



RHI Inquiry
1st Floor, Waterfront Plaza
8 Laganbank Road
BELFAST BT1 3LY
T: 028 9040 8833
E: general@rhiinquiry.org
W: www.rhiinquiry.org

Damian Martin
Head of IT Assist
Enterprise Shared Services
Craigantlet Buildings
Stoney Road
Belfast
BT4 3SX

By post and email: (Damian.Martin@Finance-ni.gov.uk)

Dear Sir

31 May 2017

Re: The Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme
Provision of a Section 21 Notice requiring the provision of evidence in the form of a written statement

I am writing to you in my capacity as Solicitor to the Independent Public Inquiry into the Non Domestic Renewable Heat Incentive (RHI) Scheme (known as 'the RHI Inquiry') which has been set up under the Inquiries Act 2005 ('the Act').

I enclose a copy of the RHI Inquiry's Terms of Reference for your information.

From our previous discussions, you will be aware that the RHI Inquiry is undertaking its investigations into the matters set out in its Terms of Reference. A key part of that process is gathering all of the relevant documentation from relevant departments, organisations and individuals.

In turn, an important part of that exercise involves seeking to ascertain the relevant means of communication used by those persons whose actions may fall within the purview of the RHI Inquiry's investigation, in order that the Inquiry can seek to ensure that it has been provided with all documentation relevant to its work; and in order that it may take any necessary steps to identify, secure and retrieve such

documentation.

The RHI Inquiry is aware that some of the persons whose actions may fall within the purview of the its investigations may have used, or use, mobile telephones issued to them by the Enterprise Shared Services directorate within the Department of Finance. As you will see, the information sought by the enclosed Section 21 Notice relates to the existence of mobile telephones in order for the RHI Inquiry to ascertain whether any communications in relation the RHI Scheme, such as text messages sent or received by those mobile telephones, may be retrievable (despite the communication having been deleted from the mobile telephone or otherwise rendered potentially unavailable by virtue of the person concerned having returned the relevant mobile telephone to Enterprise Shared Services).

In keeping with the approach we are taking with other individuals, the RHI Inquiry is now issuing to you a Statutory Notice (known as a 'Section 21 Notice') pursuant to its powers to compel the provision of evidence in the form of a written statement in relation to the matters mentioned above.

The Section 21 Notice enclosed with this letter requires you to provide evidence to the RHI Inquiry Panel in the form of a written statement addressing the matters identified in the Schedule to the Section 21 Notice. As the text of the Section 21 Notice explains, you are required by law to comply with it. It is hoped that the provision of this Notice will assist in making clear both the legal authority for the Inquiry to seek the information concerned and the power, indeed the duty, on the part of Enterprise Shared Services to provide the information. As you may be aware, by virtue of section 35(1) of the Data Protection Act 1998, personal data are exempt from the non-disclosure provisions of that Act when disclosure is required under any enactment.

You will also find attached to the Section 21 Notice a Guidance Note explaining the nature of a Section 21 Notice and the procedures that the RHI Inquiry has adopted in relation to such a notice.

Given the tight time-frame within which the RHI Inquiry must operate, the

Chairman of the Inquiry would be grateful if you would comply with the requirements of the Section 21 Notice as soon as possible and, in any event, by the date set out for compliance in the Notice itself.

Please do not hesitate to contact me to discuss any matter arising.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Patrick Butler', written in a cursive style.

Patrick Butler

Solicitor to the RHI Inquiry

02890408928

SCHEDULE
[No 250 of 2017]

1. In relation to each of the persons named in paragraph 2 below, specify:
 - (a) Whether the person was issued with a mobile telephone(s) by Enterprise Shared Services;
 - (b) The phone number for the mobile telephone(s);
 - (c) Between what dates the mobile telephone handset was allocated to the person;
 - (d) Whether the mobile telephone handset is still within the possession, custody or control of Enterprise Shared Services.

2. The information sought in paragraph 1 relates to each the following persons:
 - (a) Arlene Foster (Minister);
 - (b) Simon Hamilton (Minister);
 - (c) Sammy Wilson (Minister);
 - (d) Mervyn Storey (Minister);
 - (e) Jonathan Bell (Minister);
 - (f) Michelle O'Neill (Minister);
 - (g) Mairtin O'Muilleoir (Minister);
 - (h) Timothy Cairns (Special Adviser);
 - (i) Andrew Crawford (Special Adviser);
 - (j) John Robinson (Special Adviser);
 - (k) Timothy Johnston (Special Adviser);
 - (l) Richard Bullick (Special Adviser);
 - (m) Stephen Brimstone (Special Adviser);
 - (n) Stuart Wightman (Civil Servant);
 - (o) John Mills (Civil Servant);

- (p) Seamus Hughes (Civil Servant); and
- (q) Fiona Hepper (Civil Servant).

3. In relation to Arlene Foster, Jonathan Bell, Timothy Cairns, Andrew Crawford, Timothy Johnston and John Robinson, detail the telephone and billing records for the period 1 January 2015 to 31 March 2016 for any and all mobile telephones issued to each of them by Enterprise Shared Services.



