

Operation Ithaca

Investigation into an allegation that a Chief Officer intentionally damaged his work mobile phone

> [Independent investigation report](#)

> Investigation information

Investigation name:	Operation Ithaca
IOPC ¹ reference:	2017/095574
Investigation type:	Conduct
IOPC office:	Cardiff
Lead investigator:	Martyn Coombe
Case supervisor:	Richard Reynolds
Director General delegate (Decision maker):	Catrin Evans
Status of report:	Final
Date finalised:	18 May 2018

¹ On 8 January 2018, the Independent Police Complaints Commission (IPCC) became the Independent Office for Police Conduct (IOPC). We have referred to ourselves as the IOPC within this report.

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For publication

> Introduction

> The purpose of this report

1. I was appointed by the IOPC to carry out an independent investigation into an allegation that Chief Constable Michael Veale intentionally damaged a work mobile phone issued to him by Wiltshire Police.
2. On 23 November 2017, the IOPC received an anonymous typed letter dated 25 October 2017. This letter alleged that Chief Constable Veale and a Conservative MP had collaborated in leaking information about Operation Conifer, an investigation into alleged child abuse by Sir Edward Heath, in an attempt to boost public opinion of Chief Constable Veale.
3. The letter alleged that Chief Constable Veale had spoken directly to one journalist on a number of occasions, and had told the MP that “*he was going to cover his tracks by destroying his phone so records of contact between him and [name redacted] could not be traced.*”
4. In accordance with the legislation governing the police complaint system, the IOPC forwarded the letter to the Wiltshire Police and Crime Commissioner (PCC) on 28 November 2017.
5. On 5 December 2017, the Wiltshire PCC referred the matter to the IOPC as a recordable conduct matter².
6. On 18 January 2018, the IOPC decided to carry out an independent investigation into the allegation that Chief Constable Veale had intentionally damaged his mobile phone.
7. In an IOPC investigation, the powers and obligations of the Director General (DG) are delegated to a senior member of IOPC staff, henceforth referred to as the decision maker. The decision maker for this investigation is Ms Catrin Evans, the IOPC Director for Wales.
8. In this report, I will provide an accurate summary of the evidence, and attach or refer to any relevant documents. I will also provide the decision maker with sufficient information to enable her to determine:
 - whether Chief Constable Veale has a case to answer for misconduct or gross misconduct, or no case to answer;

² Section 12(2) of the Police Reform Act 2002 defines a recordable conduct matter as any matter where there is an indication that a police employee may have committed a criminal offence or behaved in a manner that would justify disciplinary proceedings. Regulation 7(1) of the Police (Complaints and Misconduct) Regulations 2012 states that police forces and PCCs must refer certain conduct matters to the IOPC, including “*conduct whose gravity or other exceptional circumstances make it appropriate to record the matter in which the conduct is involved.*”

- whether disciplinary proceedings should be brought against him, and the form of any such proceedings;
 - whether to refer any matter to the Crown Prosecution Service (CPS);
 - whether to make a recommendation to any organisation about any lessons that may need to be learned.
9. Chief Constable Veale was the Chief Constable of Wiltshire Police at the time of the events under investigation. However, he was appointed to the post of Chief Constable of Cleveland Police in January 2018.
 10. The IOPC will send a copy of this report and the decision maker's opinion to the Cleveland PCC, who must advise her what action they will take in response to the investigation findings. If the decision maker does not agree, she may recommend and ultimately direct further actions or determinations. The decision maker will also decide whether to make a referral to the CPS.

> Operation Conifer

11. Sir Edward Heath was prime minister between 1970 and 1974, and leader of the Conservative party from 1965 until 1975. He died in 2005.
12. In 2015, a number of police forces announced that they were investigating allegations of non-recent child sexual abuse against him. It was decided that Wiltshire Police would lead the investigation into these matters.
13. The investigation, named Operation Conifer, examined 42 disclosures by 40 separate individuals. Wiltshire Police concluded that, if Sir Edward Heath had been alive, he would have been interviewed about seven of the disclosures under criminal caution.
14. Further information about Operation Conifer can be found in the summary closure report, which is available online³.

> The investigation

> Terms of reference

15. Ms Evans approved the terms of reference for this investigation on 30 January 2018. On 6 April 2018, the terms of reference were amended to include point 2 (below). The terms of reference are as follows:
 1. To investigate the allegation that Chief Constable Veale of Wiltshire Police deliberately destroyed his police issued mobile phone, specifically to establish:

³ www.wiltshire.police.uk/article/1167/Operation-Conifer-Summary-Closure-Report

- a) If, and how, the phone was damaged or destroyed.
 - b) If this was a deliberate/intentional/reckless act on the part of Chief Constable Veale.
 - c) If there is evidence indicating deliberate/intentional/reckless damage, what reason (if any) Chief Constable Veale may have for causing such damage.
2. To investigate whether Chief Constable Veale was dishonest with members of Wiltshire Police as to whether and how damage to the phone occurred.
 3. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP).
 4. To assess whether the alleged conduct, if proved, would amount to misconduct or gross misconduct, or not, and if the conduct were to become the subject of disciplinary proceedings, the form these proceedings would be likely to take (severity assessment).
 5. To provide an accurate summary of the evidence to enable the decision maker to:
 - a) determine whether the report should be sent to the DPP; and
 - b) assess and indicate to the Appropriate Authority whether any subject of the investigation has a case to answer for misconduct or gross misconduct or no case to answer.
 6. To consider and report on whether there may be organisational learning, including:
 - Whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - Whether the incident highlights any good practice that should be shared.

> Subjects of the investigation

16. Any police officer, member of police staff or relevant contractor whose conduct is under investigation is referred to as a subject of the investigation. All subjects must be served with a notice of investigation informing them of the allegations against them, and stating whether those allegations would amount to misconduct or gross misconduct if proven.
17. IOPC Investigators served Chief Constable Veale with a notice of investigation on 31 January 2018, worded as follows:

“An anonymous letter of complaint was received by the IPCC on the 23 November 2017, making a number of allegations related to your actions, during the Operation Conifer investigation.”

