



The Scottish Parliament
Pàrlamaid na h-Alba

SCOTTISH PARLIAMENTARY CORPORATE BODY

Investigation Report March 2024

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INTRODUCTION

The relevant period

1. This is a report by the Scottish Parliamentary Corporate Body (SPCB) on its investigation into the use of a parliamentary mobile device by Michael Matheson MSP during the period 28 December 2022 to 3 January 2023 (“the relevant period”). Data roaming charges of £10,941.74 were incurred by Mr Matheson on his parliamentary iPad during this period while in Morocco on holiday.

Settlement of the charges

2. On the basis that the Member had assured parliamentary officials in the Business Information Technology (BIT) and Allowances Offices that these costs were incurred in relation to parliamentary business, and not for personal or Scottish Government use, the costs were met through parliamentary funds.

3. As is the case with most MSPs, Mr Matheson’s mobile costs are usually met through a central SPCB contract and budget. In this case Mr Matheson authorised a contribution of £3,000 from the Office Cost Provision allocated for his use under the Reimbursement of Members’ Expenses Scheme (the Scheme), with the remainder being paid through the central Parliament contract.

4. The Office Cost Provision, and other provisions within the Scheme, is provided to Members to support them in carrying out their parliamentary duties. As such the entire bill for the data roaming charges was met through public funds. The arrangements for budgetary allocation of the charges were agreed and implemented on 19 May 2023. Details of the amount allocated to Mr Matheson’s Office Cost Provision were published by the SPCB under the regular Scheme publication schedule on 2 November 2023.

Subsequent events

5. On 10 November 2023 Mr Matheson contacted the Clerk/Chief Executive of the Parliament to advise that he wished to reimburse the full amount of the charges for the relevant period. Arrangements were made for the repayment to be processed and the record of his Office Cost Provision updated on 15 November 2023.

6. As permitted under the Standing Orders, Mr Matheson subsequently requested and, with the agreement of the Presiding Officer, made a personal statement to the Parliament on 16 November 2023 [**Annex A**] in relation to the use of his parliamentary iPad and the data charges. In his statement he informed the Parliament the iPad was used by others for non-parliamentary purposes during the relevant period. Mr Matheson stated that he had found

out on 9 November that family members had connected to the personal hotspot facility available on the iPad (“hotspotting”) in the relevant period to stream and watch football matches.

7. Mr Matheson also sought to formally refer himself to the SPCB on 16 November in the following terms:

“I know it is more regular that the SPCB would investigate a complaint about an MSP made under the MSP Code of Conduct in relation to Section 7: General conduct of MSPs and part 4 in relation to Expenses (No improper use should be made of any payment or allowance made to members for public purposes. Members must abide by the Reimbursement of Members’ Expenses Scheme agreed by the Parliament) however I would like to refer myself to the SPCB as I understand the SPCB can clarify if there has been a breach of the Reimbursement of Members’ Expenses Scheme and choose to make a report to Standards Committee if that is deemed necessary.

I would be happy to provide any further information the SPCB need to investigate this matter or to supply anything more formally to take this investigation forward”.

8. The SPCB met on 21, 23 and 30 November to discuss and consider the matter. Copies of the full minutes of these meetings are available on the [SPCB web page](#); relevant extracts are attached at **Annex B**.

9. Under section 3(2) of the Scottish Parliamentary Standards Commissioner Act 2002 certain classes of complaints specified in the [Code of Conduct for Members of the Scottish Parliament](#) (Code of Conduct) are excluded from the remit of the Commissioner for Ethical Standards in Public Life in Scotland and fall to be considered by the SPCB.

10. The SPCB also noted that 3 “excluded complaints” under the Code of Conduct had been received from members of the public. An explanation of excluded complaints can be found in the [Privacy Statement](#)

11. The excluded complaints received, and which the SPCB is required to consider, come under the following provisions of the Code of Conduct:

“9.6(c) Complaints about a Member's use of the Reimbursement of Members' Expenses Scheme: these are to be referred to the Scottish Parliamentary Corporate Body (SPCB). Where, following an investigation (whether as a result of a complaint or claim submitted), the SPCB finds that a member has submitted an improper claim, the SPCB may report the matter to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the Member's entitlement to reimbursement of expenses under the Scheme for such period and to such extent as the SPCB may specify.”

“9.6(e) Complaints about use of SPCB facilities and services and breaches of SPCB policies (which do not relate to conduct at a meeting of the Parliament or at a meeting of a committee): these are to be made to the SPCB. The SPCB may refer any complaint relating to the use of Parliamentary facilities and services and breaches of SPCB policies to the Standards, Procedures and Public Appointments Committee together with a recommendation for action.”

SPCB INVESTIGATION REMIT

12. The SPCB agreed to investigate the matter with the following remit:

13. Data roaming charges having been incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP (“the Member”) to support the conduct of the Member’s parliamentary duties, to investigate and make findings as to whether:

(a) an improper claim was made by the Member in respect of the charges (or any part of them) within the terms of the Reimbursement of Members’ Expenses Scheme; and

(b) the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs, including the policy on MSPs: use of parliamentary resources.

SPCB review of Mobile Devices Policy

14. The SPCB has commissioned a separate review of administration around mobile devices and management of telephony costs [which forms no part of this investigation.

INVESTIGATION METHODOLOGY

Investigation team

15. The SPCB was supported in undertaking its investigation by an Investigating Officer [IO], Michelle Hegarty, Deputy Chief Executive, and a small advisory team. The team comprised:

[REDACTED]

16. Each member of the team made a declaration confirming in writing that they could undertake the investigation process fairly, following due process.

This included assurances that they were not involved in the discussions with Mr Matheson around the data roaming charges bill, and subsequent decisions to meet costs through the Office Cost Provision and central provision. The IO assurance was signed off by the Clerk/ Chief Executive with team members signed off by the IO.

17. In agreeing the remit of the investigation, the SPCB also agreed the investigation would be conducted through written submissions from Mr Matheson. If after that any meetings were necessary, they would be conducted in private.

18. Mr Matheson was invited to submit representation in writing. This and his response to follow up questions pertaining to his statement to the investigation, are set out in this report and referenced in the findings.

Other witnesses

19. For the purposes of this investigation, the IO interviewed relevant parliamentary staff to understand the circumstances leading up to the data roaming charges being incurred and billed, and subsequent discussions and actions which led to payment of and accounting for the contractual bill for the charges. Summaries of these interviews are attached at **Annex C** and the SPCB has drawn upon these for its consideration of its findings and conclusions.

20. Given the technical aspects of this investigation the IO also secured independent technical advice from LEIDOS, which is one of the Parliament's IT contractors. Again, the IO has assured themselves that those providing advice were not involved in the discussions and decisions concerning the events under investigation. A commissioning note and response is referenced at **Annex D**.

21. The IO wrote to EE, the mobile provider for the iPad mobile data contract, for the relevant period, to understand more about the data usage and notification of charges to Mr Matheson in Morocco. The IO email and EE response are attached at **Annex E**.

Other relevant parliamentary policies and supporting documents and guidance

22. The SPCB has considered the following policies as part of the investigation:

[a]**The Code of Conduct for Members of the Scottish Parliament** 8th edition May 2021 [relevant extracts at **Annex F**], which sets out the standards of conduct for members of the Scottish Parliament in relation to their duties as an MSP, and the associated guidance. The Code of Conduct is enforceable in that every Member is required to understand and comply with its rules and a

breach of the Code could lead to sanctions being imposed. Section 7 pertains to Members’ General Conduct and requires that Members must abide by the Scheme and the policies that are adopted by the SPCB. These policies include the Scheme [the relevant version of which was approved by Resolution of the Parliament on 9 February 2022] and the MSPs’ Use of Parliamentary Resources Policy (which was adopted by the SPCB on 18 March 2009 [SPCB\(2009\)Paper 20](#)), and which provides how Members can use resources provided by the SPCB.

