# PROJECT BRIEF TERMS OF REFERENCE

# Introduction

- The Contractor is required ascertain the causes of apparently inaccurate documents being created and held within the systems of Manx Care and/or the Department as noted in a recent Employment and Equality Tribunal decision<sup>1</sup> which recorded in relation to the documents concerned which were disclosed by the Department that:
  - 835. Mr Segal's closing submissions referred to grounds for concern regarding authenticity of documents at pages **Z309**, **Z471** and **Z745**.
  - Z309: A typed note of a meeting identified Dr Ranson as an attendee. Not only had she not attended but at the date of the meeting, Dr Ranson had not even been employed by the DHSC.
  - Z471 was a note of a meeting of the Senior Medical Leadership Team (SMLT). That
    committee had not existed at the date of the note. The committee had been created
    only some days later than the date on the note. Additionally, the template for that
    note had never been used until towards the end of March 2020. The metadata
    produced as Z474 showed that this document had only been created on 20th January
    2022 just four days before this Hearing.
  - Z475 purported to be minutes of a meeting taken by Ms Nicola Grose, Executive
    Assistant to Miss Magson. It purported to be a record of a Microsoft Teams Meeting
    held on 16th March 2020. Firstly, at the date of that meeting, Teams was not even
    being used by the DHSC and secondly Ms Grose had not taken the minutes as
    recorded. Thirdly, there were material differences between the apparent minutes at
    Z475 compared to draft minutes of the meeting appearing at page 1465.
- 2. A copy of each of the five documents (Z309, Z471, Z474, Z475 and p. 1465) is included in the instructions and will be supplied electronically from AG's Chambers records.
- By way of further assistance and orientation as to the context for the points made in relation to the documents:-
  - As to Z309, it was found by the Tribunal (and was an uncontested fact) per paragraph 8 of the Decision and Reasons of the EET issued on 9 May 2022 that Dr Ranson's employment commenced on 27 January 2020.

https://www.judgments.im/content/ET%2021-20%20Dr%20Rosalind%20Ranson%20V%20Department%20of%20Health%20and%20Social %20Care.pdf

- As to **Z741** and the SMLT and meetings thereof, see paragraphs 164, 184 191, 196, 270, 274, 279, 303, 346 of the Decision and Reasons of the EET
  - NB In relation to the above documents, questions were typically put as to the accuracy of the facts contained in the documents, which witnesses answered and on that basis the Tribunal made findings as to concerns. The case was not primarily presented and nor were witnesses directly questioned on the basis that the documents were forgeries.
- As to Z745 and p. 1465, re: use of Teams see paragraphs 838 846. The
  Tribunal's Decision is a little hard to follow in seeming to bundle up Teams
  chats (for which there is automatic deletion after a 14 day period) with
  sending of documents, records of calls etc for which there is permanent
  retention.
- 4. The Ranson case was primarily about whether bad things (detriments) happened to Dr Ranson where a reason (but not necessarily the main reason) for the occurrence of those bad things was that she had made 'protected disclosures'.
  - the EET deals with the alleged disclosures which occurred between 25 April 2020 and 4 March 2021 at paragraphs 267 - 389 of its Decision. All of the documents requiring investigation pre-date the first disclosure.
  - the EET deals with the detriments at paragraphs 390 to 776 of its Decision. In law the detriment need follow a disclosure to make out the claim, so it follows that the earliest detriment post-dates the earliest disclosure.
- 5. To provide context, one reason that points may have been taken relevant to the provenance and inaccuracy of these documents was to cast doubt generally on the credibility of documents and witnesses tendered by the Department. Likewise points were taken relevant to alleged non-disclosure and belated disclosure of documents as a further means to undermine the Department's case on liability.
- The Tribunal dealt with disclosure concerns at no little length (paragraphs 791 848).
   AGC is conducting a review of the disclosure it received from DHSC / Manx Care as another part of the lead in to any Disclosure Hearing before the EET.
- 7. A hearing relating to disclosure has been listed for 3 days commencing on Tuesday 30 August 2022. The EET has directed that witness evidence and agreed bundles be finalised by Friday 19 August 2022.
- 8. The Contractor will be required to complete any investigation and to have reported by close on business on Monday 8 August 2022.

### **Remit**

- 9. The Contractor's broad remit supported by sub-contracted local professionals Riela Cyber is to conduct an independent inquiry, to:
  - A. ascertain the circumstances in which the documents were created (by whom, when etc.) and/or modified and to undertake systems and document interrogation as may be required to reach findings.
  - B. speak with all relevant staff (DHSC and Manx Care) involved in:
    - a) the creation, saving and management of the said documents;
    - the circulation of draft documents and their subsequent approval and/or circulation as 'final' documents; and
    - c) retrieval of the Z documents within the Department and/or Manx Care for disclosure on to AGC for inclusion in hearing bundles and the means of transmission of the same to AGC; identify any documents which needed to be retrieved from Manx Care owing to not being held on the Department's systems after 1 April 2021.
  - c. speak with all relevant staff (AGC) involved in receipt of Z documents concerned and ascertain the means by and time at which the documents were received from DHSC or elsewhere (and to identify any other source); obtain clarification as to the point at which the Z documents were first advanced for inclusion in the hearing bundles by AGC (disclosure to EET and/or Complainant's representatives);
  - D. report to the Department to provide a short summary with regard to metadata and/or provenance checks, including the reliability of the metadata referred to by the Tribunal, taking account *inter alia* of the means of transmission and other matters going to metadata integrity;
  - report to the Department with root cause or other findings wherever possible relevant to the provenance and/or inaccuracies in each of the 3 identified Z documents;
  - F. identify any areas where it has not been possible to reach a finding and/or the gaps and/or inconsistencies.
  - G. identify in relation to each of Z309, Z471, Z475 and p. 1465 whether and if so at what point Dr Ranson was in possession of these documents during her employment. In other words were the draft and/or final Minutes circulated to her by email,