This investigation looks at one of these allegations; that you deliberately destroyed your police issue mobile phone. The alleged motive for this being to hide your contact with various parties regarding the Operation Conifer investigation progress and report release.

The alleged conduct is:

- *Intentional or deliberate;*
- *Criminal in nature (i.e. damage to property belonging to another intending to destroy or damage or being reckless in doing so);*
- *Aggravated by an attempt to conceal information concerning an investigation which was both serious and high profile;*
- *Directly concerning a Chief Officer. Therefore, the degree of responsibility at the relevant time is increased.*

The above factors indicate an increased level of seriousness and public interest in the investigation, and potential to discredit the police service.”

18. This allegation was assessed as amounting to gross misconduct if proven.
19. On the same date, IOPC Investigators notified Chief Constable Veale in writing that the investigation would also consider the possible offence of criminal damage, contrary to Section 1(1) of the Criminal Damage Act 1971.
20. Chief Constable Veale provided a written response to the allegation on 13 February 2018.
21. On 23 March 2018, based on evidence obtained during the investigation thus far, Chief Constable Veale was notified that the investigation would no longer be considering whether a criminal offence may have been committed.
22. Chief Constable Veale was served with a further notice of investigation on 3 April 2018, worded as follows:

“The IOPC commenced an independent investigation in January 2018 into damage caused to your police issued mobile phone following an allegation that it had been deliberately destroyed, the alleged motive for this being to hide contact with various parties regarding the Operation Conifer investigation progress and report release.

When you were served with a Regulation 16 notice⁴ on the 31st January 2018, you volunteered to IOPC investigators that you had given an incorrect initial version of events to staff within Wiltshire police when the phone was damaged, and provided a different account for the damage to IOPC investigators both at that time and in your written response to the Reg 16 notice.

Evidence gathered during the IOPC’s investigation indicate that you have provided an account to witnesses that the mobile phone had been damaged when it was dropped in a car park

It would appear that you may have been dishonest with the senior management team and staff of Wiltshire Police along with the Chief Executive of The Office of

⁴ A notice of investigation under Regulation 16 of the Police (Complaints and Misconduct) Regulations 2012.

the Police and Crime Commissioner and you have not taken any action to correct the version of events to the one that you now rely on in your written response.

I believe that there is an indication that you may have breached the standards of professional behaviour in relation to Honesty and Integrity.

The nature of the alleged conduct is:

- *A failure to act with honesty and integrity toward colleagues;*
- *A failure to promote, support and reinforce ethical behaviour*
- *Aggravated by the senior rank which you hold. Chief Constables are expected to lead by personal example and act as ambassador of the standards;*
- *Conversely, the dishonesty alleged is not considered to be ‘operational dishonesty’ which directly affects a police operation (the ‘Salter test’⁵).*

The above factors summarise an increased level of seriousness and public interest in the investigation and potential to discredit the police service. At this time however, it is not considered that the alleged dishonesty is in an operational context (the Salter test), and therefore is not considered to amount to operational dishonesty.”

23. This allegation was assessed as amounting to misconduct if proven.
24. Chief Constable Veale provided a written response to the allegation on 17 April 2018.

> Guidance, legislation and case law considered

25. During the investigation, I have examined relevant national guidance, legislation and case law, as set out below.

> The Police Standards of Professional Behaviour and the Code of Ethics

26. The Police Standards of Professional Behaviour are set out in Schedule 2 of the Police (Conduct) Regulations 2012. They are a set of ten standards that police officers are expected to uphold. Failure to adhere to these standards may result in disciplinary action. The “Honesty and Integrity” standard states:

“Police officers are honest, act with integrity and do not compromise or abuse their position.”

The Code of Ethics was produced by the College of Policing as a code of practice and principles under section 39A of the Police Act 1996 (as amended by section 124 of the Anti-Social Behaviour, Crime and Policing Act 2014). However, the Code has a wider application than its statutory bases, with the expectation that

⁵ See *Salter v Chief Constable of Dorset Police* [2012] EWCA Civ 1047 for further details.

every person working in policing will adopt the Code. It sets and defines the principles and standards of behaviour for everyone who works in policing.

27. Paragraph 1.4 of the Code of Ethics sets out the expectations for chief officers and leaders. It states:

“As the head of your force or organisation you will:

- *show by personal example how the principles and standards in this Code apply*
- *promote, support and reinforce ethical behaviour at all times*
- *show moral courage to do the right thing even in the face of criticism be consistent in what you do and say*
- *promote openness and transparency within policing and to the public promote fairness and equality in the workplace*
- *create and maintain an environment where you encourage challenge and feedback*
- *be flexible and willing to change a course of action if necessary.*

All police personnel in leadership roles are critical role models. The right leadership will encourage ethical behaviour. Those who are valued, listened to and well led are likely to feel a greater sense of belonging, and so be more likely to take pride in their work and act with integrity.

As someone in a police leadership role you will:

- *take personal responsibility for promoting and reinforcing the principles and standards set out in this Code of Ethics*
- *actively seek to embed the Code by ensuring regular reference to it in the day-to-day work and training undertaken by your force or organisation*
- *use the Code of Ethics both to support the individuals for whom you are responsible and to guide them in performing their duties.”*

28. The Code of Ethics further states that police employees will be honest and act with integrity at all times, and will not compromise or abuse their position. Paragraph 1.3 of the Honesty and Integrity section states-

“The more senior in rank, grade or role you are, the greater the potential for harm as a consequence of any misuse of your position or any failure to meet the standards required by the Code of Ethics”

> College of Policing Guidance on Outcomes in Police Misconduct Proceedings

29. This guidance is intended primarily to assist persons appointed to conduct misconduct proceedings, but may also be used to inform assessments of conduct during an investigation.
30. Paragraph 4.4 of the guidance states that any assessment of the seriousness of alleged misconduct should be conducted with reference to:
- the officer’s culpability for the misconduct
 - the harm caused by the misconduct
 - the existence of any aggravating factors
 - the existence of any mitigating factors

31. Paragraphs 4.10–4.13 state,

“Culpability denotes the officer’s blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.