[b] **Reimbursement of Members’ Expenses Scheme** and associated guidance [relevant extracts at **Annex G**] which makes provision for Members to claim expenses to meet accommodation, staff, office, engagement, travel and other additional costs arising from carrying out their duties in Parliament or helping their constituents. In the context of this report, it is the office costs provision that is the focus of the investigation. The Scheme is also underpinned by principles (based on the seven principles of public life commonly referred to as the Nolan Principles). Members are required to abide by the principles and rules of the expenses scheme and sign an undertaking to do so following each occasion on which they are elected to the Parliament.

[c] **MSP’s Use of Parliamentary Resources Policy [Annex H]** which sets out how Members of the Scottish Parliament must use any resource provided to them by the SPCB.

[d] **Hardware Conditions of Use [Annex I]** which is a BIT management document, issued on behalf of the SPCB, which sets out the standard of care members are required to take with Parliament IT devices under the use of parliamentary resources policy. Members sign that they have read and will act in accordance with this document when a Parliament IT device is handed over to them.

Technical information

23. This report refers to technical information around hotspotting, using an iOS device [iPad]. The following descriptors, provided by the external technical advisors, describe terms used in the report.

TERM	DESCRIPTION
App	An application installed on a mobile device
Hotspot	A device which shares its mobile data connection to other nearby devices in the form of a local Wi-Fi connection
Streaming	Transferring audio or video data to a local device while it is being watched or listened to, as opposed to downloading an entire media file to the device.

Personal Hotspot

24. BIT helpdesk instructions set out advice on the steps required to “tether” one iOS device to another to allow that device’s SIM card to access the internet. Apple devices refer to this as the “Personal Hotspot”.

25. Users can use the Personal Hotspot [iPhone 4 or later] to share an internet connection with a computer or other device such as an iPod touch, iPad or other iPhone connected to an iPhone via Wi-Fi. In this case the iPad provided the connection to a phone.

26. Personal hotspot works only if the iOS device is connected to the Internet over the cellular network.

27. The device needs to be unlocked and in “settings” Personal Hotspot turned on. After the user turns on Personal Hotspot, other devices can connect in the following ways:

- Most commonly by using Wi-Fi – the person hotspotting could choose (in this case) the iPad from the list of available Wi-Fi networks coming up on their device and enter the hotspot password when prompted. The password is the one set by the device at the point the hotspot is enabled. It’s a password specifically for hotspotting. The only way someone else can hotspot on to the iPad from their device is by knowing this hotspot password. This password remains the same unless the device user selects to change it. Provided the iPad is turned on and the hotspot feature is enabled, any other user who has the hotspot password can connect at any time using only their own device; they do not need to touch or access the iPad device.
- Less commonly via USB: the person hotspotting could connect their device to the iPad in this case using a cable and by configuring the network settings on the iPad. This would require access to the device by unlocking it using the pin code to configure it and also knowing the hotspot password. Whilst technically possible this is not common given wi-fi is so prevalent.
- Less commonly via Bluetooth – this is a way of sharing data when devices are physically close to each other. Usually, it is used for pairing a mouse or keyboards etc to a surface, computer etc. It is less commonly used for streaming data as it is not as quick and easy as Wi-Fi hotspotting. This would require access to both devices for Bluetooth to be turned on. It also requires configuration changes on the iPad to send data to the other device which is connected by Bluetooth. It also requires the other user to know the hotspot password as well.

28. Personal hotspot can be turned off. In addition, the personal hotspot icon appears in the status bar of the host iOS device - ie it is flagged on the host device when in use.

Mobile device billing information

29. As agreed by the SPCB in February 2023, Members are normally provided with up to 5 mobile devices but can discuss additional requirements with BIT where there is a business need. The purchase and monthly costs for these devices are managed by the BIT office. The devices remain the property of the SPCB.

30. Each member has a “package” – representing the bundle and tariff required to support their parliamentary business usage. The monthly costs for each MSP package are billed and paid centrally. Billing against individual packages is closely monitored and BIT will only discuss with Members any significant costs above their package to seek assurance it is for parliamentary business purposes. BIT will assess, based on these discussions, whether a different tariff might be required to meet parliamentary business needs.

31. If a Member identifies any non-parliamentary usage BIT will send instructions on how to reimburse the Parliament for the corresponding amount. If a Member confirms the out of tariff costs relate to parliamentary usage, then the invoice is paid centrally. If the cost of parliamentary usage is beyond the normal tariff it would be discussed between BIT, the Allowances Office and the Member on how to allocate the cost from relevant budgets within the overall Parliament funds. Now that the Parliament has moved to Vodafone there are very few such cases as there are different usage level packages available and a cap on data usage.

32. The Office Cost Provision [within the Scheme] includes provision for meeting costs relating to telecommunications and within that provision is landline costs, mobile costs, tablet costs and broadband costs not met centrally by the BIT office. BIT provides a spreadsheet to Allowances Office of any mobile related costs that are to be charged to the Office Cost Provision [as approved by the Member when they submit a request for an additional device] through My Expenses each month. These are loaded by the Allowances Office administrators to the My Expenses system and checked and approved by Allowances Office managers and allocated against the relevant Member’s expenses.

33. The information on costs is available to Members as soon as they are input on My Expenses. This is in line with Allowances Office other processes where prior agreement of the Member, or their authorised signatory is obtained, for example booking train tickets or ordering stationery through Parliament contractors.

34. Before February 2023 if any Member had used their device allocation and wanted an additional device they would meet all purchase and monthly costs from their Office Cost Provision. This is happening less now as the SPCB agreed in February 2023 that there was increased discretion for BIT to support additional devices via the central budget. However, there are still

some Members who are paying for additional devices from their Office Cost Provision. This figure has reduced and continues to do so.

THE INVESTIGATION EVIDENCE

TIMELINE A - Evidence relating to mobile contract switchover and travelling abroad requirements [Annex J]

35. The investigations focused on the use of a parliamentary resource – an iPad – and the data roaming charges accrued through this resource by Mr Matheson while in Morocco during a holiday over the period 28 December 2022 to 3 January 2023 which amounted to £10,941.74 [Annex P]. Mr Matheson also had his parliamentary iPhone with him on the holiday.

36. The Parliament awarded a contract to a new mobile provider, Vodafone in late 2020. As part of the planned switch over of SIM cards, the first tranches were undertaken alphabetically and focused on iPads, as these are technically easier than mobile phones, with the focus on mobile phones thereafter. During 2021 Members, including Mr Matheson, were asked to bring their parliamentary devices to an Engagement Desk in the Parliament so that the EE SIM card could be replaced with the new provider Vodafone's SIM card. BIT emails were sent 12 February 2021 [Mr Matheson's evidence], 5 October and 2 December 2021 [BIT emails]. The Vodafone contract offered a range of roaming packages for going abroad which included a cap on costs.

37. Members were regularly advised that they must inform BIT officials before travelling abroad, so that any roaming charges, which had to be incurred for parliamentary business, could be managed in a pre-planned and cost-effective way. This is done prior to recess generally via an email to all Members, corporate bulletin (an internal publication) notices and via BIT garden lobby engagement desk advertisement.

38. Mr Matheson updated his Parliament iPhone in February 2022 to the Vodafone contract. The iPad remained on the EE contract until late January/early February 2023.

TIMELINE B - Evidence relating to contact between Mr Matheson and BIT in the relevant period and subsequent point at which levels of data roaming were notified [Annex K]

39. Mr Matheson states that he was hotspotting on his iPad because he was having connectivity issues in Morocco with his parliamentary iPhone and he wished to monitor and respond to parliamentary business emails, monitor news feeds and other news sites etc while abroad [Annex L].

40. The call log to the Parliament's BIT helpdesk verifies that Mr Matheson was having issues connecting his iPhone to 4G. The written evidence from this engagement on 28 December 2022 with the BIT Helpdesk establishes the steps taken to resolve the issue, which included contact with Vodafone to confirm the phone set up was correct and that roaming was enabled. This was verified. The BIT Helpdesk also advised Mr Matheson to remove and replace the SIM to force a manual roam, which he did to no avail. [REDACTED] [REDACTED] could not recall if they had suggested hotspotting but there is no evidence in the call log or any retained notes that they did, and [REDACTED] had no recollection of discussing the iPad with Mr Matheson.

