

Witness name: La'Verne Montgomery

Statement No: WITN0717001

**Exhibits: WITN0717002 to
WITN0717010**

Dated: 28th November 2018

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF La'Verne Montgomery

I, La'Verne Montgomery (Director, Corporate Management Directorate) will say as follows:

This statement has been provided on behalf of the Department of Health, Northern Ireland (the Department) and describes relevant legislation, guidance and policy on the management, and archival or disposal of records.

RECORDS MANAGEMENT

Background

1. The Department is required to manage its records in accordance with the Public Records Act (Northern Ireland) 1923 (the 1923 Act) and the Disposal of Records Order (Northern Ireland) 1925 (the 1925 Order) **[WITN0717010]**.

Records Management between 1922 and 1968

2. Section 8 of the 1923 Act provided power to make rules in respect of the disposal of documents which were not of sufficient public value to justify their preservation by the Public Records Office of Northern Ireland (PRONI). The 1925 Order was made under section 8 of the 1923 Act and provided that: "The mode of disposal shall be by destruction, unless the Minister of Finance shall direct the disposal thereof by transfer to the governors of any library, association, or other body in Northern Ireland or elsewhere." In accordance with these provisions, Departments laid lists, known as "Destruction Schedules", of papers and files that they wished to destroy before the Northern Ireland Parliament. The 1968 Memorandum referred to below stated that as a consequence of this system "far too many papers were preserved by default".
3. The Department does not hold copies of any Destruction Schedules laid before the Northern Ireland Parliament by the Ministry of Home Affairs. The Department contacted the Northern Ireland Assembly Library who confirmed by e-mail **[WITN0717002]** that it does not hold any copies of such destruction schedules.

Records Management Procedures from 1968

4. In August 1968, PRONI issued "*Modern Departmental Papers - Memorandum on New Review Procedures for the Selection of Records for Preservation*" (the 1968 Memorandum). A copy of the 1968 Memorandum is attached at **[WITN0717003]**.
5. The 1968 Memorandum followed the Grigg principles as set out in the UK Report of the Committee on Departmental Records (CDR) published in 1954 (Cmd 9163) <http://www.nationalarchives.gov.uk/information-management/legislation/public-records-act/history-of-pra/>
6. The chairman of the CDR was Sir James Grigg, a former Permanent Under Secretary of the War Office. The CDR's principal conclusions were:

- responsibility for the selection and transfer to the Public Record Office (“PRO”) of records worthy of permanent preservation should rest with departments;
- the PRO should be responsible for guidance, coordination and supervision of these processes;
- responsibility for the PRO should be transferred from the Master of the Rolls to a minister;
- most records should pass through a system of first and second reviews, determining which should be preserved until second review for the department’s own purposes and subsequently which should be preserved permanently on grounds of departmental need and historical significance;
- records should have been transferred to the PRO by the time they were 30 years old and should have been opened to general public for inspection when they were 50 years old, unless special considerations dictated different periods;
- each department should appoint a departmental record officer to be responsible for its records from the time they were created or first reviewed until their destruction or transfer to the PRO, reporting to the director of establishments or an officer of similar status;
- a records administration officer should be appointed in the PRO, supported by a number of inspecting officers, to carry out the PRO’s responsibilities; and
- cinematograph films, photographs and sound recordings should be treated as public records.

7. The Ministry of Finance wrote to all Departments on the 1 August 1968, informing them of new guidance regarding record management procedures. The letter, which is attached at **[WITN0717004]** *[in paragraph 3]* stated: “The new system is designed to provide a positive method of selection for preservation and the destruction of everything else...It will result in Departments holding in their registries only files that are less than 20 years old. All other files and papers will be either destroyed or preserved permanently in the Public Record Office.”

