

FIRST WRITTEN STATEMENT OF DAVID BURRAGE

Witness Name: David Burrage

Statement No.: WITN7149001

Exhibits: WITN7149002-003

Dated: 01/09/2022

INFECTED BLOOD INQUIRY

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I, David Burrage, will say as follows: -

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Section 1: Introduction

- 1.1. I am David Burrage and my address and date of birth are known to the Inquiry. I am seventy-two years old. I do not have professional qualifications relevant to the duties I discharged while working with the Department of Health (as such term is defined in the Inquiry's Terms of Reference, footnote 3, "**DH**").
- 1.2. I make this statement in response to a request under Rule 9(1) of the Inquiry Rules 2006 dated 27 June 2022 ("**Rule 9 Request**").
- 1.3. I have been asked by the Inquiry to set out my understanding on a series of issues related to document destruction and the Inquiry's Terms of Reference. The Inquiry's Rule 9 Request asks after events that occurred over twenty years ago, and I have a very limited recollection of events. I relied heavily on a review of written material to assist with my answers, including the documents provided by the Inquiry ("**Rule 9 Bundle**"), and also a bundle of documents provided by my advisors based on targeted searches for any other relevant material that DH holds in its database of documents compiled for this Inquiry ("**Supplementary Bundle**"). Where I refer to "searches" in this statement, this is what I mean. I do not personally hold any documents relating to the Inquiry's Terms of Reference. My statement needs to be read subject to the caveats above as to the information and extent of recollection on which it is based. If further material is made available to me, I may need to add to or clarify this statement to take it into account. I have done my best to assist the Inquiry wherever I can. The paragraph numbering in this statement is designed to accord with the question number of the Rule 9 Request, for ease of reference.

Employment History and Narrative

- 2.1. My employment history, and the various roles and responsibilities I have held throughout my career are, to the best of my recollection, set out in Table 1 below.

Table 1 – Employment History and Narrative

1969	I worked for a year as an auxiliary in St Andrews hospital in Northampton. I helped patients on the wards, which included geriatric, disturbed and admission, I also assisted by taking
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	patients to ECT for treatment. My manager on the admission ward was the ward sister, Sister Gloria Hogg.
1970 – 1972	I attended University College London, studying classics.
1972 – 1973	I again worked as an auxiliary in St Andrews hospital in Northampton. My role was similar to what I described above.
1973 – 1976	I worked as an executive officer for DH. I was in the NHS personnel division, covering doctor's pay and conditions of service. The principal was Mr TRH Luce, who was succeeded by Mr RWD Venning. The higher executive officers were Mr Hutchinson, succeeded by Mr Parris. The clerical officer was Mr Brown. The work I did was mainly answering questions from health authorities about hospital doctors' pay and conditions of service. I particularly remember the introduction of a scheme of payments for consultants for family planning operations. I also assisted in collation of evidence for the review body. I recall the higher executive officer working for Mr Venning was Ms Linda Lockyer.
1976 – September 1985	<p>In 1976 I moved to an executive officer post GRO-C</p> <p>GRO-C</p> <p>GRO-C Then at the GRO-C</p> <p>where I worked in various capacities GRO-C</p> <p>GRO-C</p>
September 1985 – circa. 1992	<p>I left GRO-C in September 1985 to go back to DH on promotion to higher executive officer. I worked for Kathleen Taylor, the management-side secretary to the scientific and professional staffs council, who I assisted at negotiating meetings with the staff sides representing hospital pharmacists, biochemists, hospital opticians and hospital chaplains. I answered correspondence, and prepared drafts for ministerial correspondence. I worked on costings for pay and on a new grading structure for the hospital pharmacy. The executive officer was Sam Brown who took the first draft notes of the negotiating meetings.</p> <p>The senior principal was Mr Dufton.</p> <p>I was promoted to the position of higher executive officer with DH, in the NHS personnel division. My role changed to being an assistant to the management side secretary of the scientific and professional staff Whitley council.</p>
Circa. 1992 – June 1995	Around 1992, I cannot remember the exact date, I joined the health services division when the NHS personnel division relocated to Leeds. My wife at the time refused to go there,