- 10. The Contractor's Report on items A G above may be advanced to the EET and may also be released *in toto* to the public (or form the basis for an agreed Summary to be released to the public to respond to the concerns raised in the EET).
- 11. The Contractor acknowledges that it/they may be required to give evidence at any Disclosure hearing before the EET.
- 12. The Contractor will take statements from staff concerned using the appropriate wording and format for a witness statement capable of being used in civil proceedings before the EET or the High Court.
- 13. In the event that the Contractor identifies any potentially criminal act by an individual, it will advise the Interim Chief Executive of the Department<sup>2</sup> and suspend further investigations of such person until directed otherwise.
- 14. The Department (and as required Manx Care) will:-
  - in addition to these Terms of Reference provide a letter of authority to the Contractor relevant to their authority to conduct this investigation;
  - provide notice to relevant staff of the commencement of the investigation and of the involvement and authority of the Contractor to conduct this investigation;
  - notify the Contractor of contact details of key persons who are likely to be able to assist the investigation – see Schedule 1 below (not for disclosure to EET)

- 6.4.4 In any case, where preliminary enquiries give grounds for believing that a criminal offence may have been committed, or if there is any doubt about whether a possible criminal offence has been committed, the advice of the Attorney General and OHR must be sought immediately. The Secretary of the Public Services Commission and/or Accounting Officer, as appropriate, should be informed and if public funds are involved the Director of Audit Advisory Division should also be notified
- 6.4.5 Any other allegations should be investigated and dealt with using the disciplinary procedures providing no evidence is forthcoming during the investigation that a criminal offence may have been committed. If it appears that a criminal offence may have been committed in addition to the alleged disciplinary offence which is being considered then, after consultation with the Attorney General, the disciplinary offence may be dealt with and the employee informed that the question of prosecution will be considered independently. Conversely it may be necessary to suspend disciplinary proceedings until such time as criminal investigations/proceedings are completed.
- See also Annex 1 to <a href="https://hr.gov.im/media/2109/disciplinary-procedure-management-guidance notes.pdf">https://hr.gov.im/media/2109/disciplinary-procedure-management-guidance notes.pdf</a>

The Public Services Commission disciplinary procedure provides:-

d) nominate to the Contractor a liaison person (preferably not a person likely to be interviewed as part of the investigation) with whom the Contractor can liaise for such nominee to provide practical assistance relevant to matters to be investigated e.g. IT terminals, explain systems, whereabouts of staff etc. – see Schedule 2 below.

Signed:

Print name: Dr Stuart Quayle

Dated: 29 June 2022

FOI 2015 – Section 25 Absolutely Exempt Personal Information

29 June 2022

# **SCHEDULE 1**

FOI 2015 – Section 25 Absolutely Exempt Personal Information

(paragraph 14 (c))

•	Department's legal representative (handled disclosure before the Tribunal and last recipient of documents before inclusion in hearing bundles)
	Anna Heeley AG's Chambers
•	Minute taker per face of <b>Z309</b>
	now Manx Care Personal Secretary
•	Author of <b>Z471</b> (according to Z474)
	now Manx Care Clinical Secretary
	Last modifier of Z471 (according to Z474)
	Admin Asst
•	Stated Minute taker <b>Z475</b>
	Nicola Grose Executive Asst to Minister and Chief Executive of DHSC
•	Sender p. 1465 – 1467
	Julia Davies Business Change Manager, GTS

DHSC to Expol

29 June 2022

# SCHEDULE 2 (paragraph 14 (d))

**Department of Health and Social Care** 

Corporate Services incl. Information Governance

FOI 2015 – Section 25 Absolutely Exempt Personal Information

Paul Edge 686324 Paul.Edge@gov.im

Rebecca Evans 685013 Rebecca.Evans2@gov.im

**Manx Care** 

Elaine Quine Board Secretary

Justine Gale Head of Information Governance

### Dear Mr Quayle,

Thank you for your instructions, we have completed a 'Statement of Work' as below and attach our Terms.

### STATEMENT OF WORK

SOW No.	12322.22
Project	
Location	Isle of Man and United Kingdom
Date 18 July 2022	

This Statement of Work is entered into by the Supplier and the Customer and, together with the Supplier's attached Terms of Business, forms a Contract in respect of the Services entered into by the Supplier and Customer by emailing this Statement of Work.

Capitalised terms used in this Statement of Work have the meaning given to them in the Conditions, unless the context requires otherwise.

### 1. PARTIES:

Supplier Name: Expol Limited

Company Registration Number: 112805C

Address: 17 Drinkwater Street, Douglas, Isle of Man IM1 1AT

Customer Name: Isle of Man Government, Department of Health and Social Care

Address: First Floor, Belgravia House, Circular Road, Douglas, Isle of Man IM1 1AE

### 2. SERVICES

The provision of the use of investigative services to meet the conditions of the Terms of Reference, dated 29<sup>th</sup> June 2022, in particular the requirements as set out in Paragraph 9 (A) through to (G) and to provide a report on items (A) – (G) referred to in paragraph 10 of the Terms of Reference.