Conduct which is intentional, deliberate, targeted or planned will generally be more culpable than conduct which has unintended consequences, although the consequences of an officer’s actions will be relevant to the harm caused.

Where harm is unintentional, culpability will be greater if the officer could reasonably have foreseen the risk of harm.

Culpability will also be increased if the officer was holding a position of trust or responsibility at the relevant time. All police officers are in a position of trust, but an officer’s level of responsibility may be affected by specific circumstantial factors such as rank, their particular role and their relationship with any persons affected by the misconduct.”

32. Paragraphs 4.25–4.29 state that “dishonesty in connection with a police operation” is one of several forms of conduct that should be considered especially serious, and,

“Impropriety involving corruption, deliberately misleading or compromising an investigation or wilfully failing to give proper disclosure in a criminal prosecution, is likely to be comparably serious to and/or to involve operational dishonesty...

Consider cases where an officer has exercised their police powers in bad faith, for personal gain or at the behest of a friend or relative in this category of very serious misconduct.

There may be cases where an officer has behaved dishonestly but the dishonesty is unconnected to a police operation or investigation and could be regarded as minor or trivial in nature... Cases involving any form of dishonesty on duty will always be serious because of the importance of maintaining public trust and confidence in the police service.”

33. Paragraph 4.30 states:

“Police officers and staff should not, of course, be dishonest off-duty but some off duty dishonesty may be of limited relevance to the profession as a whole when viewed in its context.”

34. Paragraph 4.67 states that the following may be regarded as aggravating factors:

- premeditation, planning, targeting or taking deliberate or predatory steps
- abuse of trust, position, powers or authority
- deliberate or gratuitous violence or damage to property
- concealing wrongdoing in question and/or attempting to blame others
- regular, repeated or sustained behaviour over a period of time
- continuing the behaviour after the officer realised or should have realised that it was improper
- serious physical or psychological impact on the victim
- significant deviation from instructions, whether an order, force policy or national guidance
- failure to raise concerns or seek advice from a colleague or senior officer
- scale or depth of local or national concern about a particular issue

35. Paragraph 4.71 states that the following may be regarded as mitigating factors:
- misconduct confined to a single episode or brief duration
 - the extent of the officer's involvement in the misconduct
 - acting pursuant to a legitimate policing purpose or in good faith, but getting things wrong
 - mental ill health, disability, medical condition or stress which may have affected the officer's ability to cope with the circumstances in question
 - whether the officer was required to act outside their level of experience and/or without appropriate training or supervision
 - open admissions at an early stage
 - early actions taken to reduce the harm caused
 - evidence of genuine remorse, insight and/or accepting responsibility for one's actions

> The offence of criminal damage

36. Section 1(1) of the Criminal Damage Act 1971 states:

"A person who without lawful excuse destroys or damages any property belonging to another intending to destroy or damage any such property or being reckless as to whether any such property would be destroyed or damaged shall be guilty of an offence."

> Case law in relation to honesty and integrity

Salter v Chief Constable of Dorset [2012] EWCA Civ 1047

37. In this case, while investigating the death of another police officer, an officer discovered that the deceased had been having an affair with another officer. He instructed a junior officer to destroy a mobile telephone that contained evidence of the affair, to protect the deceased's family from further distress.
38. A police misconduct panel concluded that the officer should be required to resign, and the Chief Constable upheld that decision on review.
39. The officer appealed, and the appeals tribunal decided that the officer should instead be reduced in rank.
40. The Chief Constable successfully applied for a judicial review of this decision. The Judge held that the correct approach was reflected in the authorities relating to solicitors' disciplinary proceedings. He stated that a decision-maker had to recognise that a sanction that resulted in an officer leaving the force would be almost inevitable in cases involving operational dishonesty.
41. The officer appealed on the grounds that (inter alia) the judge had been wrong to rely on the authorities on solicitors' disciplinary proceedings.
42. The appeal was dismissed. The Court ruled that the similarities between solicitors and police officers in relation to the need for public confidence justified the

analogy, provided the decision-maker remained mindful that the case fell to be assessed in the context of policing.

43. The Court also stated that “a sanction resulting in the officer concerned having to leave the force will be the usual consequence of operational dishonesty.”

Williams v Solicitors Regulation Authority [2017] EWHC 1478 (Admin)

44. This case confirmed that honesty and integrity are distinct concepts and not synonymous. Each has different components.

45. Sir Brian Leveson stated, in relation to this matter:

“I ought to make it clear that, in the absence of compelling justification, I would reject Mostyn J’s description of the concept of want of integrity as second degree dishonesty. Honesty, i.e. a lack of dishonesty, is a base standard which society requires everyone to meet. Professional standards, however, rightly impose on those who aspire to them a higher obligation to demonstrate integrity in all of their work. There is a real difference between them.”

46. Carr J further stated:

“I proceed on the basis, both on the authorities and as a matter of principle, that, in the field of solicitors’ regulation, the concepts of dishonesty and want of integrity are indeed separate and distinct. Want of integrity arises when, objectively judged, a solicitor fails to meet the high professional standards to be expected of a solicitor. It does not require the subjective element of conscious wrongdoing.”

Ivey v Genting Casinos (UK) Ltd (trading as Crockfords) [2017] UKSC 67

47. The appellant was a professional gambler. While playing cards at a casino in August 2012, he won a total of approximately £7.7m while using a technique known as “edge-sorting”. The casino declined to pay him his winnings on the grounds that he had cheated.
48. The High Court held that edge-sorting amounted to cheating, and the Court of Appeal upheld that finding.
49. The appellant appealed against this decision, and the appeal was dismissed.
50. The Court considered the correct test for dishonesty, if such was an essential element of cheating. In particular, it considered the second stage of the two-stage test set out in *R v Ghosh*[1982] 2 All ER 689, namely whether the defendant had to have realised that ordinary honest people would regard his behaviour as dishonest.
51. The Court found that the second stage of the test propounded in *Ghosh* did not correctly represent the law, and directions based upon it ought no longer to be given. The principal objection was that, the less the defendant’s standards conformed to those of society in general, the less likely he was to be held criminally responsible for his behaviour.
52. The Court used the test of dishonesty set out by Lord Nicholls in *Royal Brunei Airlines*, and by Lord Hoffmann in *Barlow Clowes*. In short, the question of whether the conduct was dishonest was to be determined by applying the

objective standards of ordinary decent people. There was no requirement that the defendant had to appreciate that what he had done was dishonest.

