 2011 – present

84. We disposed of a large number of files in 2012/13 in preparation for the introduction the "20 Year Rule" **[WITN0716033].** We are currently working on the years 1993 and 1994 which we will transfer to the National Archives by the end of 2018.

85. A full scale review of the Retention & Disposal Schedule (the first in-depth review since the current Schedule was published in 2010) is underway. This has

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included updating the Schedule to reflect changes to legislation (including GDPR etc.) and current best practice. The new Retention & Disposal Schedule **[WITN0716034]** will be out for consultation from December 2018 with a view to publishing the final version, approved by the Permanent Secretary, by spring 2019.

86. We have introduced a monthly disposals process to identify and obtain authorised destruction of our information. The process includes hard copy files with a 'long term business need' (LBN) retention, no longer required by the business, which will reach 20 years old in 2018.

Statement of Truth

I believe that the facts stated in this written statement are true.

> **GRO-C**

Marlize Palmer

1 December 2018

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GRO-C