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	<p>and I was offered the higher executive officer post by John Canavan, which I accepted.</p> <p>I discharged duties in DH in areas relevant to the Inquiry's Terms of Reference, namely assisting with the discovery of documents for litigation pertaining to HIV and haemophilia, working on the HIV blood transfusion payment scheme, and performing administrative tasks for the Advisory Committee on the Microbiological Safety of Blood and Tissue ("MSBT"). From October 1993, MSBT was the successor committee to the Advisory Committee on Virological Safety of Blood ("ACVSB"). I only ever worked for MSBT, and did not perform any functions in relation to ACVSB aside from maintaining its historical records.</p>
June 1995 – 2020	I worked as a self-employed motorcycle courier.
2020 – present day	I retired.

- 3.1. I have been asked to set out the positions I have held at DH, and to give a narrative description of the roles I have undertaken at DH and my responsibilities in these roles. This includes all the roles I have held, including committees, working parties or groups relevant to the Inquiry's Terms of Reference. I refer to my answer in paragraph 2, where I have provided the information requested.

Identification of senior colleagues involved in decisions about blood and blood products

- 4.1. I have been asked to identify by name senior colleagues involved, during the times I worked at DH, in decisions about blood and blood products, the assessment of the risks of infection arising from blood and blood products, and the response to such risks, and in providing advice to ministers in relation to such issues.
- 4.2. The principal when I joined the health services division was Mr Canavan, who reported to the then assistant secretary, Mr Dobson. Mr Dobson was succeeded by Mr Scofield. The principal who succeeded Mr Canavan was Mr Kelly, then Mr Pudlo, who was principal when I left DH in June 1995. Monica Gibson was the executive officer for document discovery relating to HIV Haemophilia

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litigation. The discovery process was a large job and was already underway when I joined the branch. The files had already been selected from a list, and a computer programme for listing the documents for disclosure was devised and provided by Dr Bourdillon.

- 4.3. I assisted DH's senior medical officer, Dr Rejman, in administration of the Government's payment scheme for patients infected with HIV through blood transfusion. Dr Rejman undertook medical verification of cases.
- 4.4. For MSBT, I prepared agendas, took the notes of meetings, circulated notes to members for comment and approval, working with Dr Rejman and Mr Canavan. I drafted briefings for ministers and answers to parliamentary questions in relation to blood and blood products, liaising with medical and scientific experts. The executive officer was a young lady whose name I cannot now recall. Also a young man – I believe it was Leonard Levy – joined the section as executive officer a little while before I left DH. There was also executive officer John Nash, who I recall was due to emigrate to Canada. He dealt with award nominations from the blood service.

Involvement in other inquiries, investigations or criminal or civil litigation

- 5.1. I have been asked whether I have provided evidence to, or have been involved in, any other inquiries, investigations or criminal or civil litigation in relation to HIV, HBC, HCV and/or vCJD in blood and/or blood products. Aside from the roles I performed in my occupational capacity mentioned above, I have not.

Section 2: The Destruction of Papers Relating to the Advisory Committee on Virological Safety of Blood or ACVSB

Policies, instructions and training relating to the storage and destruction of DH papers

- 6.1. I have been asked to set out, to the best of my recollection, whether I was aware of any policies in place for dealing with the storage or destruction of DH papers, and if so, how I became aware of them. I am directed to [DHSC0006482_003].
- 6.2. I have no independent recollection of DH's policies for dealing with the storage or destruction of DH papers. The document I am directed to by the Inquiry is a minute I sent on 8 May 1993 with a request to retain files. In this minute, I state: *"This file needs to be retained for 25 years because it contains papers which almost certainly will be needed for reference and information purposes in the future."* From this, it is clear that I was then aware of a policy or guidance on record management requiring the retention of certain documents for at least 25 years where those documents might subsequently have been needed for reference and information purposes.
- 6.3. I have been directed to [WITN0001002]¹ by my legal advisors, a document that was located during supplemental searches of the Department of Health's database of documents compiled for this Inquiry. This is called *"A guide for records managers and Reviewing Officers"*. From pages 34 to 35 of the PDF of this document, it says:

