Witness Name: Lorraine Jackson
For DHSC (Core Participant)
Statement No.: [WITN7193001]
Exhibits: WITN7193002-

WITN7193051

Dated: 31 August 2022

THE INFECTED BLOOD INQUIRY

WITNESS STATEMENT OF LORRAINE JACKSON FOR THE DEPARTMENT OF HEALTH AND SOCIAL CARE

I, Lorraine Jackson, Director of Information Risk Management and Assurance ("IRMA") at The Department of Health and Social Care ("DHSC"), Quarry House, Leeds will say as follows:

1. Contents

1. Conten	its	2
Section 0:	Introduction	3
Section 1:	The Inquiry's request	4
Section 2:	Methodology	6
Section 3: papers	Whether the Inquiry's Schedule is a true and complete list o	f ACVSB 8
Section 4: kthe Inquiry	Knowledge of destroyed ACVSB documents prior to the announc	ement of 17
Section 5: A	ACVSB documents still considered destroyed or missing	19

Section 0: Introduction

- 0.1. I, Lorraine Jackson, am currently employed as Director of Information Risk Management and Assurance ("RMA") for the Department of Health and Social Care ("DHSC"). I have been in that post since 1 April 2021 as Acting Director and, following an external competition, was appointed as Director on 9 July 2021.
- 0.2. I make this witness statement in connection with the DHSC's role as a Core Participant in the Infected Blood Inquiry ("IBI") and further to a request under Rule 9(2) of the Inquiry Rules 2006, dated 20 July 2022, concerning the Destruction of Minutes of the Advisory Committee on the Virological Safety of Blood ("ACVSB").
- 0.3. Save where otherwise stated, all facts and matters referred to in this witness statement are true and within my own knowledge and have come to my attention during the course of my work. Insofar as facts and matters are not directly within my knowledge, they are true to the best of my knowledge and belief and I have indicated the sources of that belief. I am duly authorised to make this statement on behalf of the DHSC.

Section 1: The Inquiry's request

- 1.1 The Inquiry has sought to identify a complete set of ACVSB meeting agendas, minutes and appendices. In order to assist with this identification, I have been provided with Part 1 and Part 2 of a Schedule of Documents by the Inquiry. The Schedule is an inventory of the documents (consisting of minutes of meetings, agendas for meetings, appendices and notes) which are either in the Inquiry's possession, or which the Inquiry believes, were in existence around the time of the meetings. The documents relate to the following meetings:
 - a. First ACVSB meeting of 4 April 1989;
 - b. Second ACVSB meeting of 22 May 1989;
 - c. Third ACVSB meeting of 3 July 1989;
 - d. Fourth ACVSB meeting of 6 November 1989;
 - e. Fifth ACVSB meeting of 17 January 1990;
 - f. Sixth ACVSB meeting of 24 April 1990;
 - g. Seventh ACVSB meeting of 2 July 1990;
 - h. Eighth ACVSB meeting of 21 November 1990;
 - Ninth ACVSB meeting of 25 February 1991;
 - j. Tenth ACVSB meeting of 21 May 1991;
 - k. Eleventh ACVSB meeting of 29 October 1991;
 - I. Twelfth ACVSB meeting of 21 February 1992;
 - m. Thirteenth ACVSB meeting of 2 July 1992;
 - n. Fourteenth ACVSB meeting of 29 September 1992; and
 - Fifteenth ACVSB meeting of 9 February 1993.
- 1.2 First, I have been asked whether the documents listed are true and complete copies of the ACVSB meeting agendas, minutes and appendices. If this list is

- incorrect, I have then been asked to provide a correct list of documents, and the underlying documents themselves. I deal with this at Section 3 of my statement.
- 1.3 Second, I have also been asked to specify which of the ACVSB documents were thought to have been destroyed at any time prior to the announcement of the Infected Blood Inquiry in 2017. I deal with this at Section 4 of my statement.
- 1.4 Third, I have been asked to specify which of the ACVSB documents are still considered to be destroyed or missing. I deal with this at Section 5 of my statement.

