

Witness Name: Lorraine  
Jackson  
For DHSC (Core Participant)  
Statement No.: WITN7193071  
Exhibits: WITN7193072 -  
WITN7193073  
Dated: October 2022

## THE INFECTED BLOOD INQUIRY

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

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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:

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## Section 1. Introduction

- 1.1. I 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.
- 1.2. I provided a first witness statement to the Inquiry signed on 1 September 2022 [WITN7193001]. My first statement addressed the Inquiry’s Rule 9 request dated 20 July 2022, concerning the identification of a full set of minutes, agendas and papers/appendices identified in the minutes for the meetings of the Advisory Committee on the Virological Safety of Blood (“ACVSB”). I make this second witness statement in answer to a supplementary Rule 9 request made by the Inquiry dated 21 September 2022. The supplementary request and this second statement address issues concerning surviving copies of the Chairman’s briefs for the ACVSB meetings.
- 1.3. 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 2. The Inquiry's supplementary request**

2.1 In its supplementary Rule 9 request, the Inquiry has sought to identify a complete set of Chairman's briefs for all 15 of the ACVSB meetings, dating from 4 April 1989 to 9 February 1993. I have been provided by the Inquiry with a "Schedule of Documents", consisting of the Chairman's briefs for seven of the ACVSB meetings, copies of which have been identified by the Inquiry. The documents relate to the following meetings:

- (1) The second ACVSB meeting (22 May 1989);
- (2) The third ACVSB meeting (3 July 1989);
- (3) The fourth ACVSB meeting (6 November 1989);
- (4) The fifth ACVSB meeting (17 January 1990);
- (5) The seventh meeting (2 July 1990);
- (6) The thirteenth meeting (17 June 1992); and
- (7) The fifteenth meeting (9 February 1993).

2.2 First, the Inquiry has requested confirmation as to whether the documents listed above at paragraph 2.1, are true and complete copies of the Chairman's briefs for the listed ACVSB meetings.

2.3 The Inquiry has also requested copies of the Chairman's briefs for the sixth, eighth, ninth, tenth, eleventh, twelfth and fourteenth meetings<sup>1</sup>, or in the alternative, if these briefs cannot be provided, I am asked to provide an explanation for why this is the case.

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<sup>1</sup> The Chairman's brief for the first ACVSB meeting on 4 April 1989 had already been identified in my first statement, and the brief is at [DHSC0002494\_023]. See paragraph 5.4 below.

## Section 3. Methodology

4.1. In order to provide the answers sought by the Inquiry the following steps have been undertaken:

- a) To determine whether a Chairman's brief is a true and complete version of the document, my team has checked the document provided by the Inquiry against DHSC's set of the same document. I deal with this in Section 4 below.
- b) My team has read the contents of all of the documents listed within the "Schedule of Documents". They have searched for any additional files which may contain the outstanding Chairman's briefs. The majority of the searching has been electronic. However, the boxes of papers referred to in paragraph 3.3 of my first statement have also been examined for this purpose. The fruits of these searches are detailed below in Section 5. These documents are provided to the Inquiry **[WITN7193072 and WITN7193073]**. The electronic searches involved targeted searches of the GLD's electronic document management system of records for this inquiry. The searches were conducted by members of my team and the DHSC legal team working on the Inquiry. Those records comprise both scanned copies of paper records and copies of electronic records kept once electronic record keeping was introduced by the Department of Health.
- c) We have also spoken to members of the Secretariat from the time to seek to understand whether or not Chairman's briefs would have been produced invariably for each meeting of the ACVSB. This is dealt with at paragraphs 5.6–5.10 below.

## **Section 4. Whether the Inquiry's Schedule is a true and complete list of Chairman's briefs for the ACVSB Meetings**

- 4.1 I have sought to assist the Inquiry to determine whether the documents provided by the Inquiry are true and complete copies of the Chairman's briefs for the ACVSB meetings.
- 4.2 Having compared the copies of the Chairman's briefs provided to me by the Inquiry, with copies obtained from the GLD's electronic document management system, I can confirm that all of the copies of Chairman's briefs provided by the Inquiry are a complete copy. Conducting a comparison with copies held on the GLD's electronic document management system there do not appear to be any missing pages in the Inquiry's copies. Moreover, I have no reason to doubt the authenticity of the Chairman's briefs held by the Inquiry and therefore believe these to be true copies as well as being complete.

## **Section 5: Chairman's briefs for ACVSB Meetings which are still missing**

- 5.1. The Inquiry has asked me to provide copies of the Chairman's briefs for all of the remaining ACVSB meetings (the sixth, eighth, ninth, tenth, eleventh, twelfth and fourteenth meetings), which the Inquiry has not been able to find by its own searches of disclosed material. As stated above at paragraph 3.1 b), I have received considerable help from my team, who undertook additional searches to seek to ensure that the Inquiry is in possession of as many of the Chairman's briefs for the remaining ACVSB meetings as survive within DHSC records.
- 5.2. The additional searches conducted by my team have identified the Chairman's brief for two additional ACVSB meetings:
- (1) The sixth ACVSB meeting (24 April 1990) [**WITN7193072**]; and
  - (2) The fourteenth ACVSB meeting (29 September 1992) [**WITN7193073**].
- 5.3. A copy of the Chairman's brief for the first ACVSB meeting was provided to the Inquiry with my original statement.
- 5.4. Despite my team's extensive searches, like the Inquiry's own searches, we have been unable to locate the Chairman's briefs for the following meetings:
- (1) The eighth ACVSB meeting (21 November 1990);
  - (2) The ninth ACVSB meeting (25 February 1991);
  - (3) The tenth ACVSB meeting (21 May 1991);
  - (4) The eleventh ACVSB meeting (29 October 1991); and
  - (5) The twelfth ACVSB meeting (21 February 1992).
- 5.5. The Inquiry seeks my assistance as to why DHSC is not able to produce Chairman's briefs for any ACVSB meeting for which such briefs have not been identified.