"Retained by the DRO for a Second Review

Retaining a file for a Second Review means that it will be kept until the first paper is 25 years old. As storing files for this length of time is costly, it is not a

¹ This is dated in print: DIMS 3 July 1994. However a handwritten post-it note says: *"FOR REFERENCE PURPOSES: THIS GUIDE IS UP TO DATE AND CONTAINS ALL AMENDMENTS UP TO 8 MARCH 1996"*. It seems likely that this guide, or an earlier version of it, was in force during the period I worked at DH.

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decision to be taken lightly. Files that are kept for a Second Review are likely to:

- be needed for long term administrative reasons; or*
- have potential historical or research value.*

Files retained for Second Review because of the latter will hold details either of:

- the DH's history, its organisation and procedures; [...]*

When a decision has been reached, the BRO completes the Review Decision Box on the file cover. If the BRO considers the file to have potential historical or research value, a minute should be placed on the file giving brief reasons for the decision as well as completing the file cover.

Once the review is complete, the file is returned to the registry where the index slip is noted."

From pages 92 to 95, further information on the 'second review' process is provided as follows:

"Before passing the file on, make sure that all the necessary details are shown on the file cover [...] Your Branch Review Officer has two options to choose from:

- 1. destroy the file two to fifteen years after the last action; or*
- 2. retain it for a second review 25 years after the date of the first paper.*

Recording the Decision

The decision needs to be clearly written on both the file cover and file index slip. [An example follows of what a Branch Review Decision box might look like]."

- 6.4. In the light of this policy, it would appear that the brief text contained in my minute of 8 May 1993 records a decision taken to retain a file for reference and information purposes in the future, as it records the DH's history, its organisation and procedures. I cannot recall how I first became aware of this policy, but the minute does indicate a degree of familiarity with DH's official policy on record keeping.

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- 7.1. I have been asked whether I recall any training or government-wide instructions I received in reference to the storage and destruction of DH papers during my time at DH.
- 7.2. I do not presently recall any training or government-wide instructions regarding the storage and destruction of DH papers while working for DH. However, this is not to say that the training did not happen, it simply happened too long ago for me to remember. In terms of government-wide instructions, I refer to my answer in paragraph 6 regarding the guidance that appears to have existed at the time. As per my answer in paragraph 6, it is clear from the documents the Inquiry has provided – specifically [DHSC0006482_003] – that I had an awareness of policies or “instructions” relating to the storage and destruction of DH papers at the time I was employed by DH. It is also clear from this document that more generally, that I appreciated the need to maintain files properly. This is in line with what is contained in the official policy [WITN0001002] that my legal advisors have located for me.

Awareness of when and how DH documents relevant to contaminated blood had been destroyed

- 8.1. I have been asked to set out as fully as I can when and how I became aware that DH documents relevant to contaminated blood had been destroyed. I am referred to the following documents: [WITN4486007], [DHSC0200022_002] and [DHSC0004756_027].
- 8.2. At the outset, it is worth particularising what is meant by ‘DH documents relevant to contaminated blood’ (question nine of the Rule 9 Request asks specifically about ACVSB papers), as there are three distinct document sets under discussion which could usefully be distinguished:
- 8.2.1. First, there is the GEB 1 series, which contained minutes and background papers to the ACVSB between May 1989 and February 1992 (the “**GEB 1 Series**”), which is what the Inquiry specifically asks about in question nine of the Rule 9 Request;
- 8.2.2. Second, there are litigation discovery binders which were kept in a locked cabinet. I refer to [DHSC0006348_035] a minute from Ruth

