

# FIRST WRITTEN STATEMENT OF YVONNE DE SAMPAYO

Witness Name: Yvonne De Sampayo

Statement No.: WITN7194001

Exhibits: WITN7914002-WITN7914013

Dated: 05 September 2022

## INFECTED BLOOD INQUIRY

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### FIRST WRITTEN STATEMENT OF YVONNE DE SAMPAYO

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I provide this statement in response to a request under Rule 9 of the Inquiry Rules 2006 dated 19 July 2022.

I, Yvonne De Sampayo, will say as follows:

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## Section 1: Introduction

1. My name is Yvonne De Sampayo. My date of birth is GRO-C 1943 and my home address is known to the Inquiry. I was the Senior Personal Secretary to Dr Jeremy Metters from 1986 until his resignation from the role of Deputy Chief Medical Officer in August 1999. I then became the Senior Personal Secretary to Dr Pat Troop (the person who took over Dr Metters' role) until my retirement in February 2003. I provide this statement to the Inquiry in response to a Rule 9 request dated 19 July 2022 and I follow the section headings in the Inquiry's request.
2. While I am hopeful that the information contained within this statement will assist the Inquiry, I wish to stress that I have very limited recollections of the events referred to within the Inquiry's request, which took place over 20 years ago. I have, therefore, prepared this statement to the best of my ability based on the documents provided by the Inquiry and those made available to me by the Department of Health and Social Care. As such, I may need to add to or clarify this statement if further information is made available to me.
3. I am asked to provide a brief outline of my employment history and positions held at the Department of Health (**DH**) which I have set out, to the best of my recollection, in Table 1 below.

**Table 1 – Employment History**

Pre-1968	I worked as a clerical assistant at Browns Group, an engineering company in Sri Lanka.
1968	On moving to England, I worked as a clerical assistant at the Navy, Army and Air Force Institutes.
1969 - 1981	I then began my career at DH in 1969 as a personal assistant to numerous doctors in the mental health division.

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1981 - 1985	<p>From 1981, I worked as the personal secretary to Dr Liz Shore, then Deputy Chief Medical Officer. In this role, I performed general secretarial and administrative duties under the direct guidance of Dr Shore. My duties included typing, steno graphing, filing and scheduling meetings.</p>
1985 - 1986	<p>Following Dr Shore's resignation in 1985, I became the personal assistant to Mr Victor Paige who was then the chairman of the National Health Service Management Board. As with my previous role, I performed general secretarial and administrative duties.</p>
1986 - 1999	<p>Mr Paige resigned from his role in 1986 after which I became the Senior Personal Secretary to Dr Metters. Dr Metters was the Deputy Chief Scientist and, later, the Deputy Chief Medical Officer.</p> <p>During this period, although I cannot recall the exact dates, I also spent a couple of years working as the Senior Personal Secretary to Dr Ed Harris, then Deputy Chief Medical Officer. I returned to work with Dr Metters when he became Deputy Chief Medical Officer following Dr Harris' retirement in 1989.</p>
1999 – 2003	<p>Dr Metters resigned from his role as DCMO in August 1999, after which I became the Diary Secretary to Dr Troop, Dr Metters' replacement.</p> <p>Dr Troop had a Senior Personal Secretary, as well as a Private Secretary, and so my role became more limited than it had been under previous DCMO's. I predominantly managed Dr Troop's diary and assisted with typing tasks.</p> <p>I remained in this role until my retirement in February 2003.</p>

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2004 - 2009	Following my retirement, I returned to work as a ward clerk in the Atkinson Morley wing at St George's Hospital. I then resigned in 2009 to take care of my elderly mother.
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4. From around 1981 until 1999, I also regularly worked overtime in the private office of the Secretary of State for Health. The private office had a 'typing pool' made up of secretaries from within DH who had signed up to work overtime. In this role, I would be assigned documents, such as speeches and PQs, by the pool supervisor for typing. This was a purely clerical position, and I did not work closely or directly with any specific ministers.
5. I hold a qualification in shorthand typing but otherwise have no professional qualifications relevant to my various roles with DH and, to the best of my recollection, took no substantive part in any committees, working parties or groups relevant to the Inquiry's terms of reference. Committees, working parties and groups often had their own designated secretaries who performed general administrative duties in connection with their role, for example, typing up minutes from committee / group meetings. I did however assist with the preparation of document packs for Dr Metters in advance of any meetings that he attended, including meetings held by the Advisory Committee on the Virological Safety of Blood (**Advisory Committee**). To the best of my recollection, divisions and committee / group administrative teams would collate in a document pack, the agenda for the upcoming meeting, the minutes from the previous meeting, as well as any other documents considered relevant. These document packs would be sent to all attendees, including Dr Metters (via me). As far as I can recall, Dr Metters would then review the document pack in advance of the corresponding meeting and, if necessary, ask me to locate further documents from the private files located in the DCMO offices that he wished to take to the meeting.