- 5.6. To help to address why we do not have the Chairman's briefs for these meetings, my team has had further communication with two Secretariat members who were involved at the time (John Canavan and John Rutherford) to seek to ascertain whether or not Chairman's briefs would have been produced invariably for each meeting. They have each separately confirmed that the production of a Chairman's brief was routine, and expected by Dr Metters. Further, Mr Canavan – to the best of his recollection - could not think of any circumstances in which one would not have been prepared.
- 5.7. While I appreciate that it is a matter for the Chairman of the Inquiry to assess, it seems very likely that the Chairman's briefs for the eighth – twelfth ACVSB meetings were produced at the time. That assumption is supported by the following:
- (1) the fact that Chairman's briefs survive for the ACVSB meetings 1-7 and 13-15;
  - (2) the secretariat members' recollection that such briefs were produced routinely;
  - (3) the fact that for meetings 8-12 the Chairman remained Dr Metters such that the working methodology of ACVSB meeting preparation (including the production of a chairman's brief) is likely to have been consistent; and
  - (4) More directly, there is direct reference to some of the missing Chairman's briefs. As the Inquiry is aware, on 7 June 1995 Dr Rejman minuted Anita James enclosing a list of documents he had put together for the period 1989 – 1991 on Hepatitis C [**DHSC0200022\_002**]. The attached list include Chairman's briefs for the eighth, ninth and tenth ACVSB meetings [**WITN4486015**].
- 5.8. Accordingly, it is my belief that the Chairman's briefs for ACVSB meetings 8-12 were produced but copies have not survived within the DHSC records. Like the documents mentioned in section 5.2 a-e of my first statement [**WITN7193001**], I believe that they remain missing or have been destroyed. Unfortunately, GEB 1 Vols 4 to 17 were wrongly destroyed between September 1994 and March 1998. The ACVSB meetings 8 – 12 (spanning 21

November 1990 – 21 February 1992) all fell within the date parameters of the GEB 1 volumes that were wrongly destroyed, although copies of the Chairman's briefs for meetings 2 – 7 also fell within that timeframe.

- 5.9. A significant number of the papers concerning the ACVSB meetings would have been located in GEB 1 Vol 4-17 that were destroyed. The papers we have for those meetings in the files that were destroyed have been collected and ascertained from other sources, and are copies of the originals. Copies of the missing Chairman's briefs ought to have been retained on, and contained within, the registered files in GEB 1, volumes 4 – 17 which were subsequently wrongly destroyed.
- 5.10. With the assistance of those working on the Inquiry in the DHSC team, I have sought to explore to why the Chairman's briefs for meetings 2-7 (22 May 1989 - 2 July 1990) have been found while those for meetings 8-12 (21 November 1990 - 21 February 1992) have not. I accept that the destruction of GEB 1, volumes 4-17 cannot be the entire explanation since GEB1 volume 4 spanned records from 16 May 1989 to 6 April 1992, and meetings 2-12 were held within that destruction period.
- 5.11. One explanation is the way in which the documents were filed. On 20 January 2000, Anita James wrote to Deas Mallen Souter (representatives for the Claimants in the Hepatitis C litigation), stating "*I now enclose the minutes of the UK Advisory Committee on Virological Safety of Blood. The compromise [they comprise] 15 meetings altogether dating from 4<sup>th</sup> April 1989 (the 1<sup>st</sup> ever meeting) through to 9<sup>th</sup> February 1993. Part I contains meetings 1 to 7 and Part II meetings 8 to 15*" [WITN5426162]; also at para. 4.53 of [WITN5426001]. This suggests that minutes (and perhaps other documents, such as the Chairman's briefs) were split in two separate "*Parts*" (or files/boxes) according to the split of meetings 1-7 and 8-15. The missing briefs are for "*Part II*" meetings. Therefore, a possible explanation could be that Part II (held in a different place to a "*GEB*" file or copies held elsewhere) is lost/destroyed, but not Part I.



5.12. More generally, it is relevant to note that many of the documents relating to the ACVSB meetings, such as the minutes of the meetings, were distributed widely around the Committee members. Copies would have been sent to, and therefore held, by different members of the Committee and various civil servants. That is likely why the papers distributed around the whole Committee have been more easily found / reconstituted by the Inquiry and by DHSC, despite some of the registered files which contained these documents, being destroyed. In contrast, the Chairman's briefs would have been circulated on a far more limited distribution because they were created by the Secretariat for the Chairman in advance of the meeting and would not (as DHSC understands it) have been circulated to the Committee as a whole [see transcript of John Canavan's live evidence **[INQY1000244]** p.30, lines 2-15]. This means that the briefs would have been in much more limited circulation than the minutes of the meetings. Therefore, it is perhaps explicable that the briefs have been more difficult to locate when the relevant registered file in the GEB1 series was destroyed.

Statement of Truth

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

Signed.....

**GRO-C**

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Dated.....24<sup>th</sup> October 2022.....