### 3. ESTIMATED TIMELINE FOR DELIVERABLES

For the work to take up to 3 months, from the date of the contract with the Customer being signed, or upon the provision by Expol of the last deliverable required under the Terms of Reference whichever is the later.

### 4. DETAILS OF DATA PROCESSING ACTIVITIES GDPR

Subject Matter Processing carried in connection with the provision of the Ser		vices.
Duration	From the Effective Date until the termination of the Contract or completion of the Services, whichever is earlier.	
Nature & Purpose of the Processing		
Categories of Data	The subjects of the investigative, surveillance, due diligence,	Yes

Subjects		research requested by Customer is, counterparties, referrals and other atural persons)	
	Other		
	If Other, Please Specify:		
Types of Personal Data	address; home and work telephone numbers; ema such as user IDs; busines	tion including home and work telephone numbers; mobile ail addresses. Other personal details is contact information; job or tle; job type or code; business site; o third parties and their	Yes
	Family, lifestyle and social of birth, marital or dependent	al circumstances data including date indent information etc.	Yes
	_	ess title, job type, education, etencies, work experience birth.	Yes
	Certain corporate data to the extent that it may constitute personal data of natural persons.		Yes
	Other		
	If Other, Please Specify:		

### 5. CHARGES AND EXPENSES

Charges: Expol Limited -

FOI 2015 – Section 30 Economy and commercial interests

Riela Cyber Security Centre Limited -	

Expenses: Photocopy fees and reasonable disbursements etc to be advised when known

The final report and all relevant documentation becomes the property of the Customer upon final payment to the Supplier. Until such time, it remains the property of the Supplier.

### 6. CUSTOMER DATA PROCESSING INSTRUCTIONS TO SUPPLIER

Customer hereby instructs Supplier to process and collect such EU Personal Data as is necessary to carry out and complete the Services. This includes, in particular, but not limited to, the following actions:

The Customer, via H M Attorney Generals Chambers, has instructed the Supplier to ascertain the causes of apparently inaccuate documents being created and held within the systems of Manx Care and/or the Department of Health and Social Care as noted in a recent Employment and Equality

Tribunal decision. Specifically, the Supplier should attempt to identify how the documents were created and/or modified and undertake systems and document interrogation as may be required to reach findings.

This Tribunal heard the issues of Dr Ranson and was primarily about whether bad things (detriments) happened to Dr Ranson where a reason (but not necessarily the main reason) for the occurrence of those bad things was that she had made 'protected disclosures'.

Specific concerns were raised regarding the authenticity of documents at pages Z309, Z471 and Z745 in the subsequent judgement.

H M Attorney Generals Chambers have provided a detailed, Brief/Terms of Reference dated 29 June 2022. This version will act as the brief and remit for the Supplier. The remit may be subject to amendment dependent upon the evidence trail identified during the investigation.

It is envisaged that Expol Limited will act as conventional investigators and will be supported (as sub-contractors to Expol Limited) by Riela Cyber Security Centre Limited, whose responsibilities will include, but not limited to, systems and document analysis.

The requirement is for a wholly independent investigation.

Instructed By	Stuart Quayle, Interim CEO of the DHSC	12/7/20
Email	Stuart.Quayle3@gov.im	

FOI 2015 – Section 25 Absolutely Exempt Personal Information

From: Malone, Karen (DHSC)

To:
Subject: RE: Contact

Date: 25 April 2022 20:59:00

FOI 2015 - Section 25 Absolutely Exempt

Personal Information

Thanks for your email

I will be in touch once I have completed the specification. It hasn't been finalised yet, expect this in the next 2 weeks.

Will certainly be in touch. Best wishes and thanks

Karen

From:

**Sent:** 25 April 2022 20:07 **To:** Malone, Karen (DHSC) **Subject:** Re: Contact

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

### Hi Karen

If you would like to catch up or speak about this potential new task then please just mail or ring me on .

With thanks and kind regards

On 27 Mar 2022, at 11:32,

wrote:

Thank you Karen for the update.

We would be delighted to work with you if we can.

With thanks and kind regards



On 27 Mar 2022, at 11:31, Malone, Karen (DHSC)

< <u>Karen.Malone@gov.im</u>> wrote:

Thanks



I am finalising a spec for a short piece of work on record mgt in light of allegations made in a recent Employment Tribunal of DHSC and fradulantly creating records.

I have identifies yourselves and 1 other to possibly be able to undertake this work.

I expect to have the spec completed by the end of this week, so will be in touch.

With best wishes and thanks

Karen Get Outlook for Android FOI 2015 – Section 25 Absolutely Exempt Personal Information

From:

Sent: Sunday, March 27, 2022 11:19:46 AM

To: Malone, Karen (DHSC) < karen.malone@gov.im>

Subject: Contact

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Good morning Karen

I hope you are well and managing to enjoy some of this beautiful weather.

When we bumped into each other some days ago you suggested you needed to speak. How can I help you please?

Happy to meet up at your convenience or by all means ring me on

With thanks and kind regards





Expol Limited (Corporate Risk Consultants and Forensic Investigators)
17 Drinkwater Street
Douglas
Isle of Man
IM1 1AT



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RAAUE: S'preevaadjagh yn chaghteraght post-I shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-I shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn coniartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.