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6. Although I cannot specifically recall doing so, I can see from the documents made available to me that I undertook numerous other administrative tasks for Dr Metters in relation to the Microbiological Safety of Blood and Tissues for Transplantation (**MSBT**), the descendant of the Advisory Committee. Such tasks included assisting with the scheduling of a group meeting [**WITN7914002**], relaying information (as dictated by Dr Metters) to the divisions [**WITN7914003**], and circulating the agenda for an MSBT meeting, which I imagine I would have done if Dr Metters had wanted to amend the agenda originally circulated by the designated secretary [**WITN7914004**]. I completed any tasks that were required of me by Dr Metters (and the other doctors that I worked with) so it does not come as a surprise to me that, under his direction, I assisted him with some administrative work in relation to a committee with which he was involved. It is however worth noting that I would not have had day-to-day responsibility for this work. As set out directly above, I would expect the secretary designated to the particular committee, working party and/or group to be responsible for and perform the bulk of related administrative work.
7. I am asked to identify the names of MPs or senior officials with whom I worked closely during my time at DH. Other than those identified in Table 1 above, with whom I had close working relationships, I did not work closely with any other MPs or senior officials.
8. As far as I can recall, I have not been substantively involved with any other inquiries, investigations or criminal or civil litigation in relation to human immunodeficiency virus and/or hepatitis B virus and/or hepatitis C virus infections and/or variant Creutzfeldt-Jakob disease in blood and/or blood products. Although I cannot recall a specific example, I may have typed correspondence dictated by Dr Metters relating to the BSE Inquiry, though this would have been the extent of my involvement. Ordinarily, requests from the BSE Inquiry were sent directly to Dr Metters, who would allocate the necessary work (i.e. collating information / documents in response to disclosure requests) to the divisions. Doctors within these divisions had their own secretaries who I

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understand would have dealt with general administrative duties relating to any such disclosure requests.

9. In a similar vein, I may have completed work in relation to other inquiries, investigations, or criminal or civil litigation under the instruction of a manager. However, any involvement would have been limited to general secretarial tasks such as typing and/or filing correspondence.

## **The Destruction of Papers Relating to the Advisory Committee on the Virological Safety of Blood**

### **Section 2: Protocol on storage and destruction of departmental papers**

10. The Inquiry has asked whether: (a) I was aware of any policies in place for dealing with the storage or destruction of departmental papers; and (b) whether I can recall any training or government-wide instructions received in reference to the storage and destruction of departmental papers.
  
11. In this regard, I am referred by the Inquiry to a number of documents:
  - a) A note dated 16 May 1994 which refers to the provision of training for staff involved in organising registered files as part of their day-to-day work [WITN6955036]. I expect that I would not have attended any such training as I did not keep any registered files. At the request of my superior, papers and documents that needed to be held in registered files would be sent to the relevant division under the DCMO for filing / safe-keeping.
  - b) A leaflet of record keeping in DH dated November 1998 [WITN6955037] (9). While I do not recall having seen this document before, I note that the section entitled "*Finding a file*" which states, "*Most files are kept in a registry and each division or branch has its own*", is in keeping with my own recollection of the process as set out directly above.
  - c) A Health Service circular dated 19 March 1999 entitled "For The Record – Managing records in NHS Trusts and Health Authorities" [WITN6955045].
  - d) A note dated August 1999 entitled "Management of Electronic Documents Strategy: Information Management Standards" [WITN6955042].