INQUIRY INTO THE RENEWABLE HEAT INCENTIVE SCHEME

RHI REF: Notice 250 of 2017

DATE: 09.06.17

Witness Statement of: Damian Martin

I, Damian Martin, will say as follows: -

1. This written statement has been provided by me in response to the Chairman's s.21 Notice, No.250 of 2017, sent by email on 31st May 2017. The s.21 Notice was served on me as a consequence of my job title, Chief Operating Officer, Digital Shared Services, Enterprise Shared Services in the Northern Ireland Civil Service.
2. By paragraph 1 of the Schedule to the s.21 Notice, the Inquiry has requested specific information from Enterprise Shared Services, "ESS", in relation to specific individuals. The specific individuals are set out at paragraph 2 of that Notice. Table 1 below sets out the information requested in relation to each of the specific individuals and my response to that information. Where I have inserted "No" under the column headed "NICS Mobile Phone", the individual did not request or receive an NICS Mobile Phone and therefore the other information is not applicable. Where I have provided dates against an individual phone number, these dates represent the duration that that individual held a particular mobile phone, the individual being updated with a newer handset each time. Where I have inserted "Not Known" in a column, it is not known within ESS whether that mobile phone is in the possession, custody or control of ESS.

Table 1

<u>NAME</u>	<u>NICS MOBILE PHONE</u>	<u>MOBILE NUMBER</u>	<u>DATES</u>	<u>Possession, custody or control of NICS</u>
Arlene Foster (Minister)	Yes	Personal Information redacted by the RHI Inquiry	13/12/16 - to date	No
	Yes		18/02/16 - 13/12/16	Yes
	Yes		05/06/15 - 18/02/16	Not known



	Yes	Personal Information redacted by the RHI Inquiry	08/04/11 - 05/06/15	No
Simon Hamilton (Minister)	Yes	Personal Information redacted by the RHI Inquiry	17/05/11 - unknown	No
Sammy Wilson (Minister)	No			
Mervyn Storey (Minister)	No			
Jonathan Bell (Minister)	Yes	Personal Information redacted by the RHI Inquiry	28/12/14 – to date	No
Michelle O'Neill (Minister)	Yes	Personal Information redacted by the RHI Inquiry	10/12/12 - 06/10/15	No
	Yes	Personal Information redacted by the RHI Inquiry	06/10/15 - 13/02/17	Yes
	Yes	Personal Information redacted by the RHI Inquiry	10/04/14 - 23/06/16	Yes
	Yes	Personal Information redacted by the RHI Inquiry	01/06/16 – to date	No
M O'Muilleoir (Minister)	Yes	Personal Information redacted by the RHI Inquiry	15/6/16 – to date	No
Timothy Cairns (SPAD)	Yes	Personal Information redacted by the RHI Inquiry	28/05/15 – to date	No
	Yes	Personal Information redacted by the RHI Inquiry	17/12/14 - 5/11/15	Not known
Andrew Crawford (SPAD)	Yes	Personal Information redacted by the RHI Inquiry	01/09/14 – 09/06/17	Yes
John Robinson (SPAD)	No			
Timothy Johnston (SPAD)	No			
Richard Bullick (SPAD)	Yes	Personal Information redacted by the RHI Inquiry	21/11/16 - 17/01/17	Yes
	Yes	Personal Information redacted by the RHI Inquiry	16/11/15 - 16/11/16	Not known
Stephen Brimstone (SPAD)	Yes	Personal Information redacted by the RHI Inquiry	23/05/15 - 23/03/17	Yes
Stuart Wightman (Civil Servant)	Yes	Personal Information redacted by the RHI Inquiry	20/01/15 – to date	No



RENEWABLE HEAT INCENTIVE INQUIRY

John Mills (Civil Servant)	Yes	Personal Information redacted by the RHI Inquiry	30/07/14 – to date	No
Seamus Hughes (Civil Servant)	No			
Fiona Hepper (Civil Servant)	Yes	Personal Information redacted by the RHI Inquiry	09/01/13 - 14/05/15	No
	Yes		14/05/15 – to date	No

3. Paragraph 3 of the Schedule requests that, in relation to six named individuals, ESS details the telephone and billing records for the period 1 January 2015 to 31 March 2016. Only four of the six named individuals have been provided with an ESS phone. Neither John Robinson nor Timothy Johnson requested a mobile phone from ESS and for that reason they were not provided with one. As a consequence of the s.21 Notice the telephone and billing records for the four named individuals were sought from the relevant Service Providers, of which there are three: Vodaphone; EE and O2. I have matched the Service Provider to each of the four individuals in Table 2 below, and appended the telephone and billing records for each individual to this statement, (with the exception of Timothy Cairns). The Service Provider linked to Timothy Cairns is EE. EE has not yet provided the information sought. ESS shall provide this information to the Inquiry as soon as it is received.

Table 2

	<u>NAME</u>	<u>Service Provider</u>	<u>Appendix</u>
1.	Arlene Foster (Minister)	Vodaphone	Detail_AF
2.	Jonathan Bell (Minister)	O2	Detail_JB
3.	Timothy Cairns (SPAD)	EE	
4.	Andrew Crawford (SPAD)	Vodaphone	Detail_AC

Statement of Truth

I believe that the facts stated in this witness statement, comprising of 3 pages, are true.

Signed: Damian Martin

Dated: 9th June 2017