## FOI 2015 - Section 25 Absolutely Exempt Personal Information

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

#### Hi Rebecca

So nice to meet you today

Thank you for your mail - I will obtain the opinion of my colleagues and reply within 24 hours, together with my colleagues

With kind regards



On 6 Jul 2022, at 13:25, Evans, Rebecca (DHSC) < Rebecca Evans 2@gov im> wrote



Thanks for coming in to meet with us earlier

With regards to the estimated timeframe of 3-4 months for completion of the investigation, we have provided this update to our CEO and he has requested a brief workplan and why the 8th August deadline would not be achievable so that we can revert back to the Attorney General's Chambers Please could you advise?

Many thanks

Rebecca

### ca Evans | Corporate Services Manager | Data Protection Office

- a: Department of Health and Social Care, 1st Floor, Belgravia House, Circular Road,
- Douglas, IM1 1AE
- e: rebecca evans2@gov im | w: www.gov im/dhsc p: 01624 685013

age002.png> <image003.png>

From: Sent: 04 July 2022 21:11 To: Edge. Paul <Paul Edge@gov ima Cc: Evans, Rebecca (DHSC) <Rebecca Evans2@gov im>; Subject: Re: DHSC ToR

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Thanks Paul Enjoy the BH

Sent from my iPhone

On 4 Jul 2022, at 21 09, Edge, Paul < Paul Edge@gov im > wrote:



No problem, thank you for confirming

Kindest

Sent from Workspace ONE Boxer

On 4 July 2022 at 21:04:50 GMT+1,

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Hi Paul

I have spoken with and he will attend with his colleague,

We will see you on Wednesday

With thanks and kind regards



On 4 Jul 2022, at 15:20,

Many thanks Paul

See you then

Kind regards

Sent from my iPhone

On 4 Jul 2022, at 15:17, Edge, Paul < Paul Edge@gov im> wrote:

# FOI 2015 – Section 25 Absolutely Exempt Personal Information

Hi	Personal Information
	n at all, and please do bring if available Wednesday after 11am is fine, shall we say 1130 hrs at House?
Thank you	for your prompt reply
Many than	ks
Paul	
 Sent from	Workspace ONE Boxer
On 4 July	2022 at 15:09:06 GMT+1, wrote:
С	aution: This email is from an external sender. Please take care before opening any attachments or following any links.
Hi P	aul
Man	y thanks for clarifying your instruction/engagement
ultin	e could meet with an appropriate person(s) this week, who could assist us with an overview and, nately, mapping out the requirements, processes etc then that would be an excellent starting point and would report back asap thereafter
	and myself are available this week, anytime after 11am on Wednesday I may bring to the meeting also
Doe	s this work for you?
With	n thanks and kind regards
	On 4 Jul 2022, at 14:54, Edge, Paul < <u>Paul Edge@gov im</u> > wrote:
	Hi
	Good thanks and hope you are too, thank you for clarification, please accept this email as way of engagement, could you advise when the scoping requirement would be complete please?
	Ref the rates all in order thank you.
	Many thanks
	Paul
	From: Sent: 04 July 2022 14:39 To: Edge, Paul <paul edge@gov.im=""> Cc: Evans, Rebecca (DHSC) <rebecca evans2@gov.im="">; Subject: Re: DHSC ToR</rebecca></paul>
	Caution: This email is from an external sender. Please take care before opening any attachments or following any links.
	Good afternoon Paul
	I hope you are well
	Thank you for your email of earlier today in which you kindly introduce yourselves and raise a couple of points
	To answer your questions -
	I have now read the revised and finalised version of the Terms, dated 29 June 2022. I have to raise a possible concern with the delivery date of the report - it would be very difficult for us, in any independent investigation, to commit to a delivery date without first carrying out a thorough scoping exercise and identifying our direction and needs. Only once this has been completed could we commit to the date, especially as the 8th August is only one calendar month away and we are not yet signed up to commence the investigation. Please can you advise?
	Rates - thank you for confirming our rates are acceptable
	Riela (rates) - I have today had an email exchange with copy/paste for your ease his reply -
	FOI 2015 – Section 30 Economy and commercial interests
	I trust that this is in order with you  Paul - I have emailed again to identify any concerns he may have regarding the delivery date and I look forward to any comments you may have
	With many thanks and kind regards

# FOI 2015 - Section 25 Absolutely Mobile: www.expol. **Exempt Personal Information** Find out more at Expol Expol Limited (Corporate Risk Consultants and Forensic Investigators) 17 Drinkwater Street Find out more about Expol This email is from Expol Limited, a company incorporated in the Isle of Man No.112805C. Its contents and any attachment(s) are stridly confidential and may be legally privileged. Access to this email by anyone other than the intended recipient is unauthorised. If you are not the intended recipient, you must not use, copy, distribute, disclose or rely on this email or any part of its contents. If you have received this email in error, please contact us immediately on +44 (0) 1624 611190, delete it and destry all copies. All reasonable precautions have been taken to ensure no viruses are present in this email or attachments. Expol Limited advise that this email or attachments. Expol Limited advise that this email and any attachments should be checked before opening or use. If you are instructing us we value this and accept your instructions only on the understanding that our invoice will be settled within 30 On 4 Jul 2022, at 10:22, Edge, Paul < Paul Edge@gov im> wrote: Good morning First of all please do let me introduce myself and my colleague copied, I am the Head of Corporate Compliance/SIRO and Rebecca is the Corporate Services Manager/DPO for the DHSC. As per the agreed ToR we are your named officers. FOI 2015 - Section 30 Economy and commercial I have now reviewed the T&C Expol Just to confirm you are in possession of the finalised ToR dated 29 June? - Rates look fine for Riela whereas Riela s own ToB state — could I enquire what the diffe lease? What is the cost if Kiela are on site for half-day please? Rebecca also deals with finance etc. If you require clarity please do not hesitate to contact me, or if you have any other Many thanks <image001.png> Paul Edge | Head of Corporate Compliance | Senior Information Risk Owner a: Department of Health and Social Care, First Floor, Belgravia House, Circular Road, Douglas, IM1 1AE e: Paul Edge@gov im | w: www gov im/dhsc p: 01624 686324 <mage002.png> <image003.png>