8. The new procedures introduced a system of first and second review. Each file was to be closed no more than 5 years after it was opened. A first review would be carried out by an officer of the Department who would decide whether to destroy or preserve it. The reviewing officer was not to consider whether they thought the file had any historical value. The officer's decision was to be taken purely on administrative need, i.e. was it necessary to retain the file for the continuation of the Department's business. The reviewing officer documented his or her decision on Form 3pr, which is attached at **[WITN0717005]**. Form 3pr stated "In making your decision you need only consider departmental needs. It is desirable that as much as possible be sent for destruction at the First Review and you should therefore be bold."
9. It is important to note that the letter referred to in paragraph 7 to all Departments stated that "the object of the First Review is to get rid of the maximum amount of unimportant files and papers as early as possible".
10. The letter also stated that "Files which survive this First Review" would be brought forward for a second review, 20 years after the file was opened. At the second review, files were to be jointly reviewed by the PRONI and the relevant Department, and a decision made to retain or destroy the file.
11. PRONI established a Records Administration Section to implement file reviews and to provide advice and guidance to government on the management of public records.
12. Paragraph 8 of the 1968 Memorandum dealt with a backlog of pre-1949 files. It stated: "Special Reviewing Officers have been appointed at the P.R.O. to deal with this work. The object is to take from Registries all their files more than 20 years old and either destroy them or select them for preservation in the Public Records Office Northern Ireland. By 1972 most of these files had been reviewed with records being identified for transfer to PRONI.
13. In 1975 PRONI issued "*Modern Files and Papers – Appraisal and Disposal Procedures*", attached at **[WITN0717006]**, which supplemented the guidance

issued in 1968 and repeated the requirement to retain only those files needed for the Department's own purposes [*Paragraph 5i*] . Files not retained at the first review were to be destroyed without reference to PRONI. The 1975 guidance explained that "The reason for this is that it is considered that a file or paper which a Department does not wish to retain for Departmental purposes longer than five years is unlikely to have value for future academic research." [*Paragraph 5i*]

14. In 1992, PRONI issued *A Guide to Records Management* (the PRONI 1992 guidance) attached at [WITN0717007], which took account of the need to handle records in a more cost effective way. It highlighted the need for Disposal Schedules. Disposal Schedules are intended to record every class of file or document created or used by a branch or division and place each in one of three categories:
 - Destruction after a specified period
 - Permanent preservation
 - Review
15. The PRONI 1992 guidance states "After checking against the Disposal Schedule that the file is not in a class to be automatically destroyed or permanently preserved, the Registrar brings the file to the desk officer concerned with its subject" for review.
16. In the early 1990s the Department developed an in house computer system known as the Registered File Management System (RFMS). Prior to the introduction of the RFMS, a card index system held in ledgers was used to register the Department's records. The Ledgers are no longer held as once the RFMS was up and running the ledgers were no longer required. The Department does not hold a record of when the ledgers were destroyed. The first review cycle was programmed into the RFMS and the design was such that it listed all files created 10 years earlier on review schedules. These review schedules along with Form 3pr were attached to each file and sent to the appropriate Departmental officer (desk officer) who determined whether the file should be retained or destroyed. The PRONI 1992 guidance stated that "In

making his decision, he [*the desk officer*] will consider only whether the file is likely to be of any further administrative use [*paragraph 3.2.1*].” The first review now required PRONI to “check or monitor the records which the Department considers of no further administrative value and thus ensure that nothing of particular long - term historical or research value is destroyed. “

17. The PRONI 1992 guidance also stated that “Unless a Disposal Schedule specifically sanctioned destruction: no records (including classified papers) can be destroyed without such monitoring taking place”. PRONI therefore had to review all files selected for destruction at first review if the Disposal Schedule did not sanction their destruction. This provision remains in place until the present day.
18. The PRONI 1992 guidance stated that a second review should take place 20 years from the date of the last paper on the file (rather than 20 years from the file was opened, as specified in the 1968 Memorandum). In order to avoid desk officers having to review records which PRONI had already selected as worthy of preservation, the guidance stated: “files should be seen by PRONI reviewers “before they are passed to desk officers.” Files selected by PRONI reviewers were transferred to PRONI at this stage.

Northern Ireland Records Management Standard

19. In 2002, PRONI published the *Northern Ireland Records Management Standard* (NIRMS).
<https://web.archive.org/web/20030211125121/www.proni.gov.uk/NIRMS/edrm.htm>

NIRMS placed a greater emphasis on the development of Disposal Schedules. It states that “After checking that the file is not identified on the Disposal Schedule as part of a class to be either destroyed or permanently preserved, it should be brought forward to the desk officer concerned with its subject matter...to decide whether the file should be retained and if so, how long it should be retained for and the reason for retention”. NIRMS reinforces the

principle that when a public body is assessing records for destruction or retention it needs to consider only administrative requirements.