41. Mr Matheson recalls that he was advised to remove/replace the SIM and he also noted in his personal statement that he made the helpdesk aware he had his iPad with him. Mr Matheson also advised in the chamber, in response to a question, that he had been advised to hotspot by the helpdesk. [Annex A]

42. In his statement to the Parliament and his submission to the investigation, Mr Matheson has noted that he had to ask a family member to help him set up hotspotting as he was not aware of how to do so himself.

43. By using his iPad as a hotspot Mr Matheson was able to get data to undertake parliamentary related activities on his iPhone whilst away from the hotel Wi-Fi. BIT state that this incurred EE's Rest of the World tariff which is [REDACTED] per day per 500MB and [REDACTED] per MB thereafter uncapped. The total data usage in the period was 6.12 GB.

44. EE has provided evidence that two SMS alerts were delivered to the iPad to Mr Matheson on 28 December. These showed data usage cost and informed him that there was no cap in place. Mr Matheson does not recall receiving or reading these messages.

45. The EE fraud team contacted parliamentary staff on Friday 6 January 2023 [after Mr Matheson returned home] given that the level of roaming costs being incurred on the iPad was "significant", and originating from Morocco, asking BIT if it still had the number and was aware of the usage. The message was sent to [REDACTED] at 16:04 on Friday 6 January 2023 (during parliamentary recess). It was not read and actioned until the morning of Monday 9 January when staff requested a bar on the device until it was established whether it was still in Mr Matheson's possession. Mr Matheson confirmed that same evening that he still had the device, and that it was with him in Morocco and the bar was lifted. Mr Matheson stated he had no idea how so much data was used and explained that he had issues with his phone and that he had to hotspot on his Parliament iPad to be able to use his phone when away from hotel Wi-Fi.

TIMELINE C - Evidence associated with billing discussions & decisions **[Annex M]**

46. There was a range of contact between officials in two different parliamentary teams – the BIT and the Allowances Offices – with Mr Matheson to discuss the bill received from EE for the data used in the relevant period. As part of this contact officials asked for assurance repeatedly from Mr Matheson that the data roaming charges were incurred for parliamentary business purposes. BIT officials advised Mr Matheson that the usage appeared consistent with streaming and sought assurances that no one else had used data from the device. Mr Matheson confirmed in writing that all usage was for parliamentary purposes and that he was unaware of any other usage.

47. At the same time, BIT officials engaged with the mobile provider EE to seek assurance that the breakdown of costs was valid. Once Mr Matheson confirmed in writing that all usage was parliamentary officials moved on to how payment should be processed.

48. The process for payment of mobile phone bills is that an invoice is received centrally by BIT monthly covering devices issued by the SPCB. The SPCB is bound to meet contractual expenditure. If any out of tariff costs are incurred, the relevant Member is contacted by BIT to confirm parliamentary usage. If the Member identifies any non-parliamentary usage BIT will send instructions on how to reimburse the Parliament for the corresponding amount. If a Member confirms the out of tariff costs relate to parliamentary usage, then the invoice is paid centrally. At this point, if the cost of parliamentary usage is high it would be discussed between BIT, the Allowances Office and the Member on how to allocate the cost from relevant budgets within the overall Parliament funds. Now that the Parliament has moved to Vodafone there are very few such cases as there are different usage level packages available and a cap on data usage.

49. Mr Matheson was approached by BIT about the option of making payment from his Office Cost Provision towards the bill. Following discussions with his office on what was left in his expenses, he decided to put £3,000 towards the overall bill payment. It was confirmed in writing with [REDACTED] that the use of the mobile device was for parliamentary business purposes and officials in Allowances arranged payment from his expenses on this basis to the BIT cost centre and account code.

2023 Internal audit of Reimbursement of Members' Expenses Scheme

50. The overall scope of the audit was to review and assess the internal control arrangements in place for Members' expenses in 2022/23 to ensure consistency with the Scheme. The audit seeks assurance that claims submitted by Members are subject to appropriate checks and controls; reimbursements are only made for valid claims in accordance with the Scheme; and claimants consider value for money. The claim made against Mr Matheson's Office Cost Provision relating to the data roaming charges for the

relevant period was audited as part of this audit testing and field work conducted by [REDACTED].

51. On 31 July 2023, the Parliament's [REDACTED] reviewed the detailed transactions and analytics which flagged up the reimbursement claim for the data charges. BIT provided all documentation and correspondence for the audit. Subsequently, on 20 September the Internal Audit report was considered by the SPCB's independent Advisory Audit Board which agreed the [REDACTED] recommendations.

52. As part of the audit [REDACTED] provided the evidence [as set out in the above timeline] showing the assurance in writing that the Member confirmed all data roaming costs were for parliamentary duties.

53. The SPCB accepted the Internal Audit report recommendation that the BIT Office, in consultation with the Allowances Office, should develop a policy for meeting exceptional mobile phone costs including the potential for seeking approval from the SPCB to meet the costs centrally, the scope for Members to contribute to these costs from the provisions within the Scheme or the requirement for Members to be personally liable for such costs.

54. Based on the detailed testing and conclusions reached, a satisfactory level of assurance was offered over the reimbursement of Members' expenses.

55. As previously stated, the work undertaken to implement the audit recommendation is separate from the conduct of this investigation.

Timeline D: Publication of Members' Expenses and subsequent activity relevant to investigation [Annex N]

Publication of Members' Expenses

56. As required under section 83(1) of the Scotland Act 1998 most expenses incurred under the Scheme are required to be published. The SPCB does this at quarterly intervals.

57. On 26 October 2023, Mr Matheson was advised by the Allowances Office that Quarter 4 (2022/23) expenses for Members would be published during the week commencing 30 October. A copy of the information to be published, including the contribution to data roaming costs claimed through his Office Cost Provision, was enclosed for Mr Matheson's information.

58. On 2 November all Members were advised that the data would be published that day.

59. On 7 November the SPCB received a media enquiry about Mr Matheson's published expenses data.

60. In response, on 8 November, an SPCB spokesperson confirmed substantial roaming charges were incurred by Mr Matheson as he was still using the previous provider's mobile contract and that he had incurred significant data fees over and above its Rest of the World tariff. The statement confirmed that the SPCB had challenged the provider over the scale of the fees. On the basis that the Member had given assurance that costs were for parliamentary business purposes, and not for personal or government use, it was agreed that Mr Matheson would contribute £3,000 from his Office Cost Provision and the remainder would be paid centrally by the Parliament.

61. On 9 November in response to further enquiries about an investigation into the matter, the SPCB made a statement reiterating the above and again affirming that on the basis that the member had assured the Parliament that these costs were incurred in relation to parliamentary business it was agreed that Mr Matheson would contribute £3,000 from his Office Cost Provision and the remainder would be paid centrally by the Parliament.

62. On 9 November Mr Matheson requested to meet with the Presiding Officer, suggesting the following week. He requested that David McGill, the Clerk/Chief Executive, be present.

63. On 10 November at 4.46 pm Mr Matheson notified the Clerk/ Chief Executive by email that he wished to reimburse the Parliament in full for the data roaming bill and that he would be issuing a statement at 5.00 pm setting out his reasons for doing so.

64. Following this Mr Matheson released a statement which refers to the Parliament having agreed to meet costs centrally and through his Office Cost Provision as a legitimate expense. The decision to repay was attributed to his acceptance that the iPad SIM card should have been replaced at an earlier stage. He noted that the speculation of the past couple of days had questioned his integrity which he takes seriously.

65. On 13 November [REDACTED] contacted Mr Matheson to discuss arrangements to repay the entire data roaming bill of £10,941.74. This was duly processed.

66. On 13 November Mr Matheson stated in a BBC interview no one else had used his iPad and the bill was due to an old SIM card that should have been replaced.