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- e) A note dated February 2000 entitled "Management of Electronic Documents Strategy (MEDS)" [WITN6955041].
12. Although I cannot specifically recall any such training, instructions and/or policies, I was acutely aware of the importance of handling documents appropriately and, in particular, seeking approval from appropriate senior staff when sending files away for destruction (although I don't recall ever sending documents away for destruction). As I understand was typical at the time, I did not have any kind of induction when I joined DH. Rather, I learnt on the job through the doctors that I worked with. In this regard, I can recall having informal conversations where document management protocol was discussed and this is how I came to understand the importance of document retention.

### **Section 3: Registered Files relating to the Advisory Committee**

13. I am asked by the Inquiry to explain when I first became aware that papers related to the Advisory Committee had been destroyed.
14. While I have no recollection of the fact, having reviewed the documents made available to me by the Inquiry, I understand that I first became aware that papers had been destroyed on 22 March 2000, when I received notification of an audit investigation from Dr Troop:

#### *"HEPATITIS C LITIGATION: AUDIT INVESTIGATION*

- 1. As you may be aware, there has been an apparent loss of documents needed for the hepatitis C litigation.*
- 2. Bill Burleigh and his colleagues are carrying out an audit to ensure that we learn the lessons from this to avoid a further recurrence.*



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*3. They will be trying to establish what happened and identify the extent to which procedures have not been followed. I have also asked them to review the action that has been taken to retrieve the files.*

*4. They aim to complete their work by the end of April and report to me in May.*

*5. The audit will not seek to apportion blame, rather than help prevent such things happening again.*

*6. I appreciate you are all busy, but please could you make time to see them as soon as possible, and also let them know if there is anyone else they should see.” [DHSC0046972\_093].*

15. Although I cannot recall having done so, the wording printed in the bottom left of this notification (which reads “135.3/YdeS”) indicates that I typed it for Dr Troop. This task would have been well within my duties and responsibilities as Diary Secretary to Dr Troop so it does not come as surprise to me that I was involved in the production of this document.
16. It is worth noting that I did not appreciate that the destroyed documents related to the work of the Advisory Committee until first contacted by the Infected Blood Inquiry in June 2022.
17. Given my administrative role, I would not have been privy to any discussions and/or correspondence relating to the destruction of these documents. In particular, I would not have seen the following two contemporaneous documents referred to me by the Inquiry:
  - a) The minute dated 3 March 2000 from Charles Lister, who I understand (from the documents) was the head of the Blood Policy Unit at DH during the relevant time, to Dr Troop regarding the premature destruction of registered files [DHSC0046972\_126]; and

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- b) The email also dated 3 March 2000 from Charles Lister to Anita James, who I understand sat in the legal team at DH, in relation to a draft of the above minute to Dr Troop **[DHSC0046972\_127]**.
- 18. As such, I do not know, and would not have known, the date, type and/or title of any missing registered documents or files and it would not have been my place to investigate why such papers had been destroyed (had I known at the time).
- 19. Having read the written statements and hearing transcripts referred to me by the Inquiry **[WITN4505389, WITN5426001, INQY1000203, INQY1000204 and INQY1000212]**, I have nothing further to add to the above other than to reiterate that I would not have been involved in the high-level communications between senior staff and external counsel regarding the search for and destruction of registered files relating to the Advisory Committee, including the final audit report prepared by the auditor, Laurence George **[DHSC0046961\_071]**.
- 20. I have also been asked to confirm whether I knew the identity of the individual responsible for the destruction of the registered files relating to the Advisory Committee. In doing so I have been referred to the following documents by the Inquiry:
  - a) A memo dated 7 June 1995 from Dr Rejman to Anita James referring to a list of documents discovered in relation to the period 1989 – 1991. I understand that the documents referred to are the aforementioned missing registered files relating to the Advisory Committee **[DHSC0200022\_002]**; and
  - b) An email dated 13 July 2007 from Steve Wells to Zubeda Seedat enclosing copies of destruction dockets for certain volumes of the missing registered files **[DHSC0014975\_033]**.

21. I can confirm that I do not know the identity of the individual responsible for the destruction of the registered files nor do I recognise any of the initials of the individual or individuals who signed the corresponding destruction dockets.

