



**Covid-19 Public Inquiry – Preservation of Data  
Policy**

**Legal Services**

**Monitoring Officer /  
Head of Legal and  
Democratic  
Services**

## **COVID-19 PUBLIC INQUIRY - PRESERVATION OF DATA POLICY**

### **What is a Public Inquiry**

Public inquiries take place when there is public concern about an event or set of events. They can ask for a broad range of documents and records and on occasion witness evidence.

The Vale of Glamorgan Council wants to provide our fullest support and transparency to any requests for information. All colleagues (Councillors, officers, employees, workers, consultants, external providers, and other arms' length organisations) are therefore directed to save full records / data, whether they are/ were working directly on Covid-19, recovery, or part of our business-as-usual activities. The Chief Executive has issued a Preservation Notice to this effect, a copy of which is attached to this policy at Appendix A.

### **What does this mean for me?**

The Inquiry will need to have records relating to any decisions and actions relating to the Council's preparedness for a civil emergency (dating back to 11 June 2009); records from the start of Covid-19 to present; to demonstrate how we responded to the pandemic; how we maintained as normal activities as we could and what compensatory actions we undertook.

### **Why is document preservation important?**

We will work with the Inquiry openly and transparently. We want to learn lessons where we can, and we want to demonstrate the work that has been done by all our staff. We must preserve anything that may relate to the Inquiry and as we have initially stated all information, which relates to the Inquiry must be preserved, with all teams suspending any routine document destruction in place in respect of any documentation relating to or connected to Covid-19, until further notice is given. For further clarification please e-mail the Information Governance Team: - [DPO@valeofglamorgan.gov.uk](mailto:DPO@valeofglamorgan.gov.uk); Please put in the subject matter Covid-19 Inquiry.

### **What sort of documents and records should I retain?**

A 'document' means anything which records information, whether in paper or electronic form. This includes the process by which decisions were reached, and the evidence and data used to support them. It does not matter how the information is held, or the type of device or system. It could be saved on computers, or on portable devices such as memory sticks or mobile phones (including personal mobile phones if used for Council work purposes).

The different types of records are extremely broad, but can include:

- Position statements, Work Schedules, Reviews, to-do lists, Legal Guidance, Legal Opinions, Agendas, Reports, PowerPoint presentations, records, briefings, minutes, notes, and correspondence by email or otherwise, Teams 'chats,' action logs'
- Models and Sitreps and related data histories.
- Material relevant to key policy decisions and submissions
- Materials relevant to policy or legislative development.
- Training material
- Materials relating to contracts, procurements or other commercial arrangements, data management, recruitments, secondments, and appointments (paid or not) or requests and arrangements for support from other public sectors agencies reviews,
- Any other documents relating to the Council's response or communications with citizens, industry, or other stakeholders
- Personal diaries/calendars.
- Policy documents
- Statements, press releases.
- Articles.
- Photographs, video, and audio recordings.
- Physical evidence, witness statements and their exhibits

**Common examples of documents or information that are stored in electronic form.**

- Word processing documents.
- Spreadsheets.
- Digital photographs.
- Videos.
- Emails and their attachments.
- Texts, instant messages and What's app messages, other social media messaging – used to facilitate flexible working at pace, both on a work and personal device; - please ensure all work records, information and data is migrated from personal assets to identified folders (it is possible that the device may be subject to an order for disclosure in the Inquiry and so should be preserved in accordance with this notice)
- Communications conducted in ephemeral messaging applications or in workplace collaboration tools.
- Call logs.
- Voicemails.
- Information stored in databases.
- Electronic records of online activity, such as social media postings and other activity.
- Data generated or stored by devices connected to the Internet.

**Information may be stored on and retrieved from many sources, including:**

- Computer hard drives.

- Company network servers.
- Thumb (USB) drives.
- Databases.
- The cloud.
- Mobile devices, such as mobile phones and tablet computers.
- Social media websites, such as Facebook, Twitter, and LinkedIn
- held by third parties including arm's length bodies and any other bodies delivering public functions

### **How should I store or retain the information?**

The Inquiry is extensive and comprises of a number of modules. Many of which are awaiting commencement dates and it is anticipated that the Inquiry will run for a number of years. In light of this, it is very important to not only consider information currently available but also is the information stored appropriately and securely?

Factors to be considered:-

Whether the information is in an accessible place  
Whether the information is stored in place for longevity

For example:-

If an officer who has left the Council holds the information, is it still accessible currently and will it remain accessible?

If the information is stored in your e-mails, then you must consider whether it needs to be put in a database such as Trim. Outlook is not a storage facility and ICT strongly advise against e-mails being stored for longevity in this manner. When someone leaves the Council, their mailbox will be deleted usually after 28 days so, you cannot rely on these records being able to be recovered in the future.