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McEwen to Dr Rejman of 18 October 1996 regarding the Selby Discovery (relating to litigation about the Hepatitis C virus). This contains a list of missing original documents compiled by John Burke for Ms McEwen (“**Litigation Discovery Binder(s)**”); and

- 8.2.3. Finally, there are files relating to general haemophilia legal cases, which are denoted by the “LIE” registered number, specifically I have in mind [WITN7149002], a cover sheet for file LIE vol 2 which includes a minute from me to DRO regarding a review of these files, and [WITN7149003], a cover sheet for file LIE vol 20 which includes a minute from me to DRO regarding a review of these files, as well as the LIE series generally (“**LIE Files**”). There may be some cross-over between the contents of the LIE Files and the Litigation Discovery Binders: it is hard to say given my limited recollection of the contents of these documents.
- 8.3. I cannot recall precisely when and how I became aware that relevant DH documents had been destroyed.
- 8.4. However, the minute of 8 May 1993 which I drafted and which I have been referred to in question six of the Rule 9 Request [DHSC0006482_003] does not pertain to the GEB 1 Series, or indeed volume 4 of the GEB 1 Series specifically. In fact, it refers to the cover notes for the files I have flagged above in paragraph 8.2.3 under the definition of LIE Files. Per my comments in answer to question six, the minute in [DHSC0006482_003] was most likely following official policy on the retention of documents. I was not aware that any LIE Files or Litigation Discovery Binders had been destroyed until receiving this Rule 9 Request from the Inquiry.
- 8.5. The only contemporaneous awareness I had of documents being destroyed was in relation to the GEB 1 Series. [DHSC0200022_002] shows that, upon request from Dr Rejman – presumably pursuant to the request in the minute from Dr Metters of 7 February 1995 [WITN4486007] asking for ACVSB papers to be “*turned up*” – I made all the files I had covering GEB vols 1 – 14 available to Dr Rejman, and that Dr Rejman went through these files for the purposes of HCV litigation discovery. These files contained minutes and background papers to the ACVSB. As Dr Rejman says, vol 4 for part of 1989 was apparently

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destroyed, and he says I asked for the individuals responsible to write to me formally confirming this. Therefore my first and, indeed, only awareness (until recently) of documents being destroyed was in relation to the GEB 1 Series – volume 4 specifically – and that was on or around 7 June 1995.

8.6. I am directed to [DHSC0004756_027], a minute from Dr Rejman to Mrs McEwan regarding discovery for a Hepatitis C claim against DH dated 31 July 1996, which I was not copied to contemporaneously as I had already left my post. For clarity, this minute concerns the discovery that old HIV litigation files were missing from the Solicitor's Division (what I have called the Litigation Discovery Binders), the full detail of which is contained in paragraph 6.15 onwards of Ms James' witness statement, [WITN5426001], and not the destruction of volume 4 of the GEB 1 Series. This shows that a search was conducted internally at DH for the missing Litigation Discovery Binders for the purposes of document discovery. Dr Rejman notes in the document that he has suggested to Mr Pudlo that I should be contacted regarding the location of missing files of original documents (but also that he does not know whether Mr Pudlo has done so). A document from my Supplementary Bundle [DHSC0006348_003] shows that on 2 August 1996, Ruth McEwen sent a minute where she asked that I was indeed contacted about missing Litigation Discovery Binders. I cannot recall now whether or not Mr Pudlo contacted me or what I said in response, if I was contacted.