67. On 13 November in response to further enquiries an SPCB spokesperson confirmed Mr Matheson's iPad had been examined in person at Holyrood by [REDACTED] to ensure it was functioning correctly – this was duly established. [REDACTED] had reviewed the iPad's mobile data settings and data use, but the device does not provide a breakdown of data over a specific timeframe. It was confirmed that [REDACTED] observed a cumulative total accrued over the lifetime of the device.

68. On 15 November in response to an FOI request seeking a copy of the bill, the SPCB published the EE itemised bill for the charges incurred by Michael Matheson's iPad for the relevant period.

69. On the afternoon of 15 of November Mr Matheson met with the Presiding Officer and the Clerk/Chief Executive to the Parliament as he had requested on 9 November. The Clerk/Chief Executive has explained that the main discussion was between himself and Mr Matheson and that the meeting focussed on the data roaming bill situation and his experience of this. No new information was provided in the meeting by Mr Matheson about how the data charges had arisen.

70. On the evening of 15 November Mr Matheson notified the Presiding Officer that he wished to make a personal statement to the Parliament in relation to the data charges. The Presiding Officer agreed to his request and, following amendment to the business programme, the statement was made on the afternoon of 16 November.

71. On 15 November Mr Matheson discussed with [REDACTED] removal of the £3k claim from the SPCB Publication Scheme. The Publication Scheme was updated, removing the claim on 20 November.

Evidence from Mr Matheson MSP

Personal statement by Michael Matheson MSP to the Parliament on 16 November 2023 [Annex A]

72. In his statement, Mr Matheson stated that he wished to apologise to the chamber for the cost of the roaming charges. He accepted that the charges had come about as a result of him not updating the SIM card in his iPad to that of the new contract provider. He also recognised that he should have informed the Parliament's information technology department in advance of travelling of his holiday plans and of the fact that he would be taking two devices. He said that was his responsibility and which he accepted in full.

73. Mr Matheson also stated that he did not "knowingly run up the roaming charges bill and could not understand why the costs were so high", noting [REDACTED] had looked at the device upon his return and confirmed that the mobile provider could not provide any more information.

74. He also stated that "though he had previously checked [*with his family*] but that the truth only came out following the media coverage". The Member noted that "I should have pressed harder; perhaps I should have been less willing to believe what I had been told".

75. Mr Matheson explained that "In the absence of a clear explanation of how such a large bill could have happened, I thought it appropriate to make a contribution, through office allowances, of £3,000 towards the cost".

76. He said that he was first made aware that other members of his family had made use of the iPad data on 9 November, following the significant media coverage surrounding the publication of his Quarter 4 expenses.

77. Mr Matheson stated that he told the First Minister on 14 November that the data had been used for non-parliamentary purposes and that on the evening of 15 November he gave the First Minister a full account of the matter and his intention to inform the Parliament the next day.

78. Acknowledging that mistakes had been made by him in how the matter was handled and investigated by himself at the time, Mr Matheson acknowledged the responsibility for the iPad was his and the responsibility for the data usage was also his, and as such, he had made the immediate decision to reimburse the full costs to the Parliament.

79. Also, on 16 November Mr Matheson emailed the Presiding Officer, seeking to refer himself to the SPCB under section 7 of the Members' Code of Conduct, to clarify if there had been a breach of the Members' Expenses Scheme [Annex A].

Questions following Mr Matheson's personal statement to the Parliament

80. In amending the Business Programme for 16 November to include Mr Matheson's personal statement, the Parliament agreed to suspend rule 13.1.4 of standing orders to permit him to answer questions. The Presiding Officer allowed a period of around 10 minutes for this.

81. During this session Mr Matheson reiterated that he had asked for, and the IT department had sought, further details from the network operator to explain the charges but that the network operator was unable to provide this. He also noted that he had discussed the matter with his family and received assurances at that time that they had not made use of the data.

82. Mr Matheson further stated that when he had contacted the Parliament IT department on difficulties with his iPhone, he had been advised he could use the iPad for hotspotting. Since he had not done this before, he said his son helped him set this up and that is how "there was the ability to access the data that was provided within the iPad during the holiday".

Investigation statement from Mr Matheson submitted 19 December 2023

83. David McGill, Clerk/Chief Executive of the Scottish Parliament wrote to Mr Matheson on 5 December 2023 explaining that it was important for the SPCB to understand his view on the matters under investigation. Mr Matheson was invited to provide any written comments or information which he considered relevant to the consideration of the matters.

84. It was also explained that there is a public interest in the integrity of the Scheme and the application of SPCB policies and in the interest of all Members, the SPCB was keen to progress its investigation expeditiously and therefore asked for comments by 19 December.

85. Mr Matheson responded to the invitation to provide evidence to this investigation by the deadline. A copy of the evidence is attached at Annex L. A summary of his response is contained in the following paragraphs.

86. Mr Matheson provided an overview and preliminary remarks in which he stressed that at no stage did he act with the intention of obtaining any personal or financial gain from the public purse. He also agreed wholeheartedly that as parliamentarians, Members should uphold the 7 principles of public life. Mr Matheson advised that, in his 24 years of being a Member of the Scottish Parliament, he had never made excessive expenses claim and that he deeply regretted what has happened in this instance and that he hoped that his statement to the Parliament and the evidence provided to the investigation would provide context and factual background to satisfy the IO that he did not act maliciously.

87. In his evidence, Mr Matheson set out his chronology of events as they related to this matter.

88. Mr Matheson's chronology and what the IO has been advised by BIT differs around the iPad. Mr Matheson has stated in his evidence that when he initially contacted the BIT helpdesk on 28 December 2022, he informed them he had two devices with him in Morocco and while his phone was not working, his iPad was functioning. Mr Matheson further states there was nothing in the discussions he had with BIT that led him to believe there was any risk in using the iPad while in Morocco, particularly given, in his view, they were aware that he had his iPad with him and that it was operating.

89. In his statement, Mr Matheson considers it unclear why an appropriate data package could not have been applied to his phone and iPad once he had contacted BIT. He is not aware of what record is held by BIT regarding the two telephone discussions. He is clear he had made BIT aware that his iPad was working and considers it would not have made sense not to tell them his iPad was working given the problems he was having with his i-phone.

90. As BIT had been unable to resolve the problem with his phone, he states that he used the hotspot from the iPad to get data for his phone. Mr Matheson states in his evidence that his sole concern was to ensure that he still had access to his emails and any emerging media issues he needed to be aware of, in case he was required to do anything while abroad. He stated that the only reason that he needed to ensure his phone received emails was for him to fulfil his parliamentary duties and where he could, to use Wi-Fi to avoid any costs associated with data roaming charges.

91. Mr Matheson has stated that he is not technically proficient with issues that arise when electronic devices are not working, and that his son assisted

in setting up the hotspot between the phone and the iPad. He noted that the iPad is password protected and unlike his lap top it does not operate via the parliamentary network and access to emails is also protected.

92. Mr Matheson wrote that he was aware that EE have advised that two SMS messages were sent to the iPad advising of charges associated with roaming. He states his iPad has no record of any messages in relation to this and had he been aware of charges being incurred, or that he was at risk of running up high charges, he would have ensured that this would have been avoided.

93. Mr Matheson returned home without knowing of any excessive charges. In his statement, he then details the exchanges he had with BIT (included in the timeline in Annex K). He added that as he had been hotspotting using the iPad, he assumed that this had generated the costs.

94. At this point, he also advised in his statement that he discussed the cost generated with his family to check if they had any knowledge of how this cost could have been incurred and they gave no indication of how this had happened. He acknowledges that in hindsight he should have pressed this issue harder but accepted what was stated to him at the time.

95. Mr Matheson accepts that the iPad had been operating with an outdated SIM card and provided a summary in his statement of the exchanges with BIT on this matter. He notes that 13 months had elapsed since BIT first highlighted that he had an outdated SIM card.