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No employee or agent is authorised to conclude any binding agreement on behalf of any of the Departments or Statutory Boards of the liste of Man Government with any party by e-mail without express written confirmation by a Manager of the relevant Department or Statutory Board.

FAAUE: Spreevaadjagh yn ghaghleraght post i droh charmnah's coadanyn erbee carffi maidin as ia droh coadt ee y eigh, Char heigh du oppig in yn en da pesagh erbee eiler yn ymmyddyn yn chood fayn er aght erbee chy hied lasyn veihn choyrtagh. Mannagh nee shu yn ermyssagh Maitt Jehn phosf-I shoh, doll-enhu magh efi, my sal llu, as cur-ehu fys da'n choyrtagh cha leah as collogs shiu.

From: Edge, Paul
To:

Cc: Evans, Rebecca (DHSC);

**Subject:** RE: EET - reasons for delay in reporting

**Date:** 14 July 2022 16:07:39

FOI 2015 – Section 25 Absolutely Exempt Personal Information

Dear

Thank you, again apologies for the delay.

Many thanks

Paul

From:

**Sent:** 14 July 2022 16:06

To: Edge, Paul <Paul.Edge@gov.im>

**Cc:** Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im>;

Subject: Re: EET - reasons for delay in reporting

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Dear Paul

Many thanks.

I acknowledge receipt of your email. I will review fully and respond asap and in any case by Monday, 18 July.

With thanks and kind regards



On 14 Jul 2022, at 13:32, Edge, Paul < Paul. Edge@gov.im > wrote:



Apologies for the delay, the Department can execute your T&C though could the SoW be amended please to reflect the following:

Para 1 – the registered address of DHSC is now: First Floor, Belgravia House, Circular Road, Douglas, IM1 1AE

Para 2 - Services – in light of the very detailed Terms of Reference, part 2 to be amended to provide more make detailed reference to the DHSC Terms of Reference namely Expol undertaking the provision of the use of investigative services to meet the provisions a terms of reference dated the 29<sup>th</sup> June 2022, in particular the requirements set out in paragraph 9 (A) through to (G) and to provide a report on items (A) – (G) referred to in

paragraph 10 of the Terms of Reference.

Para 3 – For the work to take up to 3 months or upon the provision of by Expol of the last deliverable required under the Terms of Reference whichever is the later

Para 5 – to reflect the agreed charge rate of Rielia

C. In relation to the Riela Cyber Security Centre Limited Standard Services Agreement, this should be between Riela Cyber Security Limited and Expol, rather than the Department

Finally in relation to the statement of work I do think that the Department would need to add a provision that the contents of the final report and any drafts of such final report and any work undertaken by Expol concerning the preparation of such final report are the property and in ownership of the Department. Therefore could the Department obtain confirmation from Expol that you have no objection to the Department having the intellectual property rights/ownership of the report and any drafts of such report. – do you see any objection to this?

Apologies once again for the delay.

Kindest

Paul FOI 2015 – Section 25 Absolutely Exempt Personal Information

From: Edge, Paul

Sent: 12 July 2022 10:53

To:

**Cc:** Evans, Rebecca (DHSC) < <u>Rebecca.Evans2@gov.im</u>>;

Subject: RE: EET - reasons for delay in reporting

Hi

I was just writing an email so good timing, yes – we are liaising with AGs for a contract to be drawn up, apologies for the delay.

As soon as the AGs revert I will keep you informed.

Many thanks

Paul

**From:** Sent: 12 July 2022 10:47

To: Edge, Paul < Paul. Edge@gov.im>

**Cc:** Evans, Rebecca (DHSC) < <u>Rebecca.Evans2@gov.im</u>>;

Subject: Re: EET - reasons for delay in reporting

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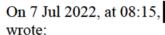
Good morning Paul

I hope all is well.

Do you have any update for us please?

FOI 2015 – Section 25 Absolutely Exempt Personal Information

With thanks and kind regards



Paul

Thank you.

Anything at all then just let me know.

Kind regards

On 7 Jul 2022, at 08:14, Edge, Paul wrote:

Good morning

Thank you for confirming as below, and thank you and your colleagues for meeting Rebecca and I.

We will revert accordingly and keep you all informed soonest.

Many thanks

Paul

From:

**Sent:** 07 July 2022 07:57

To: Edge, Paul < Paul. Edge@gov.im >; Evans, Rebecca

(DHSC) < Rebecca. Evans 2@gov.im >

Cc:

**Subject:** EET - reasons for delay in reporting

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Good morning Rebecca and Paul

Thank you once again for meeting with us on Wednesday (6 July) and explaining a little more regarding this matter. As requested we now provide a brief summary of our concerns relating to the timescales outlined in the Terms of Reference, dated 29 June 2022, which should be read in conjunction with this note.