If its in a What's App message, you must forward it to a storage facility such as TRIM where ever possible. BUT, you must not delete the message itself, this is to protect circumstances where the message is accidentally lost such as loss of a phone. Appendix C below provides a guide as to how you can download messages in order to store elsewhere.

If you need to move information in order to protect it, you need to ensure that you keep a record of the original origins as this information may be required by the Inquiry.

The Council's Covid 19 Inquiry Working Group has established a place to store information for the Covid 19 Inquiry within Content Manager. Currently this storage place is structured in line with the Modules and information is being

carefully catalogued within the storage area. If you wish to store information from your team/department/service area relating to Covid 19 in this space, then please e-mail the Covid 19 dedicated e-mail address explaining you need help in storing Covid 19 information and an officer from the Working Group will contact you to assist.

Covid 19 Inquiry dedicated e-mail address:

[covid19inquiry@valeofglamorgan.gov.uk](mailto:covid19inquiry@valeofglamorgan.gov.uk)

**What about sensitive documents or third-party information or legal advice?  
When should redaction be considered?**

The rules of legal privilege or public interest immunity are recognised by the Inquiry and may apply. There may be other reasons for seeking to have redaction. The Inquiry already has recognised that some of these documents may be particularly confidential and it aims to provide a protocol on redaction in due course. At present the important point is to retain the information, as the Council is primarily concerned with the initial process of finding and preserving rather than delivery up to the Inquiry. Do not redact or change any of the information held within your area. Once documents are found and issues arise about sharing them with the Inquiry redaction will be considered by the Information Governance Team in consultation with Legal Services. It is further anticipated that additional guidance will be provided via the WLGA and/or the Inquiry.

**Third party providers including arm's length bodies and any other bodies delivering/exercising public functions with or for and on behalf of the Council**

Where your work involved non-public sector organisations such as third-party providers or other types of organisations, then those providers/organisations may also be asked to provide information so that the Council can respond to the Inquiry. Therefore, it will also be necessary to consider those providers/organisations that you worked with and to let them know that they should be preserving data too.

**Why do we have to do all this?**

We need to describe how and why key decisions were taken. Access to relevant documents will be essential, to enable those who are required to give evidence to articulate what happened during a period when many issues were being addressed at great pace.

It will be necessary to search for and identify all relevant records. So it is essential that all records are appropriately saved and will be available for access including after any staff holding these have left the organisation.

## **Structure of Inquiry**

For information, there are terms of reference for the Inquiry which can be found at:- [UK COVID-19 Inquiry: terms of reference - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/uk-covid-19-inquiry-terms-of-reference) Further details are also set out below in Appendix B.

**Do not destroy anything and ensure all records linked to Covid-19 are preserved.**

- The Council's document retention rules regarding destruction of information are suspended for all stored data concerning Covid-19. Records are to be retained as we have a legal obligation and/or will be fulfilling a public task in responding to any requests by the WLGA and/or the LGA for information to assist the Inquiry.
- Please do not alter or amend any information held in relation to the Covid-19 Inquiry.
- The Council is required to ensure that a full and clear record of their part in events exists, is accessible, and that a precautionary principle is applied by retaining all material that could be relevant.
- The Council does not yet know the full breadth of the Inquiry so it must plan on the basis that the requests from the Inquiry will be wide-ranging. Please note that ***it is an offence under s.35 of the Inquiry Act 2005 to do anything which is intended to have the effect of: a. distorting or otherwise altering any evidence, document or other thing that is given, produced or provided to the Inquiry panel, or b. preventing any evidence, document or other thing from being given, produced or provided to the Inquiry panel, or to do anything that the person knows or believes is likely to have that effect. It is also an offence for a person: a. intentionally to suppress or conceal a document that is, and that he knows or believes to be, a relevant document, or b. intentionally to alter or destroy such a document.***

31<sup>st</sup> October 2022

## APPENDIX A

Dear Colleague

### **TAKE NOTICE-WITH IMMEDIATE EFFECT**

The Vale of Glamorgan Council requires all Councillors/officers/employees/workers/consultants/third party providers to suspend any document deletion & destruction processes in relation to information regarding the Covid-19 pandemic for the duration of the UK Covid-19 Inquiry and until further notice from the Vale of Glamorgan Council.

***“Document” means anything in which information of any description is recorded, whether in paper or electronic form, and includes, but is not limited to, reports, reviews, board/committee minutes, meeting/attendance notes, manuscript notes, memoranda, circulars, governing/constitutional documents, contract documents, legislation, letters/emails (internal and external), WhatsApp messages, information from websites, guides/codes of conduct, policy documents/statements, articles, photographs, video and audio recordings, physical evidence, witness statements and their exhibits.***

This notice is effective immediately and compliance with it is mandatory.