Chief Constable of Thames Valley Police v Police Misconduct Panel [2017] EWHC 923 (Admin)

53. In this case, an officer was found guilty at tribunal of failing to return an identity card, failing to record that it remained in his possession, and attempting to dispose of it.
54. As the breaches were not found to amount to gross misconduct, the most serious penalty available to the panel was a final written warning.
55. The Chief Constable sought a judicial review of the panel's decision. The application was dismissed. The Court ruled that it had been open to the panel, having heard all the evidence, to find that the conduct did not amount to gross misconduct. The Court concluded that proper respect had to be given to the panel's finding that a failure to act with integrity did not automatically amount to gross misconduct. It was stated that:

“A lapse of integrity is very serious but can fall short of the quality of a lapse of honesty. Integrity in this context is not used in the sense of freedom from moral corruption rather in the sense of a failing to act in the right way, not behaving as the totally correct police officer would, in some way falling short of the whole. It is explained for police officers as “doing the right thing”.

Accordingly, it follows that not every failure to act with integrity is inevitably so serious as to be gross. That is a matter for the exercise of judgment by a panel with the experience and expertise in such matters to determine. PC White clearly did not do the “right thing” in disposing of the card in confidential waste rather than arranging its safe return, to that extent he did not act as the “whole” police officer would. Whilst that conduct can be characterised as very serious it is not irrational for the panel seized of all the facts not to have found that to be gross misconduct”.

> Summary of the evidence

56. During this investigation, I have gathered a volume of material. After a thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all of the material gathered during the investigation is referenced in this report.

Accounts of Mr A, Mr B and Mr C

57. Mr A, Mr B and Mr C are friends of Chief Constable Veale. All three provided statements confirming that he damaged his mobile phone during one of their regular weekend games of golf. However, none of them could remember the exact date on which this had happened. Mr B stated that it might have been in November 2017, and Mr C stated that it was sometime between 24 November 2017 and Christmas. Mr A believed it had happened in September 2017.

58. All three provided a consistent account of how the damage occurred. They stated that when they reached the thirteenth hole, Chief Constable Veale played a poor shot and then struck his golf bag with his club in frustration. They stated that shortly afterwards, he informed them that his phone was damaged. They stated that he had been using his phone prior to that, but did not take any further calls on it that day.
59. Mr A stated that he did not see the damage, but Mr B and Mr C both stated that they saw the phone and the screen was smashed.
60. Mr A stated that Chief Constable Veale seemed “*a bit despondent*” in the club afterwards, and mentioned that he would take the phone to the Communications Department on Monday. He expressed the view that the blow to the golf bag had been an instinctive reaction to a poor shot, rather than a deliberate act of damage.

Account of Mr E

61. Mr E was [Chief Constable Veale’s colleague] at the time of the events under investigation. In a statement dated 12 February 2018, he stated that Chief Constable Veale called him from a landline number on the evening of 23 September 2017 and informed him that his phone had broken.
62. He stated that the next day, he asked Chief Constable Veale how the damage had occurred. He stated,
“... he said it had happened at the golf club and I think he said something about it happening in the car park. He did not provide any further detail about how the mobile phone was damaged.”
63. [REDACTED]
[REDACTED]. He stated that Chief Constable Veale told [Wiltshire PCC] Mr Angus Macpherson that his phone was broken, and that Mr Macpherson “*just mumbled in response.*” He stated that they did not discuss the matter any further.
64. He stated that later that day, he left the damaged phone on the desk of Ms F, along with a note asking her to arrange a replacement. He stated that the note said something like, “*Guess what. This is the Chief’s phone. I’m sure he’ll tell you what happened.*”

Account of Wiltshire PCC Angus Macpherson

65. In a statement dated 19 February 2018, Mr Macpherson stated that he first recalled hearing about Chief Constable Veale’s damaged phone when he received the anonymous letter in November 2017. He stated that he could not be certain that he had not heard about it prior to that, but if he had, he would have paid no attention. He could not recall discussing the matter with Chief Constable Veale when they attended [REDACTED] on 24 September 2017.
66. He stated that he had not discussed the matter with Chief Constable Veale since receiving the anonymous letter, and had no idea how the damage was caused.

Account of Ms F

67. Ms F was [Chief Constable Veale's colleague] at the time of the events under investigation. In a statement dated 20 February 2018, she stated that when she came into the office on 25 September 2017, she saw a mobile phone on her desk in a clear plastic bag. She stated that the phone screen was completely smashed, and the casing was out of shape.
68. She stated that a post-it note from Mr E was enclosed with the phone. She could not recall what the note said, other than that the phone belonged to Chief Constable Veale and would need to be replaced. She stated that the note did not say how the phone had been damaged.
69. She stated that she spoke with Chief Constable Veale by phone at some point that morning. She stated that he was very upset about the damage to his phone, as it contained information of a personal nature that was important to him. She stated that he asked her to try to arrange the recovery of all of the data stored on the phone.
70. She stated that Chief Constable Veale mentioned that the phone had been damaged in the golf club car park, but did not say how. She stated that she formed the opinion from looking at the phone that it had probably been run over by a car; however, that was only an opinion and not something that she had been told.
71. She stated that she took the phone to what she described as the force "mobile working department", where Mr D and two other staff members were present. She stated that she explained that Chief Constable Veale's phone had been damaged and needed replacing, and that it had important information on it that needed to be recovered.
72. She stated that she believed she did tell them that the phone had been dropped in a car park, but that she could not remember if she had said it was run over by a car. She stated that she did not fill in any paperwork for the phone, and had never been asked to do so.
73. She stated that Chief Constable Veale had never spoken to her about how the phone came to be damaged, and she had not been told anything by anyone else.