# The conventional investigation led by Expol Limited:

We are now one calendar month from the current date of delivery of the investigation report(s). We have yet to agree Terms and/or sign a contract.

Your explanation of 6 July clarified that the investigation does not simply revolve around three documents - it involves witnesses in three Government Departments - DHSC, Manx Care and GTS, and the complexity of the crossovers. We have yet to engage with Manx Care and/or GTS.

There is need to interview the authors and all those involved in the transmission and communication of the documents. There is likely to be a requirement to interview some of those mentioned in the documents. There is a chain of evidence which cannot be identified at this time but our experience informs us that each person interviewed can often open fresh avenues of investigation. This will only become apparent once the investigation commences and thus currently prevents any accurate timescale estimate. Investigators must be allowed to follow and document the evidence as it becomes apparent.

It cannot be predicted how long each interview will take - some interviewees will wish to have a Union Representative or friend present. These arrangements can be lengthy and prolonged simply to agree convenient times. Statements often go to several drafts before agreeing a final version and signing. Delays will also soon be encountered as we move into summer holiday season for many.

The request is for an independent investigation, which will be of enormous interest to, not only those who it directly effects, but to the wider public. It will be open to scrutiny at every level and impartiality, forensic attention to detail and thoroughness must set the strategic tone throughout. Professionalism, experience and integrity will be expected and delivered. It is acknowledged that I, may be called to give evidence at the EET. This is accepted without hesitation provided

The investigation will involve the collation of forensic and witness evidence. There will be a requirement for the report from the digital investigation (led by Riela Cyber) to be provided to me several days in advance of me completing the

that the enquiry follows the evidence trail without

compromise, fear or favour.

me several days in advance of me completing the Expol report so that it can be adopted into the final version. This puts the digital investigators under more pressure to deliver their results.

In our professional experience it is better for all parties to set a realistic term. It is possible that the enquiry may be completed swiftly but that will not be known until such time as the investigators commence their work but it is difficult to say, at this stage, where the evidence will lead.

We are content to meet for weekly update/finance briefings so as to give you comfort of direction and progress.

This matter will be carried out diligently and as expeditiously as possible but, in order to ensure its total impartiality, will not be rushed or influenced by outside pressures. I would therefore politely request a period of 3 months from the date of signing the contract for the delivery of the final report.

# The digital investigation led by Riela Cyber Security Centre Limited:

The main reason that justifies the time span of any digital forensics' investigation is the meticulousness of its action plan (we can't skip steps). The goal of the process is to preserve any evidence in its most original form while performing a structured investigation by collecting, identifying, and validating the digital information to reconstruct past events.

One of the concepts that is most essential in digital forensics is the Chain of Custody. It refers to the logical sequence that records the sequence of custody, control, transfer, analysis and disposition of physical or electronic evidence in legal cases. Each step in the chain is essential as if broke, the evidence may be rendered inadmissible. Thus, we can say that preserving the chain of custody is about following the correct and consistent procedure and hence ensuring the quality of evidence.

In order to preserve digital evidence, the chain of custody should span from the first step of data collection to examination, analysis, reporting, and the time of presentation to the Courts. This is very important to avoid the possibility of any suggestion that the evidence has been compromised in any way.

<image001.png>

Below is a brief description of each stage of the chain of custody:

- 1. **Data Collection**: This is where the chain of custody process is initiated. It involves identification, labeling, recording, and the acquisition of data from all the possible relevant sources that preserve the integrity of the data and evidence collected.
- 2. **Examination**: During this process, the chain of custody information is documented outlining the forensic process undertaken.
- 3. **Analysis**: This stage is the result of the examination stage. In the Analysis stage, legally justifiable methods and techniques are used to derive useful information to address questions posed in the particular case.
- 4. **Reporting**: This is the documentation phase of the Examination and Analysis stage. Reporting includes the following:
- o Statement regarding Chain of Custody.
- o Explanation of the various tools used.
- o A description of the analysis of various data sources.
  - o Issues identified.
- o Recommendation for additional forensics measures that can be taken.

Rebecca and Paul, I trust that this information assists you in your communication with the CEO, and ultimately the Attorney Generals Chambers, in order to obtain an adjournment to the EET.

Please do contact me direct should you need anything more.

With many thanks and kind regards



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Find out more at Expol

Expol Limited (Corporate Risk Consultants and Forensic Investigators) 17 Drinkwater Street Douglas Isle of Man IM1 1AT



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RAAUE: S'preevaadjagh yn çhaghteraght post-l shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn chooid t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-l shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.