The UK Covid-19 Inquiry chaired by Lady Hallett has been set up to examine the UK's response to and impact of the Covid-19 pandemic and learn lessons for the future. The Inquiry is being conducted under the [Inquiries Act 2005](#) and the [Inquiry Rules 2006](#). Welsh Local Authorities will be required to provide information via the WLGA (Welsh Local Government Association) or direct to the UK Covid-19 Inquiry.

The Chairman of the Covid-19 Inquiry requires all Local Authorities to take steps to ensure the retention of material of potential relevance to the Inquiry. Thus, this notice is issued in line with these requirements and any potentially relevant document is required to be preserved. [2022-10-11-Letter-from-Ben-Connah-to-Darren-Tierney-re-record-retention.pdf \(covid19.public-inquiry.uk\)](#)

Further information is outlined in the Council's Covid-19 Public Inquiry – Preservation of Data Policy.

Regards

Rob Thomas

Chief Executive

Vale of Glamorgan Council

Dated 31<sup>st</sup> October 2022



## APPENDIX B

The Inquiry is split into modules. These modules are expected to cover the following areas: -

- Pandemic Preparedness
- Political decision-making at the start
- The health systems and vaccines
- Test and Trace
- Health inequalities

Further details will be provided as the Inquiry progresses, currently, the focus is on Modules 1 and 2, see below. We have highlighted information we know about relating to Modules 1 to 3 below. Welsh Authorities will have input into Module 1 and Module 2B indirectly.

### Module 1

#### **Resilience and Preparedness**

1. The basic characteristics and epidemiology COVID-19.
2. The Government structures and specialist bodies concerned with risk management and civil emergency planning, including devolved administrations and their structures, **local authorities** and private sector bodies, historical changes to such structures and bodies as well as the structures in place as of January 2020, inter-organisational processes, and cooperation.
3. The planning for a pandemic, including forecasting, resources, and the learning from past simulation exercises, the emergency plans that were in place, biosecurity issues relevant to the risk of pandemics/epidemics, international comparisons, and the history of, and learning from, past policy-related investigations.
4. Public health services, including the structure of public health bodies, their development over time and readiness and preparation in practice; public health capacity, resources and levels of funding, any impact arising from the UK's departure from the European Union, and the way in which relevant bodies monitored and communicated about emerging disease.

5. Economic planning by relevant Government bodies, including capacity and spending commitments and efficiency and anti-fraud controls, in the context of emergency planning.

## **Module 2**

Modules 2, 2A and 2B

Module 2 will look at the core political and administrative governance and decision-making in the UK concerning the high-level response to the pandemic in March 2020 and following that.

Modules 2A, 2B and 2C will address the same overarching and strategic issues from the perspective of Scotland, Wales, and Northern Ireland (respectively).

Module 2 and 2B:

- The UK and Welsh government structures and bodies and their relationships and communications with the devolved administrations **and local authorities.**
- Responses to the World Health Organization information, advice from scientific, medical, and other advisers and the response of other countries; this will include initial strategies relating to community testing, surveillance, the movement from 'contain' to 'delay' and guidance and advice to health and social care providers.
- Decision making on "non-pharmaceutical interventions" (NPIs) including the national lockdowns in March-July 2020, November-December 2020 and January-April 2021, local and regional restrictions, circuit breakers, working from home, reduction of person-to-person contact, social-distancing, the use of face-coverings and border controls
- Welsh Gov initial understanding of and response to, the nature and spread of Covid 19 in Wales considering information (Jan-March 2020) considering information and advice received from the UK Gov and other relevant international and national bodies, advice from scientific medical and other advisers, and the response of other countries
- The use in decision-making of medical and scientific expertise, data collection and modelling relating to the spread of the virus and dissemination of data between government departments and between the government, the NHS, and the care sector.
- Public health communications will be considered "including the impact of alleged breaches of rules and standards by Ministers, officials and advisers."

## **Module 3**

### **Healthcare Impacts**

- The general impact of the pandemic on healthcare systems and governance, hospitals, healthcare staff, primary care (including GPs and dentists), NHS 111 services and ambulance services.
- 'Do not resuscitate' notices, the rationing of critical care, capacity, triage systems, the shielding and care of the extremely vulnerable, NHS backlogs and waiting times, and the treatment of those suffering from long Covid.
- It is a UK 'system' module, and will look across all four nations, utilising in addition data from the initial stages of the listening exercise.