Account of Mr D

74. Mr D was an IT contractor with Wiltshire Police at the time of the events under investigation. In a statement dated 13 February 2018, he stated that [Chief Constable Veale's colleague]⁶ brought the damaged phone to him on the morning of 25 September 2017, and asked him to recover some information that was stored on the device. He stated,

"[Chief Constable Veale's colleague] told me that Mr Veale had stepped out of his car in the car park of Wiltshire Police Headquarters, Devises [stet] and his iPhone had fallen from his pocket. She said that somebody had driven over the iPhone and then someone had picked it up and asked Mr Veale if it belonged to him. I think she told me this had happened either that morning or the day before..."

⁶ [REDACTED]

The screen on Mr Veale's iPhone was cracked/smashed, and there was damage to the metal back. It had a curved appearance which in my opinion was consistent with extreme pressure being applied to it. It looked as if it had not been on a perfectly flat surface when it was damaged. It was completely unusable."

75. He stated that he downloaded the information from the damaged phone, transferred it to the replacement iPhone, wiped all data from the damaged phone in accordance with standard practice, and then returned it to Vodafone.
76. He stated that officers or staff who damage work phones are usually required to complete a form explaining how the damage occurred, but he did not ask Chief Constable Veale to complete this form "*as he is the Chief Constable.*" He stated that all arrangements were made verbally, and nothing was written down.

First two written responses provided by Chief Constable Veale

77. Chief Constable Veale provided a written response to the IOPC on 13 February 2018.
78. He stated that, during the two and a half years that Operation Conifer was underway, Wiltshire Police came under significant political, press and public scrutiny. He stated that there had been a "*relentless campaign*" to undermine him and the force, and the vast majority of the coverage had been factually inaccurate and politically motivated. He stated that during the final six months of the investigation, the media coverage focused almost exclusively on him, and was at times extremely personal and intimidating.
79. He stated that on 23 September 2017, he played his usual Saturday game of golf with Mr B, Mr A and Mr C. He stated that during the game he received a number of calls about an article that was due to be published in the Sunday Times the following day⁷, which was highly personal and questioned his integrity and the integrity of Operation Conifer.
80. He stated that this was "*without doubt*" the most stressful and intense period of his 33 year career in policing, and he was under a great deal of pressure. He recalled playing poorly that day, which he attributed to stress.
81. He provided a detailed account of how he damaged his phone, which was consistent with the accounts of Mr B, Mr A and Mr C. He stated,
"The suggestion that I deliberately damaged my phone to conceal evidence is in my view, nonsensical. The damage occurred at a time when I knew I needed my phone to be in contact with my colleagues and it would be extremely foolish of me to deliberately make myself unavailable to others at that time. The damage was caused to my phone as a result of me taking out my frustration with my poor play on my bag."
82. His account of subsequent events was consistent with the accounts of Mr E, Ms F and Mr D. He confirmed that he had asked for data to be recovered from the phone, and pointed out that he would not have done so if he had wished to dispose of evidence. He stated,

⁷ An article about Chief Constable Veale was published in the Sunday Times on 24 September 2017; see <https://www.thetimes.co.uk/article/fresh-doubt-over-heath-sex-inquiry-rx7cpzptw>

“It is fair to record that due to my embarrassment about the cause of the accidental damage to my phone I did not tell colleagues the details of what had happened and they believe that my phone was run over by a car. This was to hide my embarrassment as to how the damage had actually occurred and for no other reason... I was not proud of my behaviour on the golf course, particularly as a Chief Constable and leader of the organisation, hence the reason I decided to provide a different explanation for the damage.”

83. He stated that this had not affected how the damaged phone was dealt with, as an accidentally damaged phone would be replaced irrespective of how the damage had occurred.

84. He expressed the view that the anonymous letter was malicious and vexatious, and was one of many allegations that had been made against him because of Operation Conifer. He stated,

“For the avoidance of doubt, I entirely refute the suggestion that I deliberately damaged my police issue mobile telephone for the alleged motive or at all.”

85. Chief Constable Veale provided a further written account to the IOPC on 17 April 2018, in response to the second notice of investigation (detailed above). He stated:

“This was an extremely difficult time for me personally and for the organisation. We were all working under a huge amount of pressure and intense media focus. I was aware that my colleagues were looking to me for strength of leadership through a difficult time. I recognised that hitting my golf club into my golf bag in anger was not indicative of the strength of professional character that would be expected of me and to spare my blushes, I did give a different explanation to some people in the office.

It is worthy of note that the damage to my mobile telephone through hitting my golf club into my golf bag was an incredibly unlikely consequence and would be almost impossible to repeat.

The notice implies that there was a formal process by which I was required to explain the accidental damage to my mobile telephone implying that the organisation was misled. This was not the case. There was no formal reporting process or requirement to provide an account of the damage.

The context of my explanations to those individuals identified was by way of informal and light-hearted discussions between colleagues. They were not formal explanations or reporting as appears to be implied.

The notice suggests quite pejoratively that I have not taken any action “to correct” the version of events to the one that I “now rely on”. The inference of this statement being that the version of events included in the response to the written notice somehow offers me some benefit to that which I provided to those within Wiltshire Police. This is not the case.

An accidentally damaged mobile telephone would be replaced by the force irrespective of how the accidental damage occurred. Either of the explanations given would have been satisfactory and it would not make any material difference to the handling of the subsequent process of the damaged mobile phone. There would have been no reason for me to not explain how the damage occurred

except for the reason I did so, which was to save myself personal embarrassment.

I deny that I have breached the Standards of Professional Behaviour in relation to Honesty and Integrity or at all. In fact, I would suggest that the converse is the case.

