

NORTHERN IRELAND POLICING BOARD

MINUTES OF THE SPECIAL MEETING OF THE NORTHERN IRELAND POLICING BOARD HELD ON TUESDAY 22 AUGUST 2023 AT 11AM IN JAMES HOUSE, BELFAST

PRESENT:

Ms Deirdre Toner (Chair)
Mr Edgar Jardine (Vice-Chair)
Dr Janet Gray
Mr Mukesh Sharma
Ms Joanne Bunting MLA
Mr Trevor Clarke MLA
Mr Peter Osborne
Dr Kate Laverty
Mr Gerry Kelly MLA
(1) Mrs Linda Dillon MLA
Mr Brendan Mullan
Ms Nuala McAllister MLA
Mr Frank McManus
Mr Mike Nesbitt MLA
Mr Mark H Durkan MLA

POLICE SERVICE OF NORTHERN IRELAND IN ATTENDANCE:

- (2) Mr Simon Byrne, Chief Constable
- (2) Mr Mark Hamilton, Deputy Chief Constable
- (2) Mrs Pamela McCreedy, Chief Operating Officer
- (2) Mr Chris Todd, Assistant Chief Constable
- (2) Mr Mark McEwan, Assistant Chief Constable
- (2) Mr Bobby Singleton, Assistant Chief Constable
- (2) Mr Ryan Henderson, T/Assistant Chief Constable
- (2) Mrs Clare Duffield, Assistant Chief Officer, People & Organisational Development
- (2) Mr Mark McNaughten, Assistant Chief Officer, Corporate Services
- (2) Mr Jonny McBride, Planning & Transformation
- (2) Representative, Strategic Communications & Engagement
- (2) 2 PSNI officials

CITY OF LONDON POLICE IN ATTENDANCE

- (3) Assistant Commissioner Pete O'Doherty*, NPCC Lead for Information Assurance.

NATIONAL POLICE CHIEFS COUNCIL (NPCC) DATA BOARD, & HEAD OF DATA AND INFORMATION FOR WEST YORKSHIRE POLICE IN ATTENDANCE:

- (3) Clare Vickers-Pearson*, Deputy Chair of NPCC Data Board

NORTHERN IRELAND POLICING BOARD OFFICIALS IN ATTENDANCE:

Mrs Sinead Simpson, Chief Executive
Mr Sam Hagen, Senior Director of Resources
Mr Adrian McNamee, Director of Performance
Ms Jenny Passmore, Director of Partnership
Ms Aislinn McGuckin, Director of Police Pensions & Injury Benefits

Four Board Officials

OTHER OFFICIALS IN ATTENDANCE:

- (4) Mr John Wadham*, Human Rights Advisor

- (1) Left at 14.15
- (2) Item 5 only
- (3) Item 4 Only
- (4) Until 12.15pm

*Attended meeting by video conference facility

1. APOLOGIES

Apologies were received from Mr John Blair MLA, Mr Maurice Bradley MLA, Mr Les Allamby and Ms Liz Kimmins MLA.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

Members agreed the agenda for the meeting.

The Chair advised Members that before PSNI join the meeting, Assistant Commissioner with the City of London Police, Mr Pete O'Doherty, who is the National Police Chief's Council (NPCC) lead officer for Information Assurance and Ms Clare Vickers-Pearson, Deputy Chair of the National Police Chiefs Council Data Board, will be joining the meeting by video conference to discuss the draft Terms of Reference for the Independent End to End process review of the circumstances surrounding the data breach incident of 8th August 2023 which the Board and PSNI have jointly commissioned and Members will have the opportunity to ask questions of them.

3. NIPB MEDIA STATEMENT

The Chair noted that the Board's role is to hold PSNI to account for the breach through the Chief Constable and his senior team. The Board also has a role in ensuring that, through its accountability, it helps to restore confidence in the service both from the staff of PSNI, and from the general public, including those who have direct contact with the service. As such, the Chair advised that a public statement had been prepared for discussion with Members with a view to then being issued to the media. Members were also asked to note that the Chair and the Vice-Chair would be undertaking media interviews following this meeting.