Evans. Rebecca (DHSC) Evans. Rebecca (DHSC) Re: DHSC enquiry - Statement of Work as at 18 July 2022 18 July 2022 10:05:47

# FOI 2015 - Section 25 Absolutely Exempt **Personal Information**

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Many thanks Paul -	
Speak soon	
On 18 Jul 2022, at 10:04, Edge, Paul < Paul Edge@gov im > wrote:	
Good morning	
_	
Thank you for the below, I will review and revert today.	
Thank you for the prompt turnaround, very much appreciated.	
Best	
Paul	
From	
Sent: 18 July 2022 10:01  To: Edge, Paul <paul.edge@gov.im></paul.edge@gov.im>	
Cc: Evans, Rebecca (DHSC) < Rebecca Evans2@gov.im>	
Subject: DHSC enquiry - Statement of Work as at 18 July 2022	
Caution: This amail is from an external conder. Places take care before enoning any attache	nents or following any links
Caution: This email is from an external sender. Please take care before opening any attachi	nents of following any links.
Good morning Paul	
How are you today?	
I refer to your email of 14 July 2022 I now attach a Statement of Work which, I trust, incorporates the perhaps you would review for me and feedback?	points you suggested in your email
I can confirm that I will sign Business Terms with Riela for the duration of this investigation I will advi	se once this is done
Ownership of the Report etc - I am more than content to agree that the report and any relevant document post completion of the investigation and submission of the report but perhaps we could insert words to the property of the DHSC upon final payment to Expol Limited" Is that in order with you please?	
Anything at all then please do come back to me	
With thanks and kind regards	
Will manas and and regards	
Tel: Mobile:	
www.expol.co.uk	
Find out more at Expol	
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RAAUE S'preevaadjagh yn chaghteraght post-I shoh chammah's coadanyn erbee currit marish as ta shoh coadit ec y leigh. Cha nhegin diu coipal ny cur eh da peiagh erbee elley ny ymmydey yn choold t'ayn er aght erbee dyn kied leayr veih'n choyrtagh. Mannagh nee shiu yn enmyssagh kiarit jeh'n phost-I shoh, doll-shiu magh eh, my sailliu, as cur-shiu fys da'n choyrtagh cha leah as oddys shiu.

Cha nel kied currit da fallleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.

From: To: Cc:

ecca (DHSC) Re: DHSC enquiry - State 18 July 2022 13:59:55 Subject ent of Work as at 18 July 2022

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### Thank you Paul

On 18 Jul 2022, at 13:58, Edge, Paul < Paul. Edge@gov.im > wrote:

Apologies of course, no problem

From:

Sent: 18 July 2022 13:55

To: Edge, Paul < Paul. Edge@gov.im>

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im >

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

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yes, of course - I will bring too if I may?

On 18 Jul 2022, at 13:53, Edge, Paul < Paul. Edge@gov.im > wrote:

No problem, of course that sounds ideal, I would like to invite the 2 Manx Care designated Officers too (mine and Rebecca's equivalents, though all payment etc. is Rebecca only) if that is ok, this is just to ensure we are all on the same page if that makes sense?

From:

Sent: 18 July 2022 13:51 To: Edge, Paul < Paul. Edge@gov.im>

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im >

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

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Thank you Paul

Perhaps at that time we can meet again and discuss our starting plan?

On 18 Jul 2022, at 13:50, Edge, Paul < Paul. Edge@gov.im > wrote:

Thanks

No nothing else at this time please, once received I will present to DHSC CEO for signature which will execute the contract, once signed I will provide copy. Once all agreed and commencemet begins, Rebecca copied will be the DHSC Finance poc for payment etc.

Many thanks

Paul

Sent: 18 July 2022 13:48

To: Edge, Paul < Paul. Edge@gov.im >

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im >

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

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Thank you Paul.

I will amend the SOW and send to you.

I have mailed for his Terms so that we can sign - once done I will send to you also.

Do you need anything else at the time please?

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On 18 Jul 2022, at 13:43, Edge, Paul < Paul Edge@gov.im > wrote.



Ownership of the Report etc - I am more than content to agree that the report and any relevant documents should be the property of the DHSC post completion of the investigation and submission of the report but perhaps we could insert words to the effect of "...the report becomes the property of the DHSC upon final payment to Expol Limited...". Is that in order with you please?

I can confirm that is in order with the Department, in regards to SoW and T&C once amended if you could provide and I will seek DHSC CEO signature to proceed.

Hope that is ok?

Many thanks

Paul

From:

Sent: 18 July 2022 10:01

To: Edge, Paul < Paul. Edge@gov.im >

Cc: Evans, Rebecca (DHSC) <<u>Rebecca.Evans2@gov.im</u>>
Subject: DHSC enquiry - Statement of Work as at 18 July 2022

Caution: This email is from an external sender. Please take care before opening any attachments or following any links.

Good morning Paul

How are you today?

I refer to your email of 14 July 2022. I now attach a Statement of Work which, I trust, incorporates the points you suggested in your email. Perhaps you would review for me and feedback?

I can confirm that I will sign Business Terms with Riela for the duration of this investigation. I will advise once this is done.

Ownership of the Report etc - I am more than content to agree that the report and any relevant documents should be the property of the DHSC post completion of the investigation and submission of the report but perhaps we could insert words to the effect of "...the report becomes the property of the DHSC upon final payment to Expol Limited...". Is that in order with you please?

Anything at all then please do come back to me.

With thanks and kind regards





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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Relitys Ellan Vannin dyn oo-niartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh feb bentyn rish.

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From:
To: Edge, Paul

Cc: Evans, Rebecca (DHSC)

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

Date: 18 July 2022 14:31:57

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Thank you Paul - then as long as you are content with its entirety then I shall re-label it as the 'final version' and re send to you now.

As soon as I sign up with Riela then I will let you know.