The account provided by way of response to a Notice of Investigation for both criminal and misconduct allegations is one in which I am required to provide a full explanation. I have done so and now it appears that the contents of my response are being utilised by the investigation team to suggest that I have acted either dishonestly or without integrity. This could not be further from the truth.

The allegation in the notice is I have sought to deceive a vast number of individuals. I refute this completely. I have had a number of informal humorous interactions with a number of colleagues about an embarrassing situation.

I had no reason to formally report the circumstances of the damage as it was accidental and unintentional. Accidental damage to mobile phones is commonplace. The only opportunity whereby I have had to provide an account of what happened to my phone was to the investigators in respect of this matter. This I did openly and honestly, at the first opportunity, and in writing.

Had I been required to report the matter to Wiltshire Police I would have done so. Had I been required by the PCC to inform him or the OPCC Chief Executive of the circumstances of the damage to my phone, I would have done so. However I was not required to explain the circumstances as it was entirely accidental.

To suggest that I have misled police staff, witnesses and officers is not accurate. The implication is that I have deliberately deceived people (which was entirely not the case) rather than the facts of the matter which were that I was embarrassed and didn't want people to feel that they couldn't rely on me at a time when they felt anxious, exposed and under siege by the political establishment and the press.

Whilst I am a Chief Constable, I am also a human being, who at the time was working under considerable pressure and stress. In order that I didn't have to suffer the embarrassment and consequential ridicule of people knowing I had had a momentary loss of self-control I made a spontaneous decision to provide a different explanation to the accidental damage to my phone. I informally told a few colleagues in the office I had dropped my phone rather than explain that the pressure and stress that I was under had come out in a split second on the golf course. This was an entirely human reaction to a situation in which I felt embarrassed by my behaviour.

On reflection, it would have been appropriate for me to have handed my phone to IT explaining that the damage had been caused accidentally and saying nothing more. With hindsight, I recognise that offering an explanation which differed from the factual circumstances and which was not necessary, was not my finest moment. However, I do not accept that this was so fundamental as to call my professional honesty and integrity in to question.

I reiterate that I have an unblemished 33 year police career and I respect and honour the privilege of wearing the police uniform. I have always acted with the utmost integrity and professionalism and will continue to do so."

Account of Deputy Chief Constable (DCC) Paul Mills

86. At the time of the events under investigation, DCC Mills was the Assistant Chief Constable (ACC) of Wiltshire Police. To avoid confusion, he is referred to henceforth in this report as ACC Mills.
87. He provided a statement to the IOPC on 10 April 2018. He stated that since 2009, he had worked closely with Chief Constable Veale in a number of roles, but would describe the relationship as professional and – other than the occasional team social event – he did not socialise with him outside of work.
88. He stated that Chief Constable Veale informed him that his phone was damaged on 24 September 2017. He stated that at that time, he was the Gold Commander for Operation Conifer and was working closely with Chief Constable Veale.
89. He stated that he had a good recollection of the events of that weekend, as some time on the morning of 23 September 2017, the force media team made him aware that there had been a significant leak of information from the Operation Conifer report. He stated that he tried to reach Chief Constable Veale via phone from around lunchtime that day, and throughout the afternoon into the early evening, but he did not answer. He stated that this was out of character for Chief Constable Veale, as he usually came straight back to him. He stated that it was “*clearly challenging*” not to be able to speak to Chief Constable Veale, as he wanted to discuss the scale, extent and consequences of the leak.
90. He stated that on the morning of 24 September 2017, he saw that Chief Constable Veale had sent an email from an iPad to the Chief Officer group at 6.05pm on 23 September 2017, explaining that his phone had been “*ran over by an unsuspecting vehicle*.”⁸ He stated that this group comprised [REDACTED], and himself.
91. He stated that he replied asking Chief Constable Veale to ring him to discuss the leak, and Chief Constable Veale duly called him sometime during the afternoon of 24 September 2017. He stated,
“During the call, he stated that he had been at his local golf club the day before and must have dropped the phone in the car park. He stated he had been in the bar area/or similar of the golf club with some friends, when sometime later a lady had come in and waved a phone in the air stating had anybody lost the item. He went on to indicate that the phone had been run over in the carpark [sic] of the golf club and the damage was to the extent that he had then not been able to subsequently use it.”
92. He stated that first thing on the morning of 25 September 2017, Chief Constable Veale came into his office and reiterated his account of how the damage to his phone had occurred. He stated, “*Mr Veale stated the lady had found the damaged mobile phone in the car park of the golf club and he assumed that it had been run over.*” He stated that Officer G was also present during this conversation.

⁸ This email was provided to the IOPC. It reads, “*Hello all, Just to let you know that i [sic] my phone is broken, ran over by an unsuspecting vehicle. I will have this [iPad] most of the weekend so drop me an email of [sic] you need to get in contact. Cheers, Mike*”

93. He stated that he asked Chief Constable Veale whether he had returned the damaged phone to the force, and he replied that it was so badly damaged that he had not done so at that time. He stated that Chief Constable Veale used words to the effect of, *"it was like someone had taken a baseball bat to the phone."* He stated that he did not see the damaged phone.
94. He recalled speaking to ACC Kier Pritchard later the same morning about the damaged phone. He stated that he believed Chief Constable Veale had come in some time during this conversation and *"directly related events to ACC Pritchard."*
95. He stated that some time during the next couple of days he saw Mr E, [Chief Constable Veale's colleague]. He stated, *"Mr E also relayed to me the events that Mr Veale had detailed to him regarding the damage to his phone, which accorded with what I had been told."*
96. He stated that he had never questioned Chief Constable Veale's account of how his phone had been damaged, and had no information to indicate that it was not a true and accurate account.

Account of Chief Constable Kier Pritchard

97. Chief Constable Pritchard was the ACC of Wiltshire Police at the time of the events under investigation. To avoid confusion, he is referred to henceforth in this report as ACC Pritchard.
98. ACC Pritchard provided an account to the IOPC via email on 17 May 2018. He stated that he recalled speaking to Chief Constable Veale on the morning of 25 September 2017. He stated:

"I do not remember if this was in the company of Paul Mills but remember Mike saying that his phone was damaged at a golf club. He described the way that a lady found his phone in the carpark of the club and that the phone had been run over by a car. I cannot remember if she was driving the car or if she had just found it on the carpark floor, but either way she walked into the club holding it and asking if anyone had lost their phone. Mike described that he was then reunited with his phone which was smashed to pieces.