96. Mr Matheson advises that he was notified by [REDACTED] on the 7 February 2023 that the final bill from EE was £10,941. He states that as the only use of his iPad had been for parliamentary purposes and given EE could not provide a break down on how the data had been used – something which the Parliament asked for – in the absence of a clear explanation, he was not clear how a significant cost had been incurred other than it being due to the outdated SIM card connecting into the mobile network in Morocco and high data roaming charges associated with this.

97. Given the cost to BIT, Mr Matheson states that he considered it appropriate to assist BIT in meeting these costs and he agreed with the Allowances Office that he could transfer £3,000 of his office costs. Mr Matheson stresses that he has never had and would never allow any of his office allowance to be used to meet inappropriate personal costs.

98. On Thursday 9 November 2023 Mr Matheson states he was made aware that a family member had made use of iPad data via its hotspot. Mr Matheson said that this was the first he knew of data being used by anyone else. Mr Matheson added that he clarified exactly what the data had been used for and ascertained it was to watch football matches, by way of a hotspot between the iPad and their own device.

99. Mr Matheson has stated to the IO that the iPad and its data usage are his responsibility, and this led to his immediate decision to reimburse the Parliament for the full cost as data had been used for personal purposes without his knowledge. Mr Matheson also made a request to the Presiding Officer to make a Personal Statement to the Parliament on Thursday 16 November 2023 (reference Annex A).

100. In response to the specific remit of this investigation, Mr Matheson has advised that he accepts entirely that data roaming charges were incurred between 28 December 2022 and 3 January of 2023 using equipment provided to him by the SPCB to support his parliamentary duties. He says he was unaware of the excessive charges at the time and had he known that they were being incurred, he would have stopped that happening immediately, and hopes that his history of very limited use of data at very limited cost to the Parliament is evidence of that.

101. In his evidence, Mr Matheson states that when it became clear to him that the costs had been incurred (due to high data roaming charges associated with his outdated SIM card) he sought to assist BIT in meeting these costs by transferring some of his office allowances.

102. He states that when it became clear how the cost had been incurred, he immediately took steps to reimburse the full costs from his own personal funds (which included the reimbursement of the £3000 paid in March 2023).

103. Mr Matheson emphasised that there had never been until this matter in his Parliamentary career any question or concern over his expenses, and that he had asked the SPCB to consider investigating the matter and that he would co-operate fully.

104. Mr Matheson states that he will leave it to the SPCB to determine the competence of the referral under the 'Reimbursement of Members' Expenses Scheme', although he does not believe that he made a claim for reimbursement of expenses. He considers the payment was made automatically by the SPCB and so he does not understand this to be an improper claim in the sense that he has never made a claim for reimbursement of the sums involved. He absolutely accepts that an excluded complaint can look into a complaint about the use of Parliamentary facilities, resources and services and that this complaint falls under this category. Mr Matheson concludes that he hopes his statement satisfies the investigation that:

- (a) The costs have been fully reimbursed and the public purse is not out of pocket.
- (b) He reimbursed the costs in full as soon as he was aware of what had occurred.

(c) Given the limits of his technical knowledge, his genuine belief at the time was that the charges related to an outdated SIM card and associated high data roaming charges, but not in relation to personal use.

(d) In his whole time as an MSP, which spans the life of the Holyrood Parliament he has never claimed excessively on expenses or misused Parliamentary facilities or services.

(e) He is genuinely contrite, apologetic, and takes full responsibility for what happened. He has apologised to the Chamber and referred himself to the SPCB to consider investigating the matter.

Follow up evidence, submitted on 5 January 2024

105. Having reviewed this statement, the IO asked Mr Matheson several follow up questions for clarification on aspects under investigation. Specifically: the types of parliamentary business undertaken and extent of this over the relevant period; how many football matches were streamed, when and for how long; whether this was the only non-parliamentary usage on the iPad Mr Matheson was aware of, and to explain more fully how a family member gained access to use the data via the iPad. This letter and Mr Matheson's response are also attached at Annex L.

106. Mr Matheson stated that the parliamentary business he undertook over the dates in question related to checking emails, social, and mainstream media on a regular basis. He described the various constituency issues raised over the period. Mr Matheson also confirmed that 2 football matches were viewed on the 28 December 2022 and 2 January 2023, but he was unable to provide the precise length of time of the streaming. He confirmed this was the only non-parliamentary usage of his iPad he was aware of and reiterated that his son assisted him in setting up the hotspot between his phone and the iPad.

ANALYSIS OF EVIDENCE & FINDINGS

107. The SPCB evaluates whether a finding is established on the balance of probabilities. This means that, in order for a conclusion of a breach of the Scheme or the SPCB’s policies to be reached in an investigation, the SPCB’s view must be that a breach is more likely to have occurred than not.

Strand A: Did the Member make an improper claim in respect of the charges or any part of them within the terms of the Members’ Expenses Scheme?

Members’ agreement to abide by the Scheme, its principles and rules and relationship to the Code of Conduct

108. Under section 81(2) of the Scotland Act 1998 the Parliament is required to make provision for the payment of allowances to Members. The version of the Reimbursement of Members’ Expenses Scheme which was in place during this period was approved by a resolution of the Scottish Parliament on 9 February 2022. The Scheme sets out the provisions available to support Members in carrying out their parliamentary duties and the principles and rules Members must abide by in making a claim for reimbursement under the Scheme.

109. Section 7.4 of the Code of Conduct provides: *“No improper use should be made of any payment or allowance made to members for public purposes. Members must abide by the Reimbursement of Members’ Expenses Scheme agreed by the Parliament.”*

110. Section 7.3 of the Code of Conduct provides: *Members must abide by the policies that are adopted by the...(SPCB). These policies are set out in the library of policies created by the SPCB on the Scottish Parliament website.* The library of policies includes the Reimbursement of Members’ Expenses Scheme.

111. Following an independent examination of the Scheme undertaken by Sir Neil McIntosh CBE which reported on 15 December 2009, it was agreed that at the start of each parliamentary session a statement should be signed by individual Members, committing the Member to act in accordance with the principles and rules of the Scheme. Mr Matheson’s signed statement for Session 6 is attached at **Annex O**.

FINDING

Mr Matheson made his signed declaration on 24 May 2021 committing him to act in accordance with the rules of the Scheme and the Scheme Principles. This includes the requirements of Sections 7.3 (so far as it relates to the Scheme) and 7.4 of the Code of Conduct.

Claims permitted under the Scheme

112. The SPCB is responsible for ensuring that the Scheme is administered in line with the Scheme rules and Scheme Principles. The Allowances Office is responsible for the day-to-day administration of the Scheme on behalf of the SPCB, providing advice to the SPCB on the Scheme, guidance and support to Members and their staff on the rules of the Scheme and in making claims under the Scheme through the travel and expenses system. The Allowances Office handle all claims, ensuring the transparency, principles and rules of the Scheme are maintained and travel and expenses are within the rules of the Scheme and can be processed and published timeously and accurately. This is via reference to the Scheme and its associated Guidance [relevant extracts at Annex G]. Claims are checked for financial accuracy, supporting documentation and confirmation that claims are for parliamentary duties. The charge or recharge of telecommunications costs under Members' Office Cost Provision is a standard transaction that the Allowances Office is authorised to process without reference to the SPCB.

113. Mr Matheson said in his personal statement to Parliament on 16 November 2023: *"The cost was accrued to the Parliament's IT provision, not through my office allowances, and it was funded centrally by the Scottish Parliament. Therefore, there was no claim for the £11,000 through my parliamentary office. I volunteered to make a contribution to the cost, given the costs that the Parliament faced as a result of the high roaming charges."*

114. In his written submission to the investigation the Member noted that *"I do not believe that I made a claim for reimbursement of expenses. The payment is made automatically by SPCB and so I do not understand this to be an improper claim in the sense that I never made a claim for the reimbursement of the sums involved."*

115. The SPCB first considered Mr Matheson's query as to whether he had made a *claim* under the Scheme when he agreed that £3,000 of his Office Cost Provision should be used to help pay the overall bill of £10,941.74.