Section 2: Methodology

- 2.1. In order to provide the answers sought by the Inquiry I have undertaken the following steps:
 - My team has read all of the documents contained within the Schedule. a) My team has also searched for any additional files which may contain documents which could assist the Inquiry. The fruits of this search are detailed below in Section 3.1, and are listed in a separate schedule and bundle [WITN7193005; WITN7193006; WITN7193007; WITN7193008; WITN7193009; WITN7193010; WITN7193011; WITN7193012; WITN7193013; WITN7193014; WITN7193015; WITN7193016; WITN7193017; WITN7193018; WITN7193019; WITN7193020; WITN7193021; WITN7193022; WITN7193023; WITN7193024; WITN7193025; WITN7193026; WITN7193027; WITN7193028; WITN7193030; WITN7193029; WITN7193031; WITN7193032; WITN7193033; WITN7193034; WITN7193035; WITN7193036; WITN7193037; WITN7193038; WITN7193039; WITN7193040; WITN7193041; WITN7193042; WITN7193043; WITN7193044; WITN7193045; WITN7193046; and WITN7193047] at **Annex A** [WITN7193002]: Documents found by the DHSC, not in the Possession of the Inquiry.
 - b) Where a document does not appear to be the true and complete version of the document, it has been checked against DHSC's set of the same documents. If DHSC holds a truer or more complete version of any document (where the Inquiry does not), I have said so below at paras. 3.4.(1) and 3.5, and have listed them in a separate schedule and provided them in a bundle [WITN7193048; WITN7193049; and WITN7193050] [Annex B [WITN7193003]: Department of Health's Schedule of Documents which the Inquiry has, but were incomplete or unreadable].

- c) For each one of the 15 ACVSB meetings, My team has read the Agenda and Minutes and checked the documents mentioned in the Agenda and Minutes to ensure that the documents are all listed on the Inquiry's Schedule. If they are not, and therefore, if thought to remain missing or destroyed, I have said so below, and have listed them in a separate schedule and provided them in a bundle [Annex C [WITN7193004]: Documents not in the Possession of the Department of Health or the Inquiry, Believed to be Missing or Destroyed].
- d) I have familiarised myself with the Inquiry statements of Mrs Anita James and Mr Charles Lister and their accompanying documents. Mrs James was a lawyer, and Mr Lister a Policy Officer for the DHSC in the early 2000s and both were involved in identifying the ACVSB documents to disclose to the Claimants' solicitors in their litigation against the National Blood Authority. The documents that they exhibit have enabled me to identify some relevant information needed for this Rule 9 response.

Section 3: Whether the Inquiry's Schedule is a true and complete list of ACVSB papers

- 3.1 I have sought to assist the Inquiry to determine whether the documents provided by the IBI are true and complete copies, of the minutes, agendas and appendices, of each of the ACVSB meetings.
- 3.2 From the work done for this Statement, it appears that the Schedule is a complete list, aside from the documents set out below.

3.3 Additional documents found – Incomplete List

- a) As stated above at para. 2.1(a), I have received considerable help from my team, who undertook additional searches to ensure the Inquiry had all of the relevant documentation in relation to this request for information. These additional searches conducted by my team led them to find two boxes containing various assorted papers including minutes and papers to the ACVSB from 1989 onwards. These papers appear to have been part of, or linked to, court bundles for litigation. The two boxes were transferred to the Department of Health from the Department of Work and Pensions in February 2019. However, it does not appear that these documents have been previously disclosed to the Inquiry.
- b) To explain further, the documents came from two boxes which were found in DHSC's offsite storage provider, Iron Mountain, following a recent electronic search into what material listed on the inventory would respond to the name or title ACVSB and its variants, from the descriptions of the material held on the system. The search was conducted as a double-check into what information we (DHSC) hold within the scope of the Rule 9 request. Once identified by this search, the two boxes were then recalled to DHSC premises in Burnley for physical review, for the purpose of this statement.