Members discussed the content of the draft statement in detail and agreed to review a further re-draft later in the meeting. **(AP1)**

4. DRAFT TERMS OF REFERENCE FOR END TO END REVIEW

The Chief Executive presented the draft Terms of Reference (ToR) for the Independent End to End review of the circumstances surrounding the data breach incident of 8th August 2023 in order to satisfy itself and provide confidence to PSNI staff and the wider public that the underlying causes of that data breach, and subsequent breaches have been identified and addressed.

The Chief Executive highlighted key elements of the ToR including key objectives, intended review of processes and protocols, policy and systems, governance structures, as well as the methodology, timescales and the make up of the review team of subject matter experts.

During discussion Members discussed the make up of the specialist review team, the pace at which the team had been pulled together in response to this critical incident, the need for Members of the review team to be Developed Vetted and available to carry out this review within the tight timeframe which included a hot debrief by early September. Members requested that the draft ToR be extended to include the additional data breaches of 6th July and 17 August 2023.

The Chair welcomed Mr Pete O'Doherty, Assistant Commissioner with the City of London Police and Ms Clare Vickers-Pearson, Deputy Chair of the NPCC Data Board to the meeting via video conference.

The Assistant Commissioner thanked Members for the invitation to the meeting and provided with a high level overview of the scope of the review and the methodology for carrying it out, noting:

- The review is designed to examine/cover three key areas namely -
 - I. to identify the root cause of the main data breach
 - II. to identify what action needs to be taken to prevent any further security breaches,
 - III. to restore confidence in the organisation's approach to information security.
- The scope of the review does not cover the consequences to the organisation of any recommendations coming from the review; any consequences will be managed locally by the PSNI Senior Information Risk Owner (SIRO)
- The review will be led independently of the NIPB and the PSNI

- The specialist individuals, including their skills and experience, selected to form the review team
- The phasing of the work of the review team, including the five stages of the review and timescales for completion
- The importance of regular debriefs and sharing of high level findings with the NIPB and the PSNI as the review progresses.

In addition to the above the Assistant Commissioner and the Deputy Chair of the NPCC Data Board addressed a range of matters from Members concerning:

- The need for the review to include preventative action in relation to management of physical records as well as electronic records/cyber security practices;
- The need to benchmark against best practice examples from public and private sector;
- Confirmation that ISO 27001 will be considered when providing recommendations for best practice;
- The need for the review to include an assessment of compliance with ICO guidance;
- Make up of the Members of the review team, noting that collectively the review team have a breadth of experience in many different sectors and will draw on that range of experience when determining best practice;
- The benefits of policing experts leading the review, noting their awareness and understanding of policing structures and challenges. Members noted that Assistant Commissioner O'Doherty stressed he has no relationship with the PSNI, the specialist team progressing the review are not NI based, and the team are completely independent;
- The potential learning from the review for PSNI and other UK Police Forces;
- The need for the review to examine the culture of the organisation and whether it had a bearing on events, in particular with regard to the additional data breaches;

- The review team's commitment to providing regular updates as the review progresses.

The Chair thanked the Assistant Commissioner and the Deputy Chair of the NPCC Data Board for their contribution and they left the meeting.

After further discussion Members **AGREED** to approve the draft ToR of the Independent End to End review subject to some amendments suggested by Members.

5. PSNI UPDATE ON DATA BREACH

The Chair welcomed the Chief Constable, Deputy Chief Constable, Chief Operating Officer, Assistant Chief Constable Chris Todd, Assistant Chief Constable Bobby Singleton, Assistant Chief Constable Mark McEwan, T/ Assistant Chief Constable Ryan Henderson, Assistant Chief Officer Clare Duffield, Assistant Chief Officer Mark McNaughten and Head of Strategic Planning and Performance Johnny McBride, and the representative from Strategic Communications & Engagement to the meeting.

The Chair advised that earlier this morning Board Members met with representatives from the PSNI 'Your Voice Forum' (YVF) to hear their concerns on the impact of this critical incident on the Police Officers and Staff that they represent. The Chair relayed that it was a largely positive meeting with representatives keen to work with the leadership team to rebuild confidence, while acknowledging the impact on some officers and members of staff. The Chair invited the Chief Constable to provide an update on the significant data breach of 8 August 2023 and the additional breaches of 6 July and 17 August 2023.