8.7. I am later, in question nine of the Rule 9 Request, referred to [WITN5426333], an email from Ms Margaret Jackson-Roberts to Ms McEwen dated 1 October 1996 regarding the discovery process for a Hepatitis C claim against DH (regarding old HIV litigation files missing from the Solicitor's Division, or Litigation Discovery Binders). In this email Ms Jackson-Roberts states: "[...] I have spoken to David Burrage who asserts that when he left CA-OPU a year or so ago all relevant files were located together in one filing cabinet. So if any is now missing he cannot account for either why that should be or the possible location." The email goes on to state that Leonard Levy (a part-time executive officer) might be asked to search for the files once he has returned from annual leave. I have some limited recollection of a phone conversation in 1996 with a lady official who I thought was Linda Lockyer but could have been Ms Jackson-

Roberts. I believe it is correct that I was told that documents were missing, said all the files were kept together in one filing cabinet when asked where they were, and was not able to account for them not being able to be found when I spoke with the lady official. I distinctly do not remember becoming aware from this conversation that any Litigation Discovery Binder documents had in fact been destroyed.

Which documents I discovered had been destroyed and related steps

- 9.1. I am asked to set out as fully as I can which documents or files I discovered had been destroyed, including the date, type and title of these documents or files. I have specifically been asked to provide details of what steps I took to discover what ACVSB papers were destroyed, and have been referred to the following documents: [DHSC0200022_002]; [DHSC0004756_027]; [WITN5426333]; [DHSC0014975_033]; [DHSC0046961_071]; [WITN4486001]; [WITN5426001]; [WITN4505389]; [INQY1000203]; [INQY1000204] and [INQY1000212].
- 9.2. I refer back to my answer in paragraph 8 which goes some way to answering this question.
- 9.3. To paraphrase with the aid of paragraph 4 of the Internal Audit Review of April 2000 [DHSC0046961_071], it appears that the Inquiry is specifically concerned about the destruction of a series of documents, in the GEB 1 Series (namely volumes 4 – 17). The original file dockets for these still exist, which I address in answers in paragraphs 11 and 14. My evidence relates specifically to volume 4 of the series (for part of 1989), which I was drawn to by Dr Rejman, and which is referenced in [DHSC0200022_002].
- 9.4. I have reviewed the documents provided to me by the Inquiry carefully but, as I have mentioned, am able to recall little regarding which documents or files were destroyed, the date, type, and title of these documents or files, or the related steps I took to discover what documents or files had been destroyed. There is not much in the documentary evidence provided to assist me.

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- 9.5. [DHSC0200022_002] shows that I knew volume 4 of the GEB 1 Series had been destroyed on or around 7 June 1995. The action I took, as Dr Rejman states in his minute, appears to have been the following: *“Mr Burrage has asked for the individuals responsible to write to him formally confirming this”*. So it would seem that after working with Dr Rejman to establish what files had been destroyed, I wrote to the individuals concerned to formally confirm that files suspected to have been destroyed had, in fact, been destroyed. I am sorry, but I cannot now assist the Inquiry with any further information about the individual or individual responsible. I do not now recall writing letters to the individual or individuals I believed responsible for the destruction of volume 4, their addresses, or whether replies were received. The Rule 9 documents I have been provided and supplementary searches conducted of DH’s database of documents compiled for the purposes of this Inquiry have not revealed any letters sent by me.
- 9.6. As [DHSC0046961_071] – the Internal Audit Review by DOH dated April 2000 – states, quoting paragraph 4.1, in a clarification of paragraph 4.7 of the Internal Audit Review: *“there is little documentary evidence to establish exactly why volumes [...] were destroyed.”* I have no recollections that would materially add to the finding of the Internal Audit Review, namely that *“an arbitrary and unjustified decision, most likely taken by an inexperienced member of staff, was responsible for the destruction of a series of files containing the minutes and background papers of the [ACVSB]”,* or indeed the recommendations made in the report to ensure that this type of mistake was not repeated.
- 9.7. [DHSC0014975_033] is an email from Steve Wells to Zubeda Seedat regarding destruction dockets for blood products files dated 13 July 2007. Please see my comments in paragraph 10.1.
- 9.8. [WITN4486001] is the first written statement of Dr Rejman provided to the Inquiry, dated 26 March 2021. At paragraph 29 this says: *“I also borrowed volumes 1 to 14 of the official GEB file series (including those containing [ACVSB] papers) from David Burrage, an administrative colleague [...] I was told by him that volume 4 had been destroyed and so I was not able to look at this.”* At paragraph 35 this says: *“I alerted Mrs James to the destruction of volume 4 (“for part of 1989”), and recorded that Mr Burrage had asked the*