Mike described this in a matter of seconds in a highly animated and joking style of delivery, which was all part of his usual character style."

Account of Officer G

99. Officer G was [REDACTED] at the time of the events under investigation.
100. In a statement dated 26 April 2018, he recalled a conversation with ACC Mills and Mr E on 28 September 2017.
101. He stated that Mr E informed him that he had been asked to obtain a replacement phone for Chief Constable Veale. He stated that Mr E informed him that Chief Constable Veale had been playing golf over the weekend, and was in the clubhouse when someone came in with a broken phone and asked whose it was. He stated, *"The suggestion was someone had driven over the phone."*

Account of Mr Kieran Kilgallen

102. Mr Kilgallen was the Chief Executive in the Office of the PCC for Wiltshire and Swindon at the time of the events under investigation.
103. Mr Kilgallen provided a statement to the IOPC on 7 March 2018. He stated that he first became aware that Chief Constable Veale's mobile phone had been damaged sometime during the week commencing 9 October 2017, when he returned to work following a period of annual leave.
104. He stated that during a meeting, ACC Paul Mills mentioned that he had been unable to contact Chief Constable Veale via phone on 23 September 2017, and had later received a text from him explaining that his mobile phone had been broken.
105. He stated, *"I believe that ACC Mills told me that the phone had been damaged in the car park of a golf club. At this time I did not think much more about it."*
106. He stated that sometime in late November 2017, he became aware that an anonymous letter had been received making allegations against Chief Constable Veale; in particular that he had told a third party that he was going to "cover his tracks" by destroying his mobile phone.
107. He stated that at this time, Chief Constable Veale was in the process of applying for the post of Chief Constable of Cleveland Police. He stated that on the day prior to his confirmation hearing for this role, he called Chief Constable Veale to inform him of the allegation and the IOPC investigation into this matter. He stated that he believed this conversation would have taken place on 22 January 2018.
108. He stated:
"I would say that CC Veale sounded incredulous at being accused of causing deliberate damage to his phone and he stated to me that the phone had been smashed to smithereens in a car park at the golf club, and that he had lots of witnesses to this. I am unable to recall the exact conversation word for word but from memory it had been explained to me by CC Veale that the phone had been dropped in a car park by him, he had not realised and that it had been run over by a car and that somebody had picked it up and brought it into the clubhouse asking whose phone it was and that CC Veale had then realised it was his."
109. He stated that this was the first conversation he had with Chief Constable Veale about the damage to the phone, and this was the only version of events that he had heard from him. He stated that he was aware that Chief Constable Veale had sent an email on 23 September 2017 explaining that his phone had been damaged, but he was not the original recipient of that email.
110. He stated that, following that conversation with Chief Constable Veale, he met with him on a number of occasions in the normal course of business. He explained that the Office of the PCC were responsible for ensuring the welfare of a Chief Constable who was under investigation, so they had spoken about the investigation. He stated that Chief Constable Veale offered his view of the allegation, and told him that any trained investigator would realise that damaging a phone would not destroy the electronic billing data. He stated that Chief Constable Veale also told him that, following the accident, *"he had arranged for the smashed pieces to be examined by external consultants to ensure that no data was lost."*

Further written response provided by Chief Constable Veale

111. It was put to Chief Constable Veale that he had omitted to mention his email of 23 September 2017 to the Chief Officer Group in his written response. He was invited to comment on this matter, and on the information provided by Mr Kilgallen.

112. Chief Constable Veale provided a further written response on 3 May 2018.

"I do not specifically recall the email but do not deny that I sent it. I remember that having played golf, I went into the clubhouse and had a few beers with my friends. Once I returned home, it is likely that I decided to send the email to alert my colleagues that they would not be able to get hold of me by mobile telephone, particularly given the media issues we were dealing with at the time..."

With regards to the suggestion that the email contained an inaccurate account, I refer the investigation team to my previous statements in respect of this matter. I have recognised that, with hindsight, offering an explanation which differed from the factual circumstances and which was not necessary, was not my finest moment. However, I do not accept that this was so fundamental as to call my professional honesty and integrity in to question.

I have had a number of conversations with Mr Kilgallen since October 2017 about the anonymous complaint made against me and referred by the PCC to the IOPC. I cannot recall with any precision the details of these conversations but they would have related to the nature of the allegations, how the PCC intended to deal with the matter and the progress of the investigation."

113. He explained that, since the PCC notified him on 4 December 2017 that the anonymous complaint had been referred to the IOPC, his relationship with Mr Kilgallen and the PCC had deteriorated, and any conversations he had had with them about the investigation "were incredibly limited." He stated that for this reason, he would have been "extremely aware" of the conversations he was having with both of them.

114. He stated:

"I do recall that I spoke with Mr Kilgallen on the day before my confirmation hearing for the role of Chief Constable of Cleveland. I note Mr Kilgallen's description that I 'sounded incredulous at being accused of causing deliberate damage' to my mobile telephone.

I do not recall the specific detail of this conversation but I do remember that it was a heated conversation because I was annoyed at the fact that the investigation was still ongoing and had not been resolved. I was annoyed because, as far as I was concerned, this was an anonymous and vexatious complaint and I had expected that by the time I was travelling to Cleveland for the confirmation hearing that the matter would have been resolved.

I do not remember discussing any of the detail of the allegations themselves during this conversation and I would be surprised if I had, given that by that time, I had received advice that I should not discuss the allegations with anyone except those appointed to support me. I do not believe that I used the phrase 'smashed to smithereens'. This is not the type of language I would use.