116. The Parliament has a central contract with a mobile provider which enables it to provide a cost-effective approach to mobile costs incurred by Members (and SPCB staff). The Parliament is billed monthly against each Member's name for the cost they incur in line with carrying out their parliamentary duties.

117. In the instance under investigation, the evidence from Mr Matheson, SPCB staff and the associated timeline records consistently show that Mr Matheson was aware that this was a high bill. Recognising this, he agreed to make a contribution through the Scheme towards meeting what was a significant cost for the central IT budget to meet at this late stage in the financial year.

118. Section 1 of the Scheme refers to how claims are administered and at section 1.4 it sets out that a Member is entitled to reimbursement of expenses or costs under the Scheme and that a Member must complete and authenticate any form or other documentation provided or required by the SPCB. No use of the Scheme can be made without the Member's written confirmation that they agree to it or declaration via the system. Having made a written undertaking to abide by the Scheme Rules and Principles, Members are taken to apply those to their individual interactions with the Scheme.

119. In [redacted] evidence [redacted] explained that the Scheme allocations are a maximum annual limit rather than a budget; ultimately it is for the Member to determine how much is spent and on what, provided it relates to parliamentary duties and is permitted within the Scheme rules and Scheme Principles. Any parliamentary costs paid/offset through the Scheme is considered a "claim" under the Scheme, although this may not necessarily be a personal reimbursement of costs to the individual.

120. The Scheme operates on the principle that expenditure is committed by the Member and then claimed back on provision of evidence (e.g. invoice, receipt, lease or other documentation etc). Section 2.1 of the Scheme Guidance (made available to members to support them in making claims under the Scheme) explains that there are different ways to make a claim – paying cost upfront and reclaiming the monies, submitting an invoice, setting up a direct debit and "*purchase through a central Parliament contract with a subsequent recharge to your cost centre*".

121. It is confirmed in section 4.1.2 of the Scheme that the Office Cost Provision can be used to meet the cost of telecommunications and in section 8.11 [c] of the Guidance that costs that may be met include the cost of telecommunications, excluding those mobile telecommunication costs which are met centrally. While this means that costs cannot be recovered twice, it does not prevent allocation of part of the cost to central budget and part to the Member's Office Cost Provision.

122. [redacted] also confirmed that, on this basis, services which may be supplied centrally by the SPCB [such as data charges] are reimbursable through the Scheme provided other Scheme requirements are met. [redacted] confirmed that there are other examples of Members paying for mobile device bills via the Scheme and recharging costs [from centrally funded contracts] from time to time to the Scheme.

123. In making his claim under the Scheme, Mr Matheson spoke with Allowances to check that he could transfer funds from his Office Cost Provision to the BIT cost centre to meet part of the bill. As part of this he was asked and provided written assurance that the costs related to parliamentary business usage. He checked what was left in his Scheme provision and authorised £2000 from his engagement provision to be vired to his Office Cost Provision [as allowed under the Scheme rules]. He then authorised payment of the £3000 to the relevant account codes provided by BIT.

124. In his statement to the Parliament Mr Matheson accepted he authorised the transaction saying: *“I volunteered to make [the payment] to the Parliament directly”* and that he is accountable for it *“I wholly accept that the data usage and the costs associated with it are my responsibility”*. In addition, the evidence from [REDACTED] is that Mr Matheson was made aware that this amount would be published and that there would be an annual audit of the Scheme. As per routine practice, Mr Matheson was provided with a copy of his Expense’s Scheme information, pertaining to his claims, before this was published in November 2023.

125. The evidence gathered shows that consistent with the Scheme and associated Guidance:

[a] Mr Matheson made a purchase through a central Parliament contract [the EE mobile contract] with a subsequent recharge to his Office Cost Provision for a proportion of this [£3,000]. The recharge of such costs is, in principle, permissible under the Scheme.

[b] In so doing, Mr Matheson was paying for a proportion of a telecommunications bill he had incurred, which is an allowable cost under the Scheme rules against the Office Cost Provision.

[c] this was documented as required by the Scheme rules and Guidance as he confirmed in writing that he wished to use Office Cost Provision to cover the £3,000 cost.

[d] the £3,000 payment against the Office Cost Provision was separate from the payment of the remainder of the bill paid via the central BIT budget, that is the payment against Office Cost Provision excluded costs met centrally.

[e] Mr Matheson provided written assurance that the claim against his Office Cost Provision was for parliamentary business purposes.

[f] Mr Matheson was advised this claim would be published as routine and was sent his expenses information prior to publication.

FINDING

The £3,000 payment made from Mr Matheson’s Office Cost Provision in respect of the data roaming charges was a claim under the Scheme.

Definition of improper claims under the Scheme

126. Having established the nature of the claim made by Mr Matheson under the Scheme, the SPCB has considered whether it was an improper claim within the meaning of the Scheme rules.

127. The Scheme and accompanying Guidance set out clearly the rules on what can and cannot be claimed in relation to a Member's duties and how they are to be interpreted.

128. Section 1.1 of the Scheme states that in submitting a claim, a Member shall:

- (a) act in accordance with the Scheme Principles.
- (b) comply with the rules of the Scheme.
- (c) have regard to any guidance issued by the SPCB.

129. Rules, no matter how detailed, cannot cover all situations and there will be occasions when a decision will have to be taken about whether a claim is permissible or not. The Scheme Principles Section 1.1.2 help to make these judgements. Details of the Scheme Principles, consistent with the Nolan Principles for standards in public life, are attached at Annex G and cover Objectivity, Accountability, Openness, Integrity, Selflessness, Honesty, and Leadership.

130. Mr Matheson's statement to the Investigation and his Scheme declaration make clear that he accepts that he is expected to uphold the Nolan Principles in his actions as a parliamentarian and his interactions with the Scheme including making individual claims.

131. Section 10.1 of the Scheme provides that an "improper claim" means a claim in respect of expenses or costs which have either (a) not in fact been incurred or (b) have not been incurred for a purpose permitted by the Scheme. An "improper claim" is one outside the Scheme rules in either of these two respects. The use of the word improper does not convey any requirement to establish intention. The motivation of the person making a claim is not relevant to evaluating whether either test is met.

132. Section 1.5.2 of the Scheme sets out that the SPCB may investigate any claim and where, following such an investigation, the SPCB finds that a Member has submitted an improper claim, the SPCB may report to the Standards, Procedures and Public Appointments Committee and can make a recommendation as to any action which should be taken. It would be a matter for the Committee to determine what would be relevant to their consideration in the event of any such report.

Assessment of the claim

133. In this section of the report, the SPCB considers whether Mr Matheson's claim has been incurred for a purpose permitted by the Scheme.

134. The principle of Objectivity in section 1.1.2 of the Scheme provides "A member is entitled to reimbursement of expenses which have been incurred only for the purpose of carrying out parliamentary duties."

135. Section 4.1.1 of the Scheme provides that office costs are recoverable where “reasonably incurred inrunning of a local parliamentary office in the performance of the member’s parliamentary duties, so far as not available from the SPCB by way of central provision.” This may include the cost of telecommunications” as per 4.1.2.(c).

136. The principal issue to be evaluated is therefore whether Mr Matheson’s claim was made solely in respect of costs incurred for the carrying out of parliamentary duties.

137. The question of whether an expense has been incurred for the purpose of carrying out parliamentary duties is a question of fact.

138. In accordance with the principles of Accountability, Integrity and Leadership set out in the Scheme at section 1.1.2. Mr Matheson accepts that he is personally responsible for satisfying this question of fact for himself when making a claim.

Explanation of the data roaming bill in the context of determining an improper claim

139. It is important to establish the facts which gave rise to the size of the data charges with which the complaints are concerned.

140. Evidence from EE shows that on 28 December 2022 EE sent two messages to Mr Matheson’s iPad in quick succession, which alerted the user that their SIM was roaming, noted the charges for data use in Morocco and advised that this was not capped. EE provided evidence the messages were received on the device, but Mr Matheson states that he does not recall seeing these and therefore the first he became aware of the fact that a high level of charges was accruing on his iPad was on 9 January 2023 when he was contacted by [REDACTED]. [REDACTED] was seeking to clarify that he was still in possession of his iPad, having been alerted by the EE Fraud Team to the “*very significant*” roaming charges “*originating from Morocco*”.