## **Section 4: Internal Audit**

22. I have been asked to explain the content of my discussions with the auditor tasked with conducting an internal audit into the destruction of documents relating to the Advisory Committee. While I do not recall my conversation with Laurence George on 23 March 2000, I can see from the interview note that we discussed Dr Metters' private papers relating to the Advisory Committee and I informed Mr George that I had located some relevant files and had forwarded these on to the appropriate people [WITN6955052].
23. As set out in further detail at paragraph 38 below, I did not have any communication with Dr Metters in relation to any work matters, including the internal audit, following his retirement in August 1999. As far as I can recall, I was not aware that an audit interview was due to or had taken place with Dr Metters though I would not necessarily have expected to know or be told this information. I certainly would not have expected Dr Metters to inform me of any such interview.
24. I am asked to explain my understanding of the content of the destroyed Advisory Committee papers and referred, in this context, to an email dated 8 March 2007 from Linda Page to Elizabeth Woodeson, Ailsa Wight, William Cannon and Alexandra Nicholas [DHSC6359061]. As set out at paragraph 17 above, I would not have been privy to any information regarding the content of the destroyed registered papers. I am not therefore in a position to know whether the destroyed files would have helped to identify the process of introducing screening tests for Hepatitis C in 1991 (as the 8 March 2007 document suggests), or provide any other clarity on the content of such documents.

## **The Destruction of Dr Metters' Private Papers Relating to the Advisory Committee on the Virological Safety of Blood**

### **Section 5: Destruction of Private Papers**

25. I am asked to comment on the destruction of Dr Metters' private papers relating to the Advisory Committee. In this regard, I am referred to instructions to counsel dated 3 March 2000 [DHSC0046972\_131]. These instructions make reference to a conversation which Anita James says she had with me whereby, she says, I told Ms James that I had destroyed Dr Metters' private papers because the BSE disclosure process had caused me great difficulty.
26. I note that the Inquiry has also referred me to a number of other documents, and I set these out chronologically together with relevant documents from DH records:
- a) A memo dated 23 November 1999 from Anita James to Dr Metters noting that I held no records on the subject of Hepatitis C beyond 1997 [WITN7914010].
  - b) An email also dated 23 November 1999 from Anita James to Charles Lister noting that I held no records relating to Hepatitis C *before* 1997 [WITN7914011]. I understand from Anita James' statement that she believes the latter reference to 'no records *before* 1997' to be the correct one.
  - c) An email dated 25 November 1999 from Dr Metters to Sue Edwards [MHRA0024553]. In this email, Dr Metters stated that he had retained copies of his private papers on Hepatitis C, and that these files had been passed on to Dr Troop when he retired as DCMO.
  - d) A fax dated 29 November 1999 from Anita James to Charles Lister, which states:

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*“... Dr Metters says he left all his papers with his successor. It would appear that they have been shredded because they represented an inconvenience. If you can replicate them I wont hold a post mortem.” [WITN7914012].*

- e) A draft minute prepared by Anita James for Chris Kelly, the Permanent Secretary, in which Ms James refers to me having disposed of Dr Metters’ papers following a clear out when Dr Metters retired [WITN7914013].

- f) A note dated 3 March 2000 from Charles Lister to Dr Troop relating to the premature destruction of registered files regarding Hepatitis C [DHSC0046972\_126]. It is noted that:

*“...the destruction of Dr Metters’ personal papers on ACVSB, which SOL Litigation understand took place shortly after his retirement. Although these papers were not on registered files, the implication may be that their destruction was ill advised.”*

- g) An email dated 7 March 2000 from Dr Troop to Charles Lister [WITN7914005], which states:

*“...Thank you for alerting me to this. As you say, they were Dr Metters private papers, so there should not really be an issue.”*

- h) A diary record from 8 March 2000 by Anita James after I understand she spoke to me to clarify why the documents from Dr Metters’ office had been destroyed [WITN5426220]. The record states:

*“...ACBS after 2<sup>nd</sup> meeting. Subsequent clearout when Dr Metters left given not registered files”.*

- i) A memo dated 8 March 2000 authored by Ms Marilynne Morgan recommending that DH set up a small internal investigation in relation to the destruction of papers relating to the Advisory Committee [WITN6955032]. The memo states:

*“...[Anita James] telephoned Dr Metters’ former secretary (he having retired) to ask for Dr Metters’ personal papers on the subject which she had seen when she was previously in Sol Litigation... It*