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individuals responsible for the destruction to write to him formally confirming this.” At paragraph 36 this says: “I do not know how Mr Burrage would have gone about [writing to the individuals responsible for document destruction], although I presume that he would have asked the two Executive Officers in his section (whose names I do not recall) and may have alerted Roger Scofield, his line manager [...] I believe that the GEB volumes were stored in Mr Burrage’s office.” Finally, at paragraph 44, Dr Rejman states, “[...] Mr Burrage left the department in or around June 1995. This may explain why I did not hear further as regards his efforts to determine what had happened to the destroyed GEB volume 4. I had clearly not received any update by 7th June 1995, when I informed Anita James of its destruction [...] if the task had been pursued, I believe it would have fallen to Mr Burrage’s successor or his line manager, Roger Scofield.” Based on the limited recollection I have, and the documents I have seen, I am not able to add to Dr Rejman’s account in his witness statement, but have no reason to contradict it. At paragraph 36, this suggests Roger Scofield was my line manager, but this is incorrect. That would have been Mr Canavan, Mr Kelly or Mr Pudlo.

- 9.9. **[WITN5426001]** is the first written statement of Ms James provided to the Inquiry, dated 18 May 2022. At paragraphs 5.10 and 5.11, this refers to me as the junior official responsible for document destruction, but clarifies that this was a mistaken belief. I do not have anything to add to this account, suffice to say that I do not recall having destroyed the documents in question, and that it appears correct from my review of documents provided that it was other individuals who did this who I then wrote to. It also appears correct that it was someone more junior who signed the destruction slip referred to in paragraph 9.7 (see also my answer in paragraph 11). Elsewhere, Ms James refers to documents that I have already discussed above.
- 9.10. In relation to the following documents, I do not have anything to add generally or that has not already been covered above: **[INQY1000203]** is the transcript of the oral evidence of Dr Rejman given to the Inquiry on 10 May 2022; **[INQY1000204]** is the transcript of the oral evidence of Dr Rejman given to the Inquiry on 11 May 2022; **[WITN4505389]** is the third written statement of Charles Lister provided to the Inquiry, dated 19 May 2022; and **[INQY1000212]**

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is the transcript of the oral evidence of Charles Lister given to the Inquiry on 8 June 2022.

- 9.11. In summary, most of the documentation appears to indicate that it was Volume 4 of the GEB 1 Series that was destroyed during the time I was at DH. This volume appears to have contained minutes and background papers to the ACVSB between May 1989 – February 1992. I appear to have written to the individuals concerned upon learning about this. In relation to old HIV litigation files missing from the Solicitor's Division (the Litigation Discovery Binders), it appears that, when asked closer to the time, my view was that before I left CA-OPU all the relevant files were located together in one filing cabinet, and if they were lost after I left, I could not account for why that was or where they would be.
- 9.12. It is worth noting, briefly, that I regret upon reviewing **[WITN7149002]** , as well as **[WITN7149003]** – relating to volumes 2 and 20 of the LIE Files – that the branch review decision boxes of the cover sheets appear to have been incorrectly marked for destruction in twenty-five years as opposed to a second review on my behalf (as indicated by the handwritten “pp.”). The covering minutes dated 5 August 1993 attached to the files instruct DRO that the files LIE volumes 2 and 20 were to be kept for twenty-five years for information and reference purposes. As can be seen by the document, a colleague signed this on my behalf. Per my comments earlier in this statement, the policy from the DH guide on record keeping **[WITN0001002]** would have been that these should have been marked for a second review after twenty-five years on the basis of having potential historical or research value. The guide does not allow for destruction after twenty-five years, only for second review. I cannot now recall whether I gave this instruction, whether whoever signed this cover sheet on my behalf did it of their own volition, whether it could have been a mistakenly filled in cover sheet, or who that person would have been. The signature on the file cover sheets appears to be “J Ansted” a member of clerical staff on the branch. Even so, the DH guide on record keeping **[WITN0001002]** places the onus on the DRO to check with the branch that filled in the review decision box if an acceptable date has not been entered. This does not appear to have

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happened in the case of LIE volumes 2 and 20, and would have been a useful safeguard against the original error at the branch.