141. The evidence shows that when advised of it Mr Matheson was surprised at the cost of the bill and that he stated he couldn’t understand how the costs could be so high. He has stated in his submission to the investigation that the cost incurred “were clearly well beyond the normal pattern of usage”. This is consistent with Mr Matheson’s evidence to the investigation that he was using the iPad hotspot to support routine business activities on his parliamentary phone such as checking emails, social media and media news sites whilst away from the hotel Wi-Fi.

142. Mr Matheson has stated that he queried the charges. BIT staff had already obtained confirmation from EE that the billing was correct and also [REDACTED] checked the iPad and confirmed that it was working correctly, [i.e. checking the settings that can be used to minimise data usage].

143. There is evidence that in his exchanges with BIT staff about the bill [10 January 23] Mr Matheson was also advised by officials that the level of data usage was more consistent with streaming. BIT staff asked whether anyone else had used data from the device to test whether SPCB policies had been followed. In his submission to the Investigation Mr Matheson's stated that he discussed the matter with his family, but they gave no indication of how it had happened. He has accepted in his submission that he should have been more thorough in his enquiries.

144. Throughout the process Mr Matheson made various statements in correspondence with the SPCB and publicly that the high level of the data roaming bill was due to his "outdated SIM" in his iPad.

145. EE have confirmed that they were continuing to charge the Parliament in accordance with the pricing agreed under the legacy contract for Mr Matheson's iPad. The charges under investigation are "out of bundle" charges that are charged in accordance with EE's price list for roaming abroad.

146. Mr Matheson accepts he should have taken steps to replace the SIM in response to the requests issued and before he took his device abroad.

FINDING

Mr Matheson failed to update the SIM on his iPad to the new mobile provider as required prior to the relevant period.

147. If Mr Matheson had contacted the BIT helpdesk before going to Morocco he would have been switched over to the new SIM with Vodafone and a roaming bundle applied with a cap [REDACTED].

148. On the EE tariff, the charges were set at [REDACTED] per day whilst roaming abroad provided the daily 500MB allowance was not exceeded. The evidence of the independent technical advisor shows that on a similar device the business usage Mr Matheson stated he undertook whilst in Morocco would reasonably use 40 - 80MB per hour.

FINDING

Mr Matheson failed to follow instructions issued on behalf of the SPCB to advise the BIT Helpdesk that he was taking his device abroad so that a cost-effective and capped data roaming package could be applied.

149. Mr Matheson's evidence is that he believed, that in the absence of any other explanation he could find, that this failure to replace the SIM, and the

out of bundle charges applied, provided sufficient explanation for the high level of the charge.

150. Mr Matheson's failure to update the EE SIM to Vodafone was a factor which contributed to the level of the charges. But the level of charges is not the main issue in answering the substance of the complaint, which is whether Mr Matheson's claim in respect of part of the charges was an improper claim within the meaning of the Scheme. The main issue to be examined is that roaming charges were, as a matter of undisputed fact, incurred as a result of another device using the parliamentary iPad hotspot, for which Mr Matheson was responsible, to stream football matches.

FINDING

The primary factor in considering whether there has been an improper claim is the purpose for which data roaming charges were incurred by Mr Matheson's parliamentary device and met by the SPCB.

Purpose for which roaming charges were incurred and met by the SPCB under the Scheme

151. The claim against the Scheme was £3, 000 against a total bill of £10,941.74.

152. The level of contribution, made from Mr Matheson's Office Costs Provision in his claim under the Scheme, was an arbitrary figure. The evidence shows it represented what the Member had available to contribute, within the Scheme rules, at that point in the year. Evidence shows that Mr Matheson gave a written assurance that the charges the claim related to was attributable to parliamentary duties.

Finding

The £3,000 expenses claim was authorised by Mr Matheson and processed under his Office Costs Provision on the basis that it was for telecommunications costs incurred for the purpose of parliamentary duties.

153. Mr Matheson was made aware of over £7k of charges accruing to his iPad on 9th January and he was provided with the final, checked itemised bill on 7th February. Over a period of 4 months [9 January - 16 May 2023] the evidence shows that BIT and Allowances Office staff asked Mr Matheson in calls, meetings and via email to provide assurances that he was satisfied that the data usage was entirely for parliamentary business purposes [email records 9 January; 10 January; 25 January; 7 February; 2 March; 28 March; 16 May at Annex Q].

154. The evidence shows that Mr Matheson confirmed that he was using the data for parliamentary business purposes [email records; 25 January; 7 February; 16 May]. He has given evidence in his personal statement to the Parliament (Annex A) and in his submission to the investigation (Annex L) that he believed he had incurred data roaming for parliamentary business purposes.

155. In his statement to the Parliament on 16 November Mr Matheson said that he first became aware that a family member had used data to stream football matches on Thursday 9 November. He issued a media statement on Friday 10 November [Annex A], stating that he would repay the bill in full because he had not replaced the outdated SIM. He has explained that he did not mention streaming for non- parliamentary purposes in the media statement because he wanted to protect his family.

156. Mr Matheson's personal statement and his evidence to the SPCB investigation establish that family members streamed football on 28 December and 2 January on their device (or devices) by hotspotting onto his parliament iPad.

157. Mr Matheson's submission to the investigation maintains that he used the iPad hotspot to support some of the parliamentary duties he undertook during the relevant period.

158. The IO has sought to establish whether there is any other reasonably available evidence that could establish how the iPad was used.

159. EE was asked whether it holds data which can evidence how Mr Matheson's iPad was being used in the relevant period so as to establish the extent to which it was used for non-parliamentary duties. EE advises that it cannot confirm if any iPad usage was for parliamentary or personal use. EE explains that it no longer has access to information about the nature of the activities which incurred the roaming data charges, as roaming networks only hold such information for four months from the time of the activity. The external technical advisor was also asked for their advice and responded that there was no other evidence that the IO could reasonably consider seeking at this stage that would materially assist the SPCB in considering whether the non-parliamentary use was significant.

160. Mr Matheson states in his submission that he hotspotting from his iPad so that he could deal with work issues on his parliamentary phone when out and travelling. He explains that during this period he checked and dealt with emails and monitored social feeds and mainstream media on a regular basis throughout the day.

161. Mr Matheson confirmed that the two football matches were streamed on 28 December 2022 and 2 January 2023, and this is consistent with the billing data which shows high levels of data usage and costs on those dates. The technical advisor's assessment shows that routine parliamentary duties as described by Mr Matheson would account for 40 – 80MB of data per hour

of roaming. Streaming of a football match would be in the range of 400 MB – 3GB for two hours of coverage.

162. The evidence shows:

- (a) the parliamentary duties Mr Matheson conducted used the hotspot roaming intermittently throughout the relevant period when he was out and travelling
- (b) some parliamentary duties conducted by Mr Matheson used no roaming data because he used Wi-Fi where he could
- (c) the two football matches streamed by others using the hotspot roaming consumed substantially more data than the roaming attributable to the parliamentary duties Mr Matheson conducted.
- (d) Mr Matheson has repaid the whole of the data roaming charges including the amount of the claim.

163. The SPCB notes that its assessment is based on a reasonable interpretation of these activities in the circumstances described.

164. On this basis, the evidence, including the independent assessment of the respective data, shows that football streaming accounts for high levels of data used. The costs which Mr Matheson agreed to reimburse in part through his Office Costs Provision included costs attributable to non-parliamentary duties.

FINDING

The £3,000 expenses claim includes costs incurred through Mr Matheson’s parliamentary device being used for non-parliamentary duties

165. On the balance of probabilities, the facts above establish that the claim made by Mr Matheson was made for costs incurred for a purpose not permitted by the Scheme. The SPCB notes Mr Matheson’s evidence that when the claim was made he genuinely believed that he had incurred the data roaming bill via parliamentary business usage. and that he repaid the entire amount of the data roaming charges to the SPCB once he became aware of the use of the data to stream football matches. As explained, the SPCB is required to assess the factual circumstances of the claim at the time it was made.