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*transpired that his former secretary had had a clearout when Dr Metters retired and that the copy papers no longer existed.”*

- j) A letter dated 9 March 2000 from Anita James to Deas Mallen Souter stating that there was a clear out of Dr Metters’ papers when he retired in 1999 given that they were not registered files [WITN7914006].
- k) A written note referring to a call on 10 March 2000 between Marilynne Morgan and myself in which I informed Ms Morgan that I had located some of Dr Metters’ private papers. There is also a note of a call between Mark Gidden, who I understand worked on the Hepatitis C Litigation in Anita James’ absence, and myself on 13 March 2000 which reads as follows: [WITN7914007]

*“Telephoned Y de S*

*Everything should be with Reg’d office. She was Dr Metters secretary – she emphasises that she does not have the totality of papers but just a few selected items which she could copy and send to us.”*

I note that this record is in keeping with my recollection that all documents would be sent to the relevant division’s registry, as set out above.

- l) A record of an interview which took place on 16 March 2000 between Mark Gidden and Laurence George to discuss the background to the destruction of documents. It reads: [WITN6955050]

*“...On Tuesday this week, Dr Metters’ secretary had sent in more papers she had found.”*

- m) A note of a call on 16 March 2000 between Mark Gidden and myself [WITN7914008], which reads:

*“...Telephone call to Yvonne De Sampayo. She has no other documents and the index of documents is itself not accompanied by any of the documents that are actually listed. She tells me that Dr Rejman left the Dept. 4 or 5 years ago.*

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*Reviewed the documents she had sent in. We do not appear to have disclosed any of these judging from the documents listed 1-259 and 260-299 and from Supplemental list 1-33. I have included the listed of documents from Yvonne complied 7/6/95 in the event that these reveal the identity of missing docs.”*

- n) A letter dated 17 March 2000 from Mark Gidden to Deas Mallen Souter confirming that he had received some further documents from me relating to the Hepatitis C Litigation [WITN7914008]. A list of documents is appended to the letter [WITN7914009]. I understand these to be the ‘selected items’ that I was able to locate following a search for Dr Metters’ private papers.
- o) A record of an interview which took place on 23 March 2000 between me and Laurence George in relation to the destruction of documents [WITN6955052]. It states:

*“...As a longshot Yvonne was asked whether she had retained any of Dr Metters’ personal papers – she subsequently found some papers and had forwarded these (Dr Metters had suggested she hang on to these, which confirms Pat Troop’s opinion of Dr Metters as an assiduous record keeper.*

*She also has some papers relating directly to the course of the litigation.”*

- 27. I do not recall the conversation that Anita James referred to in her instructions to Counsel, nor can I remember any other conversations regarding the location and/or destruction of Dr Metters’ private papers. I was particularly shocked to see reference to the suggestion that I destroyed documents because I was fearful of a difficult disclosure process due to a supposed bad experience with the BSE Inquiry’s disclosure process. It is not in my character to speak about work in this way and I certainly would not destroy documents for this reason. I have always prided myself on doing things “by the book” and carefully following any instructions given. In fact, as set out at paragraph 8 above, I was not

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involved in the BSE disclosure process and would not therefore be in a position to pass comment on the difficulty of it.

28. In fact, I did not destroy any of Dr Metters' private files nor was I asked to do so by any senior staff. I understand that any private papers left by Dr Metters would have remained in situ, in the office, following his retirement. In my experience it was standard process for all papers held on behalf of a DCMO to go to the individual taking over the role; there was no process of reviewing files following a DCMO's departure. In practice, this would just mean that the papers remained in the DCMO offices' cabinets.
29. By way of context, my work with both Dr Metters and Dr Troop (and at DH more generally) was of a purely administrative kind, managing diaries and performing day-to-day secretarial tasks such as typing, steno graphing, filing private papers and scheduling meetings. It was not within my remit to make decisions about the retention of files, registered or otherwise. As such, if I were to dispose of any files (which I do not recall doing), I would have obtained prior permission from a superior as a matter of course. In this regard, I note that it was also Dr Metters' expectation that private files would be passed onto his successor following his departure, as set out in his email to Sue Edwards on 25 November 1999 and referred to at paragraph 26.c) above and 31 below. I certainly would not have intentionally and selectively destroyed private files against Dr Metters' wishes because I was fearful of a difficult disclosure process or wanted to have a clear out.
30. The only documents that I would dispose of were my own personal to do lists and notes to self; documents of any other nature were either sent to the relevant division or, if not a registered file, retained for the relevant DCMO's private file.