### **Later Modules**

These will consider 'system' and 'impact' issues across the UK:

- The system Modules:
  - Vaccines, therapeutics, and antiviral treatment
  - The care sector.
  - Government procurement and PPE.
  - Testing and tracing.
  - Government business and financial responses across the UK.
- The impact Modules:
  - Health inequalities
  - The impact of Covid-19 on the education and business sectors.
  - On children and young persons.
  - On public services and on other public sectors.

### **Relevant parts of the Terms of Reference of the Inquiry for Local Authorities for later Modules include:**

- a) .....
  - xv) the closure and reopening of the hospitality, retail, sport and leisure, and travel and tourism sectors, places of worship, and cultural institutions.
  - xvi) housing and homelessness.
  - xvii) safeguarding and support for victims of domestic abuse.
  - xviii) prisons and other places of detention.
  - xix) the justice system.
  - xx) immigration and asylum.
  - xxi) travel and borders; and
  - xxii) the safeguarding of public funds and management of financial risk.

- b) The response of the health and care sector across the UK, including:  
.....

v) the management of the pandemic in care homes and other care settings, including infection prevention and control, the transfer of residents to or from homes, treatment and care of residents, restrictions on visiting, workforce testing and changes to inspections.

vi) care in the home, including by unpaid carers.

.....

viii) the procurement and distribution of key equipment and supplies, including PPE and ventilators.

ix) the development, delivery and impact of therapeutics and vaccines.

c) The economic response to the pandemic and its impact, including governmental interventions by way of:

i. support for businesses, jobs and the self-employed, including the Coronavirus Job Retention Scheme, the Self-Employment Income Support Scheme, loans schemes, business rates relief and grants.

ii. additional funding for relevant public services.

iii. additional funding for the voluntary and community sector; and

iv. benefits and sick pay, and support for vulnerable people.

### **Areas of interest of the Inquiry in respect of Local Authorities**

- Inequalities impacts
- Public health roles, in particular the relationship between central government, the NHS and local government.
- Vaccine arrangements and take up and Test and trace
- Sourcing and delays in the distribution of PPE to those working in social care and with vulnerable people
- Local authority grants management/rates relief/finances
- Digitisation of services, staff, and community
- Multi-agency, collaboration, and coordination
- Community relations
- The impact of Covid-19 on social care provision, including management of hospital discharges and into care homes, maintaining provision for service users
- Schools' admissions
- SEND (ALN in Wales)
- Housing and homelessness
- Border issues - local lockdowns

## **Appendix C**

### **How to save WhatsApp chat message content from your phone**

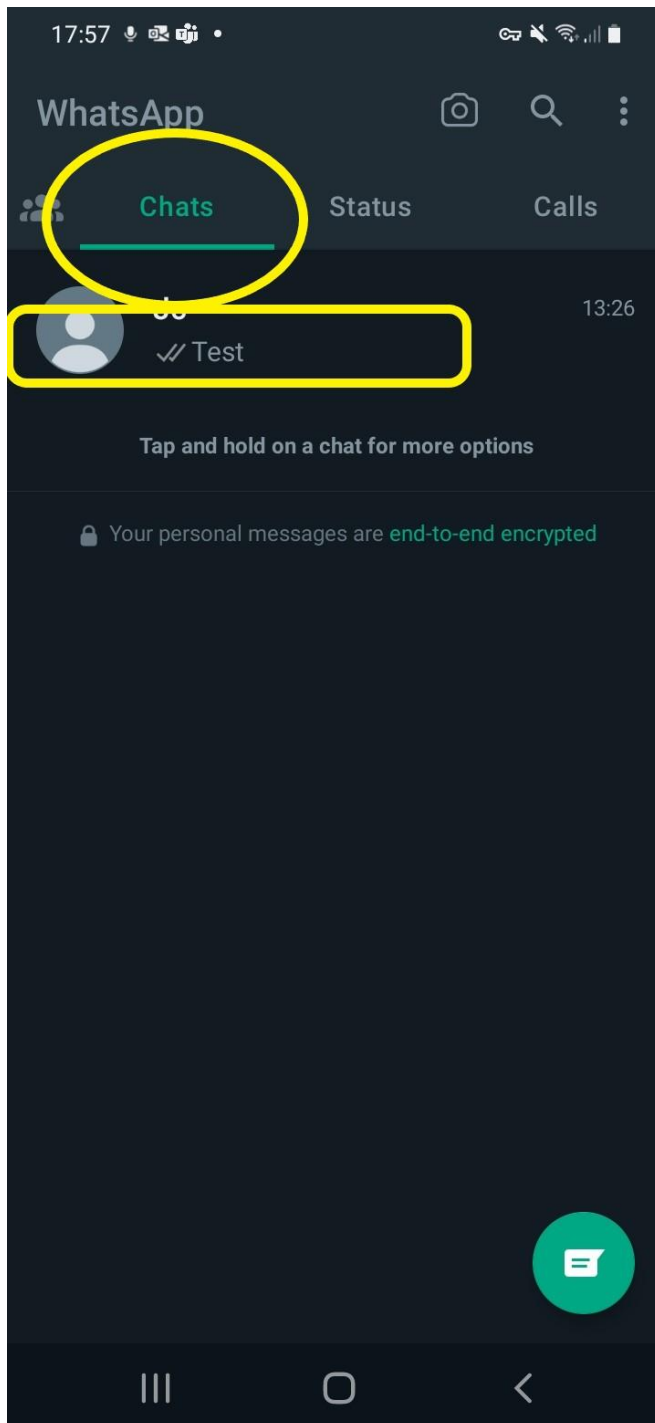
#### **For all Android phones (council provided or personal)**