Writing to the individuals responsible

- 10.1. I am asked to comment on a memo from Dr Rejman to Anita James dated 7 June 1995, in particular the following in which Ms James stated: *“Unfortunately vol 4 for part [of] 1989 has apparently been destroyed. Mr Burrage has asked for the individuals responsible to write to him formally confirming this”* [DHSC0200022_002].
- 10.2. Prior to reviewing the documents provided to me by the Inquiry, I had little recollection of these events. The memo records that I had provided volumes 1-14 of the GEB 1 Series to Dr Rejman to the extent that they had been retained by DH.
- 10.3. It appears from the docket [DHSC0014975_033] that volume 4 of the GEB 1 Series had been returned to the Departmental Records Office (DRO) on 30 July 1993. Volumes 5 to 17 of the GEB 1 Series were returned to the DRO on the same date. The docket records that volume 4 was destroyed on 29 September 1994 [DHSC0014975_033]. This was done in error since the docket shows that the status of volume 4 was due to be reviewed on 19 July 1995 and ought to have been retained.
- 10.4. As I set out above, I do not now recall writing to any individuals who I believed was responsible for destruction of Volume 4 in error and nor do I recall their identity. As mentioned, the letters I am said to have sent have not been located despite extensive searches of DH documents gathered for the purposes of the Inquiry.
- 10.5. We would have wanted to ensure, as far as we could, that the information set out in the docket was correct and that volume 4 had in fact been destroyed. As I set out above, I left DH in June 1995 and therefore would not have seen any reply correspondence received by DH after that date.

Individuals who signed the destruction dockets

- 11.1. I am asked whether I can identify the initials of the individual(s) who signed the destruction dockets of the GEB 1 Series.

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- 11.2. I have reviewed the destruction dockets [DHSC0014975_033] in detail and cannot identify the signature on the destruction record for Volume 4, nor do I know who "LB" is (the handwritten initials on this record). I note that the stamping and initialling of destruction dockets would have been done at the Records Office and therefore I am very unlikely to know who the initials belong to. The initials on the record which states that Volume 4 was returned to the DRO on 30 July 1993 appear to be "JR". I believe that this would have been John Rutherford. Mr Rutherford was the other HEO who worked alongside me in Eileen House. It was Mr Rutherford who provided the HEO support for ACVSB. I cannot remember when Mr Rutherford left his role, but I recall that a young lady transferred from the Home Office to succeed him in the role, albeit I do not think she remained in DH for very long. John Canavan was their supervisor.
- 11.3. The ACVSB's successor committee, the MSBT (which came into being in October 1993), was my responsibility at HEO level working to Mr Canavan and Dr Rejman. I do not remember the date on which I became the sole HEO in the office.

My understanding of why Vol 4 was destroyed and what information is contained

- 12.1. The Inquiry has asked me to comment on my understanding as to why Volume 4 was destroyed.
- 12.2. As I set out above, I can only assume that this was a result of human error. As the HEO providing administrative support for the MSBT, Dr Rejman asked me to find the files he needed in 1995, at which time the error came to light.
- 12.3. I have read the third witness statement of Mr Lister to the Inquiry dated 19 May 2022 [WITN4505389] and agree with the conclusion of the Internal Audit Report [NHBT0000193_137] quoted at paragraph 2.64 of that statement, namely that the decision was "*most likely taken by an inexperienced member of staff*" and that the organisational changes in DH at the time may have led to confusion in which either responsibilities were delegated without proper instruction or an official assumed responsibility without proper authorisation.