## **Section 6: Retention of Private Papers for Purpose of Litigation**

31. The Inquiry has referred me to an email dated 25 November 1999 from Dr Metters to Sue Edwards in which Dr Metters states [MHRA0024553]:

*“Thank you for your minute regarding the legal request for disclosure of papers on Hepatitis C. I no longer have any papers on the subject, as all my files were passed on to Pat Troup [sic] when I retired as DCMO. However as legal action against the Department on Hepatitis C had long been regarded as a possibility I retained more papers on this subject than on most topics! These include copies of the minutes of ACVSB, the relevant Advisory committee at the time, and some of the papers that ACVSB had considered. I did not have a full set of the latter.”*

32. On 8 March 2000, Dr Metters also emailed Charles Lister in relation to his private papers [WITN5426219]<sup>1</sup>, as follows:

*“I no longer have any documents relating to HCV. I had however, retained copies of all the minutes of ACVSB, after I became Chairman in August 1989, and all MSBT minutes in my personal file, when I demitted from my DCMO role on 31<sup>st</sup> August. I do now know where these are now, but I had retained them because of the expected HCV Litigation. I did not however have copies of all the papers considered by ACVSB.”*

33. I knew Dr Metters to be a conscientious and diligent man, and it comes as no surprise to me that he kept a meticulous record of his dealings with the Advisory Committee. Although I cannot recall any specific conversations with Dr Metters in relation to the HCV litigation, he did impress upon me the importance of

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<sup>1</sup> The Inquiry has also referred me to document DHSC0046972\_113, which appears to be a duplicate of document WITN5426219. I have not therefore referred separately to this document.

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retaining private files though I do not know whether these would have been 'complete' records. I would retain documents in a private file in the DCMO office when Dr Metters specifically instructed me to do so, and I understand that some documents were later produced to Mark Gidden in connection with the Hepatitis C litigation, as recorded in the interview note dated 23 March 2000 between myself and Laurence George [WITN6955052] and set out above. Having said that, I was not aware of Dr Metters' intention to retain papers in anticipation of upcoming litigation and would not expect to be privy to this kind of information.

34. The Inquiry has asked whether I cross-checked Dr Metters' private papers against registered files before disposing of the former. As set out in detail above, I do not recall taking any steps to destroy Dr Metters' files and would not have done know without explicit instruction from an appropriate senior official.
35. I am asked to explain my involvement in the HIV/Haemophilia litigation in the 1990s, including whether I was aware of any legal advice given to DH in relation to document retention. I am also referred to the transcript of the Infected Blood Inquiry's oral hearing with witness Mr Justin Fenwick QC [INQY1000213].
36. I do not recall being involved in the HIV/Haemophilia litigation in any substantive way, though I may have assisted Dr Metters and/or Dr Troop with secretarial tasks relating to the litigation, such as relaying correspondence on the subject to/from the relevant DCMO. I certainly would not have been party to any advice provided by Mr Fenwick QC and/or information pertaining to the direction of the department, departmental policy or ongoing litigation. It is also worth noting that I do not recall being aware of Mr Fenwick QC's involvement with DH, nor would I expect to have been.
37. The Inquiry has asked me to confirm whether I gave any consideration to the obligations DH might have to disclose Dr Metters' private papers in the Hepatitis C Litigation. I have also been referred to the memo dated 8 March 2000 from

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Ms Marilynne Morgan (as referred to at paragraph 26. i) above) which I do not recall having seen during my time at DH. As mentioned in paragraph 36 above, I was not involved in the HIV/Haemophilia litigation in any meaningful way and so was not in a position to consider DH's obligations in relation to the same.

38. Finally, I am asked to provide details of my contact with Dr Metters following his retirement in August 1999. We stayed in touch, as long-standing colleagues often do, enquiring after family and exchanging Christmas cards. In keeping with our professional relationship, we did not discuss any work matters, past or present.

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Statement of Truth

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

Signed..... **GRO-C** .....  
Dated..... 5-9-22 .....