Open the WhatsApp application on your phone:



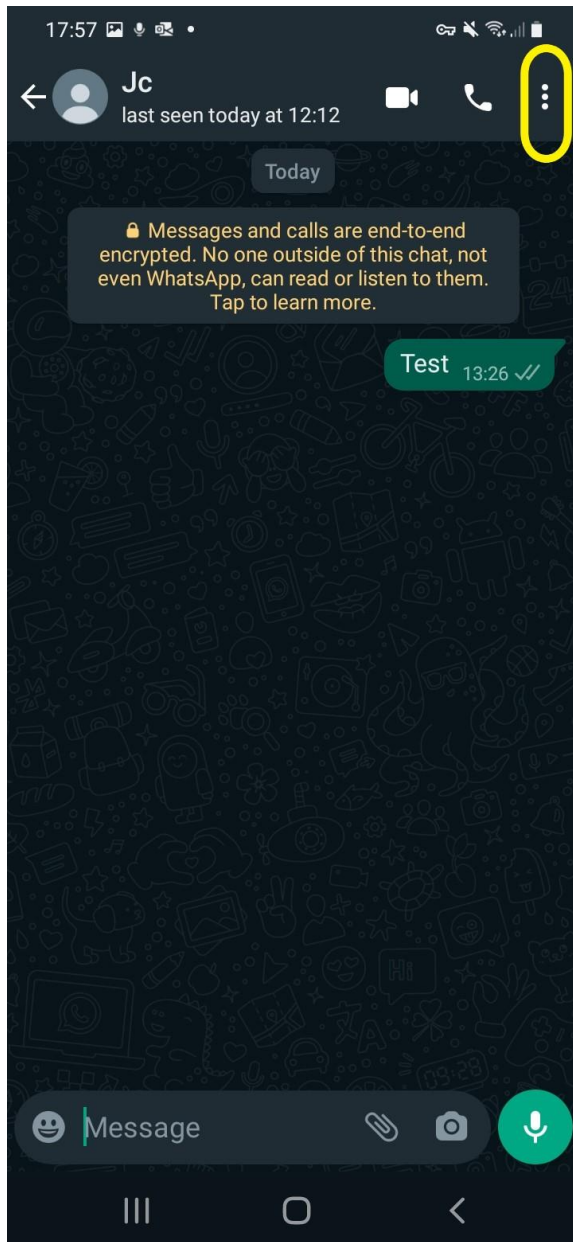
**With WhatsApp open, make sure the Chats tab is selected.**

In the example below there is only one conversation, a 'Test' chat conversation with user 'Jc'; if you have several conversations simply select the one you are interested in by tapping it once. (Do not tap and hold, just tap once.)