On 18 Jul 2022, at 14:30, Edge, Paul < Paul. Edge@gov.im > wrote:

Hi

It does thank you

Paul

From:

**Sent:** 18 July 2022 14:28

To: Edge, Paul < Paul. Edge@gov.im>

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im >

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

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Paul

Have a look at the amended Paragraph 5 please - does that meet with your approval?

Thanks,

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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn co-niartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.

From: Edge, Paul
To:

FOI 2015 – Section 25 Absolutely Exempt Personal Information

Cc: Evans, Rebecca (DHSC)

Subject: RE: DHSC enquiry - Statement of Work as at 18 July 2022

**Date:** 18 July 2022 14:48:02



Thank you I will submit for signature and revert asap.

Many thanks

Paul

From:

**Sent:** 18 July 2022 14:35

To: Edge, Paul <Paul.Edge@gov.im>

Cc: Evans, Rebecca (DHSC) <Rebecca.Evans2@gov.im>

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

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Paul

Please see attached SOW renamed as 'Final'

Thank you

From: Evans, Rebecca (DHSC) To:

FOI 2015 - Section 25 Absolutely Exempt Personal Information

Edge, Paul Cc:

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

Date: 19 July 2022 11:59:59

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### Thanks Rebecca

On 19 Jul 2022, at 11:59, Evans, Rebecca (DHSC) < <u>Rebecca. Evans 2@gov.im</u> > wrote:

, I'll book a room here and look forward to seeing you both tomorrow at **Thanks** 11am.

### Rebecca

From:

**Sent:** 19 July 2022 11:44

**To:** Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im >

**Cc:** Edge, Paul < <u>Paul.Edge@gov.im</u>>;

Subject: Re: DHSC enquiry - Statement of Work as at 18 July 2022

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Hi Rebecca

and myself will pop over at 11am tomorrow if thats ok? Thank you -

Kind regards

On 19 Jul 2022, at 10:59, Evans, Rebecca (DHSC) wrote:

yes that's fine. Are you free this week to come to Belgravia House?

Paul and I can do any time after 11am tomorrow and Thursday if that suits? Or Friday between 11am and 2pm.

**Thanks** 

Rebecca

## FOI 2015 - Section 25 Absolutely Exempt **Personal Information**

From:

**Sent:** 19 July 2022 10:38

To: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im >

Cc: Edge, Paul < Paul. Edge@gov.im >;

**Subject:** Re: DHSC enquiry - Statement of Work as at 18 July 2022

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Good morning Rebecca

Many thanks indeed.

Perhaps we could meet you initially and separately so as to discuss reporting in, briefing, finance etc...please?

With thanks and kind regards



On 19 Jul 2022, at 09:03, Evans, Rebecca (DHSC) < <u>Rebecca. Evans 2@gov.im</u> > wrote:

Good morning



Attached is a signed copy of the SOW for your records.

Would you like to meet Paul and I separately to your meeting with the Manx Care delegated officers (Elaine Quine and Justine Gale) or are you happy to meet us all together?

Many thanks

Rebecca

From:

**Sent:** 18 July 2022 15:31

To: Edge, Paul < Paul. Edge@gov.im>

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im > Subject: Re: DHSC enquiry - Statement of Work as at 18

July 2022

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Thanks Paul

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On 18 Jul 2022, at 15:12, Edge, Paul < Paul. Edge@gov.im > wrote:

Thanks – Rebecca has just submitted for signa e, will revert asap – thanks again Paul

From:

**Sent:** 18 July 2022 14:32

To: Edge, Paul < Paul. Edge@gov.im>

**Cc:** Evans, Rebecca (DHSC) < Rebecca.Evans2@gov.im>

Subject: Re: DHSC enquiry - Statement of

Work as at 18 July 2022

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Thank you Paul - then as long as you are content with its entirety then I shall relabel it as the 'final version' and re send to you now.

As soon as I sign up with Riela then I will let you know.

On 18 Jul 2022, at 14:30, Edge, Paul < Paul. Edge@gov.im > wrote:

Hi

It does thank you

Paul

From:

**Sent:** 18 July 2022 14:28

To: Edge, Paul

<<u>Paul.Edge@gov.im</u>>

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im > Subject: Re: DHSC enquiry - Statement of Work as at 18

July 2022

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Paul

Have a look at the amended Paragraph 5 please - does that meet with your approval?

Thanks,

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Cha nel kied currit da failleydagh ny jantagh erbee conaant y yannoo rish

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peiagh ny possan erbee lesh post-l er son Rheynn ny Boayrd Slattyssagh erbee jeh Reiltys Ellan Vannin dyn coniartaghey scruit leayr veih Reireyder y Rheynn ny Boayrd Slattyssagh t'eh bentyn rish.

<SKM\_C300i22071907580.pdf>

FOI 2015 - Section 25 Absolutely Exempt

Personal Information

From: Edge, Paul

Cc: Evans, Rebecca (DHSC)

Subject: RE: DHSC - contract Expol and Riela

Date: 20 July 2022 09:54:00

Hi

Morning, thank you and noted.

Many thanks

Paul

From:

**Sent:** 20 July 2022 09:52

To: Edge, Paul < Paul. Edge@gov.im>

Cc: Evans, Rebecca (DHSC) < Rebecca. Evans 2@gov.im>

Subject: DHSC - contract Expol and Riela

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# Morning Paul

Attached please see the signed terms between Riela and Expol.

Please note that for our internal purposes we have named the enquiry, Raglan. You may see the name on various documents in the future.

With thanks and kind regards





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