- c) To determine why these documents had not previously been disclosed to the IBI, my team conducted an investigation into where these documents came from, in order to understand where any failures may have arisen. To begin, it is important to give a historical background to document retention by the DHSC.
- d) In 1988 the Department of Health and Social Security split in two, to become the Department of Health and the Department of Work and Pensions. The two departments shared the same Legal services. This service was provided by the Solicitors Branch, which happened to be located in the building for the Department of Work and Pensions (DWP). Paper records created by the team relating to the Department of Health (DH) legal matters should have been stored in the DH filestore, but the advent of electronic records and the limitations with IT at the time meant that records were split between DH and DWP. In 2009 an agreement was reached with DWP that they would be the sole provider of records management services to the DH/DWP shared legal service. By 2014, DH/DWP legal services joined the Treasury Solicitors (Tsol). Tsol became the Government Legal Department, in 2015, and the legal team had to move out of the DWP and relocated to new premises.
- e) By late 2018, the shared legal service had become part of the Government Legal Department (GLD). DWP sought to transfer files they held from the legal service to GLD, but they were unwilling to accept these files as they considered them to be owned by the client. DWP sought DH permission to destroy any files that were over 10 years old. However, the DH opted to take custody of all files into our storage facility. This work was completed in early 2019.
- f) Part of this transfer work included consideration of records which could not be transferred as they had already been recalled for business purposes within GLD, presumably for legal work relating to DHSC issues. There was some work to verify that these records were still available, and that any other records on site in GLD premises that were no longer required would be returned to DH rather than DWP.

- g) There were a number of items in storage that were potentially of interest to IBI. The team at DHSC identified these documents on the schedule of files to transfer to the GLD. A member of my team, Mr Brendan Sheehy, provided a copy of the list of these files to the IBI, and they were sent original files for review (with any selected being digitised and added to GLD's electronic document management system to ensure that it was made available to the Inquiry). We sought to be pro-active in providing the IBI with all of the documents they sought.
- h) The question of files that were 'with the business' (i.e. in this case, with GLD) was discussed internally, and the question asked was whether these needed to be disclosed to the Inquiry. The confirmation from GLD colleagues at the time was that records in the custody of the GLD would be considered by them and any relevant files would be scanned for the IBI. We have attached the email correspondence around this, including a list of the boxes which were being sent to DHSC in Burnley for storage [WITN7193051]. In 2019, the process in place for digitising and disclosing material to the Inquiry was owned by GLD, rather than by DHSC. In essence the DHSC would send boxes to the GLD for scanning and review and if they needed to be disclosed, the contents would be sent electronically to the Inquiry. The contents of the two boxes were with GLD and awaiting review and disclosure. The email from 15 April 2019 states that not all the boxes/documents had been disclosed to the Inquiry and needed to be reviewed first. However, since they had been scanned, they could be returned to the DHSC. Once the boxes arrived with DHSC, our task was to place these boxes into storage, with no further action required.
- i) From the perspective of the DHSC itself, therefore, it seems that the DHSC had taken the proper steps to identify and to disclose, relevant material to the Inquiry, at the outset of the Inquiry's call for documents. Then, when as a result of the searches for this R9 statement we retrieved the boxes and found documents that did not form part of the Inquiry's Schedule of disclosed material for the ACVSB meetings, we have provided these to the Inquiry. As an additional check, however, DHSC is putting together a list of all the boxes which

- were returned directly from GLD rather than being transferred from DWP, and checking their status with regards to disclosure.
- j) At this stage, I do not know why it appears that these two boxes were not located or their contents checked before. However, GLD is urgently attempting to ascertain the circumstances in which they are only being discovered or checked at this stage. Furthermore, at this moment in time I am not in a position to determine how and why any relevant documents were not identified and offered to the Inquiry when they should have been. I, or a suitable deponent, will provide the Inquiry with a further witness statement explaining this, as soon as possible and upon the conclusion of the GLD investigation.
- k) The two boxes recalled have proved to contain materials covering a wide range of topics. In addition to materials relevant to ACVSB meetings, the two boxes contain litigation papers, several printouts of pages of Hansard for a variety of dates and internal DH press releases, as well as irrelevant material such as legal training material from the BPP law school. The contents of these two boxes may come from individuals' private records or working files, as most of the documents appear to be printouts and some documents, including a number of documents relating to ACVSB meetings, have several copies. I further understand that their contents are being urgently listed and checked within GLD to see if there is any further new material, not linked to the ACVSB meetings and so not the subject of this Statement, which should be passed to the Inquiry.
- I) Following an assessment of the two boxes, my team were able to identify a number of documents that formed part of the material relating to ACVSB meetings but did not appear in the Inquiry's Schedule of documents for these meetings. I have listed these documents and linked them to their relevant meeting at Annex A [WITN7193002], except for the Chair's Note dated 4 April 1989 from the First ACVSB meeting [WITN7193010], which is a document that was located within the DHSC's set of documents in General Blood ("GEB") 1 Volume 3. It has already been disclosed to the Inquiry but does not appear in the Schedule. To be clear, the documents set out in Annex A [WITN7193002]

are not limited to documents listed on the Inquiry's Schedule, but are documents which have very recently been found by my team, subsequent to the request for information.