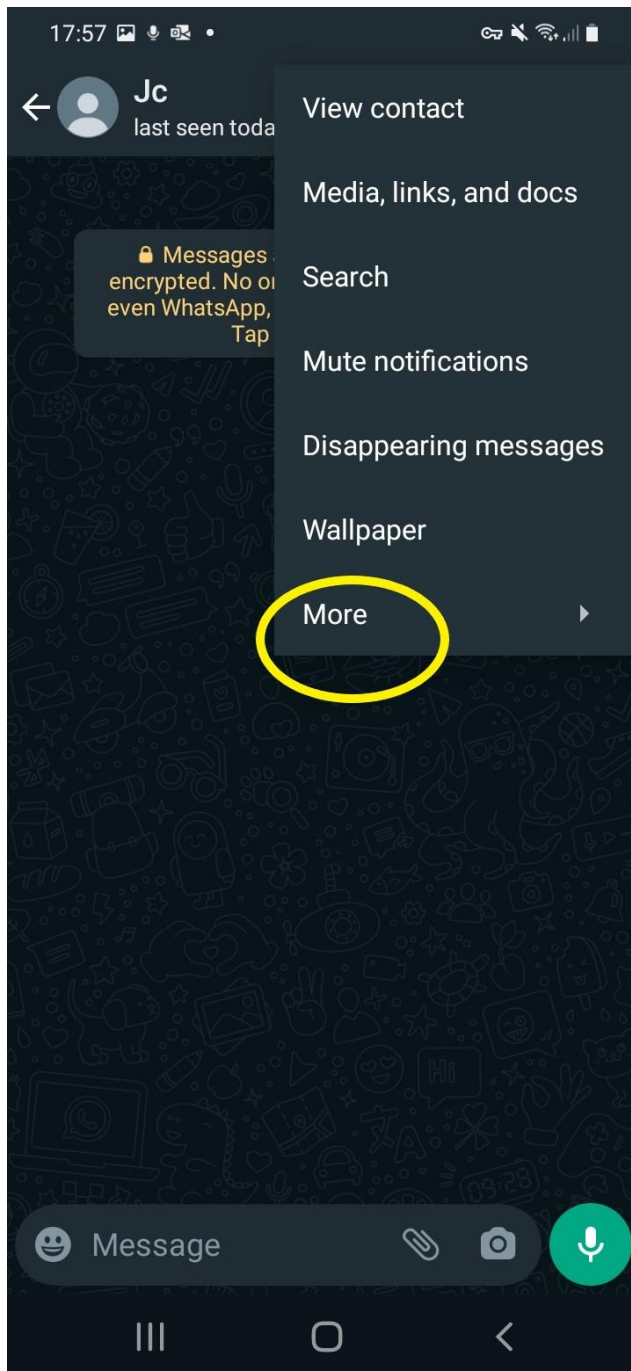
After you tap the conversation you are interested in, you will see a screen like the picture below.

Now tap on the three dots at the top right of the screen:

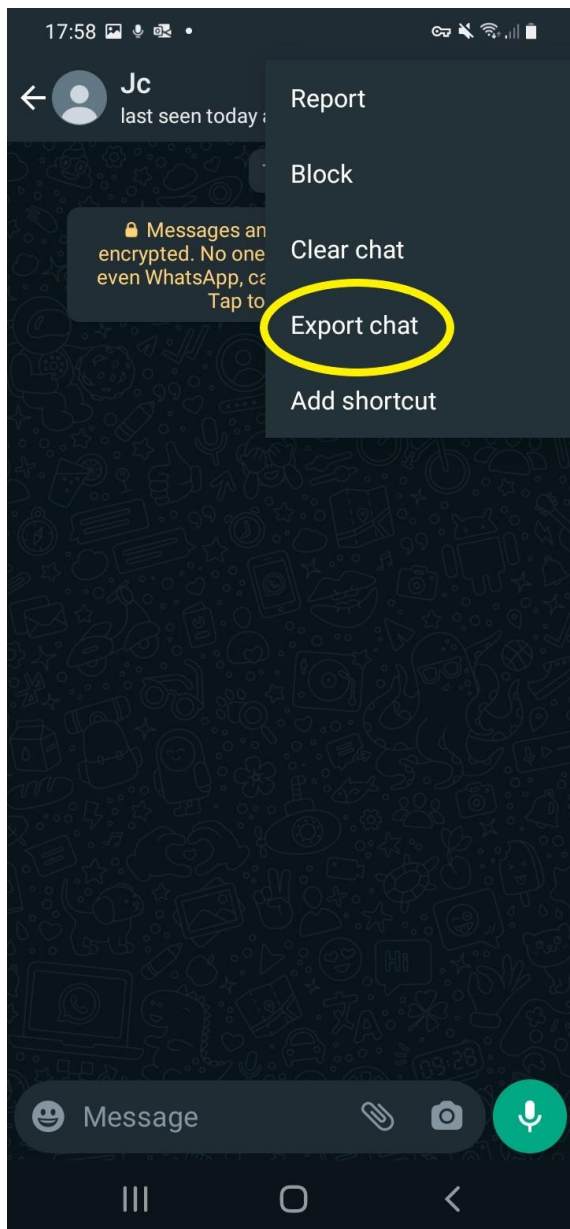




Select 'More' from the drop-down menu options:

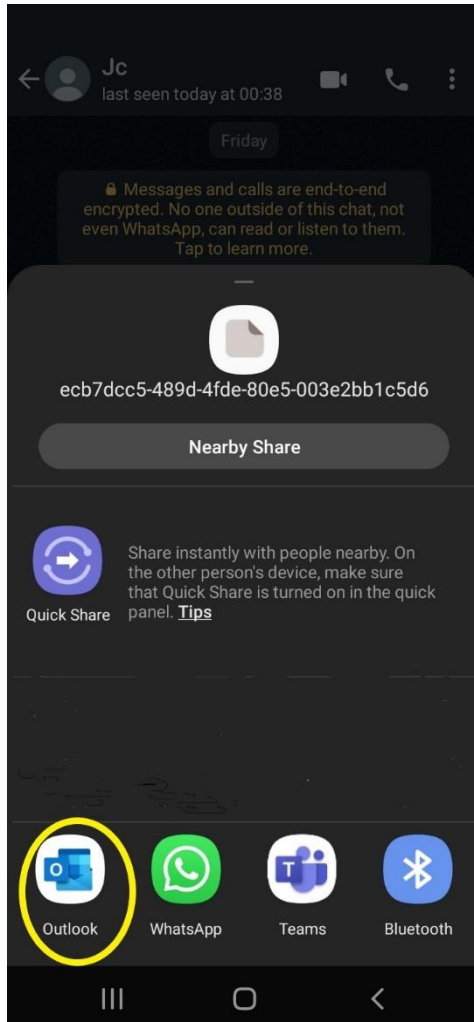


Select 'Export chat' from the next menu:



## On a council provided phone

Select the Outlook email app:



A new, blank email message will open with a text file attached to it which will contain the content of the chat messages you selected in the previous steps.

In the 'To:' field of the blank email, put in your own Vale email address name as the recipient.

You are effectively sending an email to yourself which contains an attachment with the text contents of the WhatsApp chat messages you selected.

You can now go into your work Outlook email inbox on your laptop or computer and view this email.

Open the email on your computer and save the attachment somewhere safe.

## On a personal phone

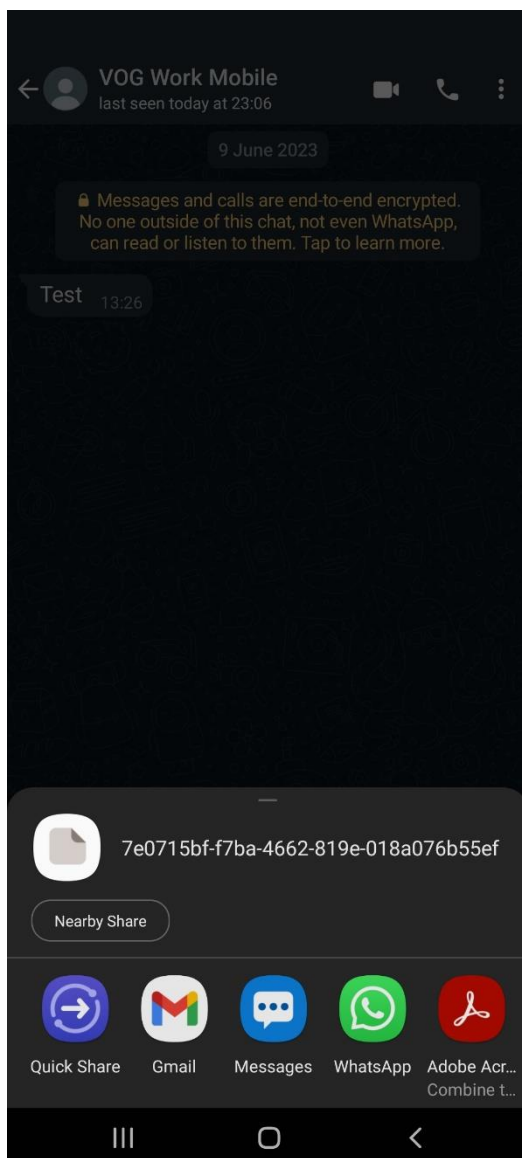
After you tap 'Export chat' in the previous step you will see a screen like the picture below.

This gives you the option to choose which app you want to use to export the WhatsApp chat message.

In the example below on a personal phone, you will see I have the option to choose Gmail which is the personal email app being used on this device.

We recommend choosing an email app to do this on a personal phone. Your email app may be Outlook, Gmail or another app you use for email if you have used a personal device.

Tap the icon for the app you wish to use, in this case we will choose Gmail.



