

From: McCormick, Andrew (DFE)
Sent: 29 December 2016 15:16
To: 'Jonathan Bell'
Subject: Fw: Request for Dr Andrew McCormick to put all information given to me by him into the public record

Dear Jonathan,

While I have not had a reply to the email below (a matter of some surprise and disappointment), I have been asked to give an interview to the Stephen Nolan show, and the BBC has indicated that they have access to your record of our conversations. It seems that they may be unaware of the nature of the start of our conversation, crucial though that was in creating an atmosphere of trust. Also, it is not clear if you have shared with the BBC your strong undertakings to ensure fair treatment of officials and of me in particular.

In the meantime, I have continued to fulfil my responsibilities to the present Minister for example by providing factual analysis of past events at his request.

I can see no reason whatsoever for you not to share your records of our discussions with me, and I would be grateful if you could provide them by return.

Andrew

From: McCormick, Andrew (DFE) <Andrew.McCormick@economy-ni.gov.uk>
Sent: Tuesday, 20 December 2016 14:06
To: Bell, Jonathan
Subject: RE: Request for Dr Andrew McCormick to put all information given to me by him into the public record

Dear Jonathan,

As you know, you sought access to the papers in relation to RHI that you had seen during your time as Minister. Self-evidently, that access was on the basis that the conventions relating to the confidentiality of government business that you respected while Minister continued to apply. Your stated purpose was to remind yourself of the substance of the advice you had received as Minister, and that is and was permitted within the approved procedures, which I confirmed in my email of 15 December. And as you approached me on the basis of personal trust, I spoke with you on terms similar to our relationship when you were Minister, in the expectation of privacy and trust. So I have to say I was very disappointed that you breached that confidentiality so fundamentally in your interview with Stephen Nolan. You did not seek my consent to be quoted, and I did not give any such consent.

I remain bound by two points in relation to the point you make about a possible opportunity to put the detail into the public domain:

- In law, I act under the direction and control of the current Minister, just as I acted under your authority while you were Minister, so anything that I could release would be subject to his approval; and

- As has been stated repeatedly in response to media inquiries, I am accountable to the Public Accounts Committee, which is currently inquiring into the RHI, and the firm convention is that the Accounting Officer should make no public comment outside that context.

Obviously the second of these points could be set aside if there was a need to set the record straight in the public interest and, for the avoidance of doubt, I am still reserving the right to correct the record in relation to your interview with Stephen Nolan last week.

I do not recall that you or Ken were taking notes during our conversation, but if you have a written record, I would be grateful if you would provide a copy of the information that you have and propose to put into the public domain. For the record, I do not consent to any release of any supposed record of a private conversation I was involved in. I could not give such consent without access to this record to check that it is not a partial or inaccurate account.

You refer to selectivity: given that the Department has released via the Assembly Library the main relevant papers - including in particular the DETI submission of 8 July which was among the papers you saw at our meeting, and my note of 28 January 2016 to HOCS - I would be grateful if you could let me know what further papers you think should have been released.

In any case, all of these issues will shortly be subject to the forthcoming independent investigation, when all records and conversations will be subject to scrutiny.

Also, I have looked again at the email chain that culminated in the exchange between Tim Cairns and myself that was summarised at the beginning of the Nolan Show last Wednesday. I had noted that Tim Cairns' email to me did not have the original document, my minute of 28 January to HOCS, attached, and hence my email to you of 15 December which declined access for you to that note. I noticed yesterday that my previous email to Tim (28 January at 15.02) did have the document attached, which means that you did see it as Minister, and hence I owe you an apology for missing that point last week. However, the corollary, of course, given that I sent the document to your personal account, is that you should still have access to the minute to HOCS and did not need to request it from me in the first place.

I hope this is helpful.

Best,

Andrew

-----Original Message-----

From: Bell, Jonathan [mailto:jonathan.bell@mla.niassembly.gov.uk]

Sent: 20 December 2016 10:05

To: McCormick, Andrew (DFE)

Subject: Request for Dr Andrew McCormick to put all information given to me by him into the public record

Dear Andrew

Thank you for your telephone call and for meeting with me and providing some documentation, other documentation requested was not provided.

Out of my personal respect for you I would like to give you the opportunity to put the exact detail of our Sunday afternoon telephone conversation and of our meeting in Netherleigh, both of which I have a record of, immediately into the public domain today.

I note that your department is selectively releasing information under your name and there is now a definite public interest in having the information that you and I both possess.

If this information is not released today then I regard it as my public duty to place the information I have on record into the public domain with immediate effect.

Once again I wish to extend my personal thanks to you for all your support, advice and wisdom during my time in office.

Kindest Regards

Jonathan F Bell MLA

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