3.4 Documents listed in Anita James and Charles Lister's witness statements

- a) As mentioned above at para. 2.1 d), I have been assisted by analysing the witness statements of Anita James and Charles Lister. I note that on 20 January 2000, Mrs James wrote to Deas Mallen Souter (representatives for the Claimants), enclosing minutes of the ACVSB comprising of 15 meetings spanning from 04.04.1989 09.03.1993, divided into two parts the first concerning meetings 1-7 and the second meetings 8-15 [please see [WITN5426162]. The 14th meeting had occurred in July, not June 1992, as indicated in the papers.
- b) The evidence shows that Deas Mallen Souter responded to Mrs James in a letter dated 27 January 2000, with their comments on the disclosure minutes and identifying several enclosures, annexes, and pages missing from the documents. The evidence further shows that both Mrs James and Mr Lister actively looked for the missing documents from other sources and former members of the ACVSB [see WITN4505391].
- c) I have also considered the minute from Mr Lister to Mrs James, of 3 March 2000 [See WITN6955043], in which Mr Lister identified the documents they had located and the documents still outstanding, as listed below:

"ACVSB 2nd Meeting

Papers 2/1, 2/5 and 2/8 are from the Department's registered files (the volumes containing papers for the 1st and 2nd meetings of ACVSB were not destroyed). DMS ask for the enclosures to 2/1. As you'll see there are no enclosures and the paper is in any case not about hepatitis. This may therefore be an error on the part of DMS.

Paper 2/9 is from Prof Zuckerman's personal papers.

Page **12** of 21

We have not yet found the questionnaire results and report extract appended to paper 2/7.

3rd Meeting

We have not yet found the annexes to paper 3/1.

4th Meeting

4/1, 4/2 and 4/5 come from Professor Zuckerman's personal papers.

We have not yet found the minutes of the 4th meeting.

5th Meeting

5/1, 5/7, 5/8 and 5/9 come from Prof Zuckerman's personal papers. 5.9 is draft guidance on therapeutic and diagnostic materials used by the UK Blood Transfusion Services and appears to have some papers missing (it's hard to say how many). I'll see if I can find a more complete version.

5/2 and 5/10 comes from files held by the Scottish Executive.

We have not yet found 5/6.

6th meeting

6/6 comes from Prof Zuckerman's personal papers. 6/3 comes from files held by the Scottish Executive. We have not yet found 6/3, 6/4, 6/5 or 6/7....

.... I have, however, found a copy of paper 6/2 has been found ... [but] these look to me like the actual Ortho abstracts (as opposed to notes prepared by Dr Rejman).

Page 13 of 21

7th Meeting

[No copies of papers from the 7th meeting (apart from 7/3)]

8th Meeting

8/2 comes from Prof Zuckerman's personal papers.

9th Meeting

9/4, 9/7, 9/8, 9/9, 9/10, 9/12 and 9/13 come from Prof Zuckerman's personal papers.

10th meeting

10/5, 10/7, and 10/9 come from Prof Zuckerman's personal papers.

10/6 and 10/8 come from files held by Scottish Executive...

11th meeting

11/1 and 11/5 come from Prof Zuckerman's personal papers. We have not yet found the minutes of the 11th meeting.

13th meeting

From the agenda of 13th meeting, there would appear to have been just two papers 13/1 & 13/2. (13/2 was on HTLV so is presumably not relevant). 13/1 is enclosed and comes from from Prof Zuckerman's personal papers.

Item 3 on the agenda was Matters Arising and item 5 would appear to be an oral report.

We have not yet found the minutes of the 13th meeting.

14th meeting

Page 14 of 21

We have not yet found the minutes of the 14th meeting.

Procurement Product Liability

We have not yet found a copy of this circular

Meeting Metters / Gunson- June 1990

We have not yet found a note of this meeting/related papers."