The Chief Constable made introductory remarks, noting the shock of the main data breach is still reverberating through the organisation and advised over the course of the past week he has visited several police stations to meet with

officers and staff to try and reassure them of the seriousness with which the senior leadership team are dealing with this incident and to relay/reinforce to staff the actions which are being taken to support officers and staff and to mitigate any current or future security risks.

The Chief Constable advised the PSNI are working with a range of agencies to address the various issues resulting from the data breach and stated he has welcomed the expertise and assistance they have provided. The Chief Constable added the Deputy Chief Constable has been heavily engaged with the UK Government and HM Treasury and is attending daily briefings with the Cabinet Office to keep them apprised of the situation and welcomed their support to date.

The Chief Constable provided Members with hard copy reports which provided:

- The role and responsibilities of the PSNI Leadership team as part of a coordinated response to these unprecedented events and the Command Structure for managing this critical incident, known as Operation Sanukite;
- Updates on the three data breaches, including timelines of the events, and the current position of each, noting a conduct investigation is ongoing in respect of the incident of 6 July 2023;
- An update on actions taken to address the impact of the data breach on officers and staff,
- Workforce Welfare and Reassurance initiatives,
- Communications with officers and staff,
- The criminal investigation of individuals recently arrested and charged under Terrorism Legislation in relation to the breach of 8 August 2023,
- Governance and Accountability arrangements and;
- Operation Successivity which will be led by the Chief Operating Officer (COO) and relates to the “recover, resilience and rebuild” phases from

these incidents which the Chief Constable acknowledged have undermined confidence in the Police Service.

The Chief Constable also welcomed the jointly commissioned Independent End to End review which will be the best opportunity to establish the root cause of the breach.

In addition to the above the PSNI Leadership team addressed a range of matters from Members concerning:

- The number of officers and staff that are working full or part time on Operation Sanukite; what operational services are being impacted as a result of Sanukite activities and how the PSNI intend to balance the need to do day to day policing with limited resources;
- Estimated costs of the Independent End to End review;
- Role of ICO in auditing responses within the statutory timeframe versus auditing FOI process;
- Any communications issued to all staff reminding them of their responsibilities with regard to information management and the correct procedures and timescales to follow when reporting data breaches;
- Whether “cultural carelessness” was a contributing factor to the data breaches;
- The number of FOI's PSNI receive on a daily/weekly basis and how these are prioritised, including the speed at which this FOI was responded to;
- Any other breaches in the pipeline which the Board is not yet aware of;
- Whether PSNI had any concerns regarding the origin of the request;
- The range of tools at PSNI's disposal to provide assurances about the security of data which they hold;
- The number of staff involved in the main data breach and any subsequent action taken;

- The exact number of staff and officers details that were listed on the spreadsheet;
- The impact of budgetary pressures on the recent breaches and whether a better IT system could assist;
- Timeline of data breach in Newtownabbey and reasons for delay in escalation to the Board;
- Timeline for the recent separate data breach on the M2; as well as in relation to locating the laptop in question;
- The impact of the data breach in terms of increased levels of staff sickness or referrals to Occupational Health and capacity to respond and provide support if required;
- Clarity around the circumstances of an alleged data breach in Limavady; noting it wasn't a PSNI breach;
- The extent to which resourcing and overtime issues in managing competing priorities will impact on the PSNI's ability to respond to any threats to life emerging from the breach;
- The number of officers and staff who have completed a welfare self-referral, the distinction between triage and an individual risk assessment and the processes around both;
- The factors taken into account for prioritisation of welfare referrals;
- The results of a recent LucidTalk poll which highlighted a drop in public confidence as a result of the breach;
- Further detail around the 8 pillars outlined as the basis for Operation Successivity.

The Chair thanked the Chief Constable, Deputy Chief Constable, Chief Operating Officer and the rest of the senior leadership team for their private briefing to the Board.

4. COMMUNICATION ISSUES

Members considered the updated draft media statement, suggested some minor final amendments, then agreed dissemination to the media immediately after this meeting.

5. ANY OTHER BUSINESS

None.

The private meeting closed at 4.10pm.

This was followed by a public media session at 4.20pm in the NIPB Committee room in James House with the Board Chair and Vice-Chair.

Strategic Planning & Governance

Date: August 2023

Chair