Mr Kilgallen and I had a number of conversations about this complaint and a conversation about the damage to my mobile telephone may have taken place some time before I was aware of an IOPC referral. It is also possible that Mr Kilgallen has had an explanation reported to him by someone else. I think it is fair to note, that like me, Mr Kilgallen does not have a clear recollection of these conversations.”

> Analysis of the evidence

115. On receipt of the report, the decision maker is required to record her opinion on whether Chief Constable Veale has a case to answer for misconduct or gross misconduct. I will not make any determinations about this matter in my analysis of the evidence.
116. This investigation has not identified any cogent evidence that undermines Chief Constable Veale’s account that he damaged his phone accidentally during a game of golf on 23 September 2017.
117. Chief Constable Veale emphatically denied that he damaged his phone deliberately, and stated that it would have been “*nonsensical*” to do this at a time when he was most in need of it.
118. He pointed out that if he had wished to dispose of evidence on the phone, he would not have asked for the data on it to be recovered. Ms F and Mr D have both confirmed that data was recovered from the damaged phone at Chief Constable Veale’s request.
119. He stated that he was under a great deal of pressure at the time, due to media coverage in connection with Operation Conifer. He stated that during the game he received several calls about an article that was due to be published in the Sunday Times the following day, which was highly personal and questioned his integrity and the integrity of Operation Conifer. Online research confirms that an article matching this description was published in the Sunday Times on 24 September 2017.
120. Accounts have been obtained from the three witnesses who were with Chief Constable Veale on the day the damage reportedly occurred. While none could be certain of the date, all three corroborated his account that he played a poor shot on the thirteenth hole and then struck his golf bag in frustration. All three confirmed that he had been using his phone prior to that, but not afterwards. Mr B and Mr C both stated that they saw the phone, and the screen was smashed.
121. A number of other witnesses have corroborated Chief Constable Veale’s account that the damage occurred on 23 September 2017.
122. Mr D also confirmed that the phone screen was smashed, and that the phone was curved in a way that suggested it had not been on a perfectly flat surface when it was damaged. In this respect, his account indirectly supports Chief Constable Veale’s explanation of how the damage occurred.

123. In summary, the available evidence appears to be consistent with Chief Constable Veale's account that the damage occurred when he struck his bag with his golf club.
124. Chief Constable Veale stated that he "*made a spontaneous decision to provide a different explanation*" for the damage, out of embarrassment. He stated that he did not want people to feel that they could not rely on him at a time when they felt anxious, exposed and under siege. He stated that Wiltshire Police would still have provided a replacement if he had explained what had happened, and the process would have been no different.
125. He stated that his initial account of how the damage occurred had not been provided in the context of a formal reporting process, but rather during "*informal and light-hearted discussions between colleagues.*" He stated that he would have provided an explanation to Wiltshire Police or the PCC if this had been required. He stated that the first time he was required to provide a formal account of how the damage had occurred, to the IOPC investigation, he did so "*openly and honestly, at the first opportunity, and in writing.*"
126. Mr E and Ms F stated that Chief Constable Veale did not say anything to them other than that the phone had been damaged in the golf club car park.
127. However, ACC Mills stated that Chief Constable Veale told him twice that he had dropped his phone in the golf club car park, and had only realised later on when a woman brought the damaged phone into the bar area. He stated that Chief Constable Veale gave a similar account to ACC Pritchard in his presence, and informed the Chief Officer group via email that his phone had been "*ran over by an unsuspecting vehicle.*"
128. ACC Pritchard and Mr Kilgallen stated that Chief Constable Veale provided a similar explanation to them, on 25 September 2017 and 22 January 2018 respectively.
129. ACC Mills also stated that Mr E provided an account to him at the time "*which accorded with what I had been told.*"
130. Officer G stated that Mr E informed him that Chief Constable Veale had been playing golf over the weekend, and was in the clubhouse when someone came in with a broken phone and asked whose it was.
131. Mr D stated that Ms F told him that the damage had occurred in the car park of Wiltshire Police HQ, rather than the golf club. However, other than that, his recollection of Ms F's explanation is similar to the explanation that Chief Constable Veale reportedly gave to ACC Mills and Mr Kilgallen.
132. In summary, the evidence indicates that Chief Constable Veale gave a different account of the damage to a number of colleagues, both verbally and in writing, on several occasions.
133. Chief Constable Veale has acknowledged that, in hindsight, his actions were unnecessary and that this was not his "*finest moment.*" However, he has disputed

that his actions were sufficient to call his professional honesty and integrity into question.

134. It will fall to the decision maker to consider, based on the evidence outlined above, whether Chief Constable Veale should have a case to answer for misconduct or gross misconduct in respect of any of the allegations outlined in the two notices of investigation.

> Next steps

135. The decision maker is now required to set out her views on the investigation outcomes in a separate opinion document.
136. The decision maker will also decide whether any organisational learning has been identified that should be shared with the organisation in question.

> Criminal offences

137. On receipt of my report, the decision maker must decide whether there is any indication that a criminal offence may have been committed by any person to whose conduct the investigation related. If she decides that there is such an indication, she must decide whether it is appropriate to refer the matter to the CPS.
138. I have not identified any criminal offences for the decision maker to consider.

Operation Ithaca

**Investigation into an allegation that
a Chief Constable intentionally
damaged his work mobile phone**

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation also passes through a series of reviews and quality checks.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation. However, any such advice will usually be considered to be confidential.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence, and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will also reach an opinion about whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was

unsatisfactory. The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> **Misconduct proceedings**

The report and decision maker's opinion must be given to the appropriate authority (normally the police force) responsible for the individuals to whose conduct the investigation related. The appropriate authority must then inform the decision maker whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory, and what action they propose to take, if any. The decision maker must consider whether the appropriate authority's response is appropriate, and has powers to recommend or ultimately direct it to bring misconduct proceedings or unsatisfactory performance procedures (UPP).

Unsatisfactory performance will be dealt with through the police force's UPP. UPP is generally handled by the person's line manager and is intended to improve the performance of both the individual and police force.

> **Criminal proceedings**

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> **Publishing the report**

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.