- 3.4. I have cross referenced these documents with the Inquiry's Schedule of the documents that the Inquiry now hold and it appears that the Inquiry now has all of the papers that were deemed missing in this list.
- 3.5. It is of course possible that DHSC could discover further documents that remain missing from the IBI schedule, following our further investigations.
- 3.6. I have sought to assist the Inquiry to determine whether the documents provided by the IBI are a *true* list of the minutes, agendas, and appendices of each of the ACVSB meetings.
- 3.7. The only two documents provided by the Inquiry which are on the Inquiry's Schedule which may not be the true copies are listed below and are contained within Appendix B.
 - (1) First ACVSB meeting, dated 4 April 1989: Along with the minutes of the meeting for the first ACVSB, dated 4 April 1989, the Inquiry has provided copies of Appendices 1/1 to 1/8, as well as an informal note of the meeting. Page two of ACVSB 1 and 2 appear to have been mixed up, but we cannot be certain [see PRSE0001 189 and P RS E0004113].
 - (2) **Tenth ACVSB meeting dated 21 May 1994:** Page 4 of the paper titled Hepatitis C virus screening: UK Blood Transfusion Service on the threshold (ACVSB 10/4) is missing the first line of the page "with such systems the specificity of the reactions of seropositive...". Page 6 of this

same document is also missing its first two lines [see NHBT0000191 142].

Section 4: Knowledge of destroyed ACVSB documents prior to the announcement of the Inquiry

- 4.1 The Inquiry has provided the Schedule in order to establish and confirm which of the ACVSB documents were thought to have been destroyed prior to the announcement of the Infected Blood Inquiry in 2017.
- 4.2 In a minute to Mrs Anita James on 7 June 1995, Dr Andrzej Rejman informed Mrs James of the destruction of GEB vol 4 [see DHSC0200022_002]. He referred Mrs James to his previous minute of 19 May 1995, where he had asked her to provide advice on how to proceed, once the initial listing was completed [see WITN4486011]
- 4.3 In an email dated 24 February 2000, Mrs Ann Willins wrote to the Departmental Records Office (DRO), requesting confirmation of to whom the records of GEB VOLs 4-16 had been returned. The response confirmed that the records had been destroyed over a number of years, in the past decade. The correspondence lists the destruction dates for the documents as follows:

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"FILE GEB I VOL 4 WAS DESTROYED IN 1994

FILE GEB 1 VOL, S 5-6-7-8-11-12-14 WAS DESTROYED IN 1997

FILE GEB 1 VOL; S 9-10-13 WAS DESTROYED 1998

FILE GEB 1 VOL 15 WAS DESTROYED IN 1996

FILE GEB 1 VOL 16 WAS DESTROYED IN 1997"
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Subsequently, Mrs Willins notified Mr Charles Lister by forwarding DRO's email on 28 February 2000. Mr Lister forwarded this email to Mr Laurence George on 31 March 2000 [see WITN6955040].

- 4.3 The front page of the dockets has the following information:
 - a) the file name,
 - b) the timeframe the docket relates to,
 - c) the subject of the docket,

- d) the date when the docket has been closed,
- e) the date for branch review decision.
- 4.4 The branch decision date can be rescheduled further into the future by the person who has been authorised to do the review.
- 4.5 The table below is a full account of the dockets detailing their file name, timeframe, date of closure, date of final review and date of destruction as noted on the cover page. [DHSC0200022_007]

File name	Timeframe	Date of Closure	Date of final review	Date of destruction
GEB1/4	16.05.1989 - 19.07.1990	09.02.1993	19.07.1995	29.09.1994
GEB1/5	14.08.1989 - 19.12.1989	09.02.1993	XX.08.1995	15.10.1997
GEB1/6	10.01.1990 - 31.12.1989	09.02.1993	31.12.1994	14.10.1997
GEB1/7	01.01.1990 - 24.04.1990	09.02.1993	24.04.1995	15.10.1997
GEB1/8	24.04.1990 - 26.07.1990	09.02.1993	26.07.1995	15.10.1997
GEB1/9	27.07.1990 - 21.11.1990	09.02.1993	21.11.1995	17.03.1998
GEB1/10	26.11.1990 - 07.01.1991	09.02.1993	07.01.1996	17.03.1998
GEB1/11	08.01.1991 - 21.02.1991	09.02.1993	21.02.1996	15.10.1997
GEB1/12	28.02.1991 - 21.05.1991	09.02.1993	21.05.1996	15.10.1997
GEB1/13	22.05.1991 - 21.06.1991	09.02.1993	21.06.1996	17.03.1998
GEB1/14	21.06.1991 - 18.10.1991	09.02.1993	18.10.1996	15.10.1997
GEB1/15	23.10.1991 - 01.11.1991	09.02.1993	01.11.1996	illegible
GEB1/16	06.11.1991 - 05.02.1992	17.03.1996	05.02.1997	01.02.1997
GEB1/17	13.02.1992 - 06.04.1992	17.03.1993	06.04.1997	01.04.1997