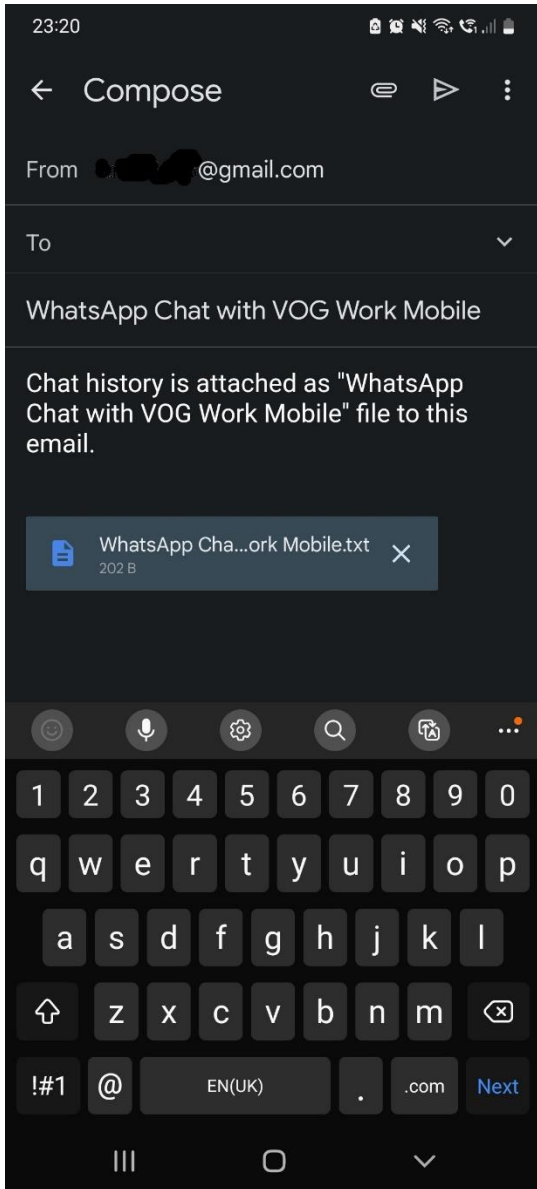


Once you have chosen which email app to use, a new email will open and you will see a screen like the one below.

The from email address will automatically be filled in – in this example it's a personal Gmail address.

The subject will also be filled in. In the message below you can see there was a conversation between the user of the personal phone and a colleague with a contact name of 'VOG Work Mobile'.

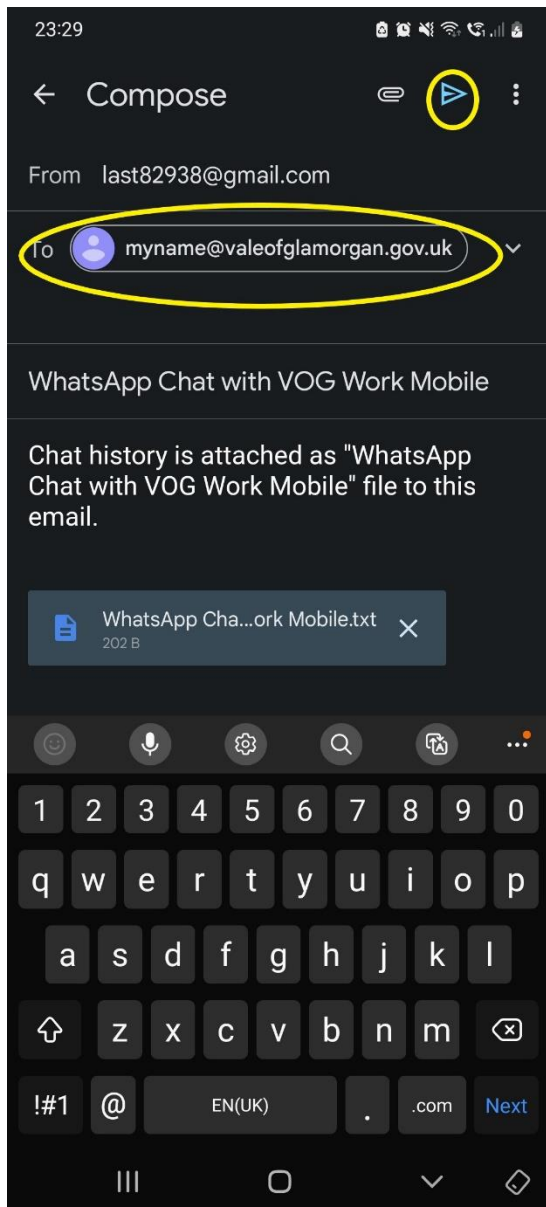
You will also notice that a text file is automatically attached to the email which contains the contents of the chat message you previously selected.





All you have to do now is enter the recipient address which should be your Vale email address and press send.

You are sending this message to your Vale email address so you can then save the attachment as a file when on your Vale computer.



Finally, go into your Vale Outlook inbox on your Vale computer or laptop and find the message you have sent to yourself.

Open the email and save the attachment somewhere safe.

First drafted 31 October 2022

Updated 10<sup>th</sup> July 2023