20. NIRMS stated that “The First Review was to take place 5 years from the date of the last paper on the file and should not be later than 10 years from the opening of the files”. It also stated that “Records of value, whether for administrative or historical reasons, are vulnerable at first review and so, although many files are likely to be of no permanent value, PRONI will examine those files earmarked for destruction by the Public Body to assess their potential importance.” If a file was retained by the desk officer it would be held by the Department until second review (a further 15 years).
21. NIRMS was updated in April 2007 but no changes were made to the reviewing procedures.

Disposal Schedules

22. Following publication of NIRMS by PRONI in May 2002, and the Code of Practice on the Management of Records by the Lord Chancellor, under Section 46 of the Freedom of Information Act 2000, in November 2002, the Department undertook a project to develop Disposal Schedules and a structured approach to file titling for all branches within the Department.
23. In December 2004, the Department published guidance for its Arms Length Bodies, including the Health and Social Services Boards and Health and Social Services Trusts. The guidance, *Good Management, Good Records, Guidelines for Managing Records in Health and Personal Social Services Organisations in Northern Ireland* (GMGR 2004), attached at [WITN0717008] provided records management guidance including the recommended minimum retention periods for records. This did not apply to records held by the Department.
24. In November 2011 GMGR was reviewed replacing the previous Disposal Schedules created for branches within the Department. That review considered the revised Department of Health (DoH) Records Management NHS Code of

Practice (2009). It also took account of current legislative requirements, advice from professional bodies and current best practice in relation to records management and the changing environment in relation to electronic records. The revised GMGR (GMGR 2011) was laid before the NI Assembly as the Disposal Schedule for the Department and its Arms Length Bodies and issued in November 2011. GMGR 2011 now applies to all records held by the Department and its Arms Length Bodies and overrides any previous guidance. Copy attached at [WITN0717009].

25. PRONI was fully involved in the development of both editions of GMGR and has advised that a final action of 'determined on review' allows PRONI officers to examine the files in order to determine if they contain information of long term historical or evidential value. Reviewing allows for the destruction of any low level files so PRONI would only be retaining files of value. The final action was changed from 'Transfer to PRONI' as stated in GMGR 2004 version to 'Determine on review' in GMGR 2011, as the class of records may have been noted to have contained some low grade material which would not have been deemed to be of long term historical or evidential value.

Electronic Records Management

26. In 2007 a new electronic approach to document and records management was adopted by the Department and the rest of the NI Civil Service, to replace the existing paper- based regime and in recognition of the requirement to manage the creation and storage of electronic records.
27. HP Records Manager (HPRM) is the current Electronic Document and Records Management Software (EDRMS) application. This provides a consistent approach to the capture, lifetime management, security of and access to, departmental information. The system is accredited to hold material up to a security classification of Official – Sensitive. The HPRM system is managed and maintained by the NICS Enterprise Shared Service Directorate of the Department of Finance, on behalf of the NI Civil Service. There are approximately 2.8 million Departmental records stored in the HPRM system.

28. A limited number of paper files are retained within the Department. These are created whenever either record attracts a security classification above Official – Sensitive, or in the limited circumstances a paper file may be created for a record with a security classification of Official - Sensitive. The Assistant Departmental Security Officer (ADSO) provides guidance and monitors the creation of such records. Paper files may also be created where there is a requirement to retain an original paper record e.g. Inter-country Adoption Files where the papers contain the official seal of another territorial jurisdiction.
29. The creation, maintenance and disposal of such paper files and the management of the declining number of older paper files is handled by a dedicated Registered File Management System (RFMS), with disposal and archiving undertaken in line with the extant policy. There are currently 5,200 paper files held in the Departmental File repository.

Summary

30. The above statement sets out the development and operation of records management, record archival, and records disposal policies in the Department from 1925 through to the current day.
- Paragraphs 2 - 25 provide an account of the archiving system of the Department of Health, Northern Ireland;
 - Paragraphs 27 – 29 detail the information repositories currently in use by the Department of Health Northern Ireland;
 - Paragraphs 19 – 21 set out the principle for selection and archival of Departmental documents and information with the Public Records Office, Northern Ireland (PRONI)
 - Paragraphs 2 – 25 provide an account of the Departmental retention and destruction policies and processes covering 1948 to the current day
 - With regards the request in item 4, for “any material known to have been destroyed with potential relevance to the Inquiry’s terms of reference” this will be answered in response to the Inquiry’s separate letter also dated 23rd August, titled “Request for the production of documents and

information under Rule 9(2) of the Inquiry Rules 2006” and referenced
DHNI R9 request 1

Statement of Truth

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

Signed:

GRO-C

Date: 28 November 2018