- 4.6 From the review conducted by Dr Rejman, the DHSC was informed that part of GEB vol 4 has been destroyed. Upon a further review in 2000, the DRO confirmed that GEB vols 4-17 had been destroyed at various dates up to and including 1998, as set out above. This was of course prior to the announcement of the Infected Blood Inquiry.
- 4.7 Based on the above information and the documents provided to me by the Inquiry, I can confirm that GEB volumes 4-17 were destroyed prior to the announcement of the Inquiry in 2017.

Section 5: ACVSB documents still considered destroyed or missing

- 5.1 Upon review of documents provided by the IBI and copies stored by DHSC, further documents and papers have been identified to form a full set of papers annexed to ACVSB meetings. We have conducted a reconstruction exercise in order to determine which and if any papers are still missing or believed to be destroyed.
- 5.2 The following documents appear to remain missing or destroyed. They are listed and contained within **Annex C [WITN7193004]**:
 - a) ACVSB 1st meeting dated 4th April 1988 had an agenda and 11 papers accompanying it. [see NHBT0000041_003, NHBT0000041_002] The papers appended to the meeting minutes and agenda comprise of 10 out of the 10 documents. However, the work plan annexed to ACVSB 1 / 2 is missing. Further searches have been conducted in order to identify and find a copy of the Appendix. However, the same have been unsuccessful. It is my belief is that this document remains missing or has been destroyed.
 - b) ACVSB 2nd meeting dated 22 May 1989 had an agenda and 9 documents accompanying it. [see NHBT0005019, NHBT0000041_019] The papers appended to the meeting comprise of 9 out of 9 documents. However, ACVSB 2/3 is not a complete set of documents. It is missing the proposed EC directive amendment that should have been annexed to it. Further searches have been conducted in order to identify and find a copy of the Appendix. However, the same have been unsuccessful. It is my belief that this document remains missing or has been destroyed.
 - c) ACVSB 3rd meeting dated 3 July 1989 had an agenda and 7 papers accompanying the meeting minutes. [see NHBT0000072_025, NHBT0005018]. However, at page 1 of the minutes whilst the papers

are a complete set of papers that should have been appended to the meeting minutes, the deadline for implementation and proposals to take the directive forward, which ought to have been annexed to ACVSB 3/1, does not appear to be included. Further searches have been conducted in order to identify and find a copy of the Appendix. However, these have been unsuccessful. It is my belief that this document remains missing or has been destroyed.

- d) The 9th meeting of ACVSB on 25 February 1991 had an agenda and 15 papers accompanying the meeting minutes. [see PRSE0002280, NHBT0000042_057]. Further searches have been conducted in order to identify and find a copy of the paper "Re-instatement of donors found to be reactive in previously used HIV screening tests" by Professor Tedder. However, the same has been unsuccessful. It is my belief that this document remains missing or has been destroyed.
- e) The 12th meeting of ACVSB on 21 February 1992 had an agenda and 9 papers accompanying the meeting minutes. [NHBT0000079_017, NHBT0000079_016]. Appendix VI of HTLV1 Testing of Blood Donations is a paper on Human Immunodeficiency virus antibodies in Sera of Australian Blood Donors, 1985-90 The Medical Journal of Australia 2 September 1991. Further searches have been conducted in order to identify and find a copy of this Appendix. However, the same have been unsuccessful. It is my belief that the DH copy of this document remains missing or has been destroyed, although it could presumably be located from publicly available records.
- 5.3 It is possible that we will find the above missing documents, or some of them, in the course of our further investigation. The findings of that investigation will help determine whether any of the documents thought to be missing or destroyed still exist.

Statement	of '	Trι	uth
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I believe that the facts stated in this witness statement are true.

Signed	GRO-C	è	
Ü	1 September 2022		• •