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13.1. As to the information that would have been contained in Volume 4, I have no specific recollection and cannot add to the evidence of Mr Lister at paragraph 2.59 of his statement, in which he quotes the disclosure list of 9 May 2000 filed with the High Court in *A v National Blood Authority* [WITN4505397], which stated that volumes 4 – 16 of “GEB1” contained the minutes and background papers of the ACVSB. I believe that Volume 4 specifically contained ACVSB papers for 1989.

Whether I checked the destruction dates of the other volumes of the GEB files

14.1. I am asked whether I checked the destruction dates on the other volumes of the GEB 1 Series, that is, other than volume 4.

14.2. The destruction docket [DHSC0014975_033] indicates the destruction dates of the remaining volumes in the GEB 1 Series as follows:

- Volume 5: 15 October 1997
- Volume 6: 14 October 1997
- Volume 7: 15 October 1997
- Volume 8: 15 October 1997
- Volume 9: 17 March 1998
- Volume 10: 17 March 1998
- Volume 11: 15 October 1997
- Volume 12: 15 October 1997
- Volume 13: 17 March 1998
- Volume 14: 15 October 1997
- Volume 15: (I think) 12 November 1998

14.3. Since I left DH in mid-June 1995 I had no knowledge of the destruction of the volumes listed above. As Dr Rejman's minute dated 7 June 1995 [DHSC0200022_002] confirmed, at the time I left DH only Volume 4 had been destroyed.

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- 14.4. I have no knowledge of the action taken by DH officials after I left DH in mid-June 1995 in respect of the GEB 1 Series. I would have expected the review dates on the files to be reassessed before the files were eventually returned to the DRO.

What information was contained in the other GEB files

- 15.1. As to the information that was contained within the remaining GEB 1 Series which were destroyed following my departure, I can only repeat my comments above, save that the volumes would have contained ACVSB minutes and backgrounds papers for a longer period of time; I understand from Mr Lister's evidence provided to me by the Inquiry [WITN4505389] that they related to the period between May 1989 and February 1992.

Location of remaining GEB files when I left DH

- 16.1. I am asked to comment upon where the remaining GEB 1 Series files were at the time that I left DH.
- 16.2. At some stage after I left DH in June 1995 it appears the then extant GEB 1 Series files were returned to the DRO. I cannot say when that might have been done or by whom since this is not apparent from the docket. I cannot say why review dates were not reassessed before their return to DRO. As above, I note that the remaining GEB 1 Series files were destroyed two to three years after my departure from DH.
- 16.3. It appears from Ms Margaret Jackson-Roberts' memo to Ruth McEwan dated 1 October 1996 [WITN5426333] that there were missing files identified at that time. If this referred to GEB 1 Series files, they must have been either in branch or DRO central file storage by that stage.

Internal audit

- 17.1. I am referred to the Internal Audit Review in respect of the Hepatitis C Litigation, whose Final Report [DHSC0046961_071] I have now read. I was not contacted in relation to this audit at any time.
- 17.2. To my best recollection the last contact I had with DH was in 1996. I received a telephone call from a DH official who I thought was Linda Lockyer, on my

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mobile phone. I believe she asked me to whom I gave the keys to a locked cabinet containing papers which might have related to Hepatitis C. I think the locked cabinet would have contained copies of papers previously prepared for Court in the HIV litigation discovery process (or, the Litigation Discovery Binders). I answered that I had left the keys with John Nash, then an EO in the blood policy team at DH. I had no further contact with Ms Lockyer or any other DH officials following that conversation. I would re-iterate my comments earlier that my being asked to whom I gave the keys to the locked cabinet does not indicate that I then had knowledge that any of these documents had been destroyed.

Final Remarks

- 18.1. I sympathise greatly with the ordeal of both the infected and affected. I hope and trust that something good will come from the Inquiry's work.

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Statement of Truth

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

GRO-C

Dated: 1 September 2022