FINDING

The claim made by Mr Matheson under the Scheme was for costs incurred for activities undertaken other than in the performance of the Member’s parliamentary duties in contravention of section 4.1 of the Scheme and was therefore an improper claim under the Scheme.

Strand B: Did Mr Matheson fail to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs including the requirements of the Member's Use of Resources Policy?

166. The Code of Conduct sets out the standards of conduct for Members of the Scottish Parliament in relation to their parliamentary duties. The Code is enforceable, that is, every Member is required to understand and comply with its rules. Section 7.3 of the Code requires Members to abide by the policies that are adopted by the SPCB. These policies are set out in a library of policies created by the SPCB and hosted on the Parliament intranet and website.

Policies which apply under the Code

167. The SPCB's Policy on Use of Parliamentary Resources is one of the applicable policies referenced within the Code. The Reimbursement of the Members' Expenses Scheme is also one of the applicable policies within the Code. The SPCB considers these to be the policies relevant to the subject matter of the complaints.

Application of the Members' Use of Resources Policy

168. This policy sets out that:

*"Parliamentary resources are provided by the Scottish Parliamentary Corporate Body to support MSPs' in undertaking their parliamentary duties and include items such as office equipment and furniture, IT and mail systems, meeting rooms and the Reimbursement of Members' Expenses Scheme. It also includes financial assistance to non-Scottish Government parties. These resources are provided by the SPCB to support MSPs with their parliamentary duties and must not be used **to any significant extent** for any other purpose including any party political purpose.*

The SPCB appreciates there can sometimes be a fine line between something that is parliamentary and party political and Members have to use their judgement accordingly. Where there is any doubt, Members are encouraged to seek advice from the contact points provided in the various policies and guidance."

FINDING

Mr Matheson is required to understand and abide by the SPCB's Policy on the Use of Parliamentary Resources and the Scheme.

169. The MSPs use of parliamentary resources policy was adopted by the SPCB in 2009. At this time the SPCB made a broader range of services and

equipment available through central provision so that members did not require to obtain them individually and recover the costs through the Scheme. The policy provides rules (similar to the Scheme rules) about the use of such resources to provide similar conditions to those under the Scheme and reflect the Scheme Principles (which themselves reflect the Nolan principles).

170. On adopting it the SPCB noted the purposes of the policy were:

- Good governance of the organisation as a whole
- Compliance with legal requirements
- The efficient and effective operation of the Parliament's premises and facilities
- Protection of services and facilities from misuse or the perception of misuse.

171. The Use of Resources Policy has a twofold test:

- The purpose of resources, provided by the SPCB, is to support MSPs with their **parliamentary duties** and
- Resources must not be used **to any significant extent** for any other purpose

172. The Use of Parliamentary Resources Policy is deliberately broad including the wide range of resources provided by the SPCB; however, IT systems as broadly defined are specifically referenced as within its scope.

FINDING

Mr Matheson's iPad, and the associated mobile contract, is a resource provided by the SPCB to support him to undertake his parliamentary duties and to which the MSPs Use of Resources Policy applies.

173. There is no definition of significant extent within the policy. Taking its ordinary dictionary definition and consistent with the SPCB's statutory purposes it is taken to mean to an extent that is important or to a noticeable degree.

174. The EE bill shows that the data usage contract included levels of use and charges on 28 December 2022 [1.26 GB (£2,249.17)] and 2 January 2023 [3.18 GB (£7,345.70)] in a total usage of 6.12GB and cost of £10,941.74. In his submission to the investigation Mr Matheson explains that the streaming of football matches by a non-parliamentary device hotspotting onto his parliamentary iPad occurred on these dates.

175. Mr Matheson has not provided any further information on the extent of streaming, only the dates. The SPCB has assessed the extent of the charges attributable to this non-parliamentary activity under strand A above. Contrasting these amounts of data against the overall bill shows that they are

to a noticeable degree higher than other days and are important in terms of the overall bill, and represent significant usage.

176. The SPCB has also sought to establish any other evidence relevant to the complaint that Mr Matheson has failed to abide by the Use of Resources Policy. As noted earlier EE have been asked for and do not hold further information on the activities that would have generated data usage.

177. Based on Mr Matheson's evidence that the iPad data via hotspot was used by a non-parliamentary device to stream football matches on these dates, and the information contrasting data usage of streaming and intermittent, routine business activity, as set out already, the SPCB concludes that there was significant use of the iPad and its associated mobile contract for non-parliamentary business purposes.

FINDING

Mr Matheson's parliamentary iPad was used for non-parliamentary duties to a significant extent.

178. The Conditions of Use that apply to all SPCB IT equipment are relevant. Members are asked to sign a BIT Device Handover Document and as part of this agree to the Conditions of Use.

179. This is a BIT management document, issued on behalf of the SPCB to support the proper use of resources supplied under its statutory responsibilities and further the SPCB purposes set out above. It states the standard of care and attention that users (including members) must abide by and supports them to ensure that parliament devices are only used by authorised individuals and for parliamentary duties.

180. The Conditions of Use states that members are responsible for their device at all times and will be deemed accountable for all activity undertaken on or from the device. It sets out requirements such as keeping the device secure, ensuring passcodes are not written down or passed to others and that data usage, although paid by BIT, should be used sensibly and for business use only.

181. The receipt of the Conditions of Use for Mr Matheson's iPad is no longer available. The SPCB holds a screenshot which records the issuing of the device on the BIT Helpdesk system on 4 October 2018 [Annex O]. Evidence from [redacted] [Annex C] is that Mr Matheson would have signed the documents at this point as it is established practice. The signed receipt for Mr Matheson's parliamentary phone is available and consistent with this evidence. [Annex O].

182. Mr Matheson's personal statement to the Parliament confirms his understanding that responsibility for the custody and control of his iPad and the data usage was his [Annex A]. This was reiterated in his submission to the SPCB.

FINDING

Mr Matheson would have been aware that his responsibility for his iPad device included a standard of care that ensured it was used appropriately consistent with the standard SPCB Conditions of Use.

183. The SPCB has considered the level of care Mr Matheson applied to ensure his iPad was used only for parliamentary duties. It is not disputed by Mr Matheson that it was his responsibility to ensure that his parliamentary iPad (and its data roaming facility) should only be used by him for parliamentary duties or others authorised to undertake parliamentary duties on his behalf.

184. There are differing accounts as to whether Mr Matheson was advised to hotspot by the BIT Helpdesk. The evidence shows Mr Matheson set up a hotspot on his iPad so that he could access data on his parliament phone. The reason for this was because Mr Matheson's parliamentary phone roaming function was not working and he needed to use it for parliamentary duties when Wi-Fi was not available. The iPad became a router to the cellular network which could be used by devices that could connect to the hotspot.

185. In answering questions in the Parliament on 16 November Mr Matheson stated: "I had not used a hotspot before. My son helped to facilitate that provision." Mr Matheson was asked by the Investigating Officer if he could explain more fully how another device had gained access to use data through the parliamentary iPad. Mr Matheson responded in similar terms to the 16 November that: "my son assisted in setting up the hotspot between my phone and the iPad".

186. The desk instructions provided by BIT to assist users is of assistance. It explains that a hotspot connection can happen in 3 ways: by Wi-Fi; or via USB; or via Bluetooth, although the latter 2 are less common. The SPCB has also found from [REDACTED] that Parliament iPads have minimal configuration applied during the handover process. BIT guide members in how to set up a pincode of their choosing to unlock the device and the hotspot is off by default.

187. To access the iPad hotspot [A], the individual hotspot code stored on A would need to be entered on the device seeking to access the hotspot [B]. Device B can be set to store the hotspot code for A, so that when connecting on a subsequent occasion no passcode is required. The user of B can just select to connect. Permission from device A is not required if the hotspot is switched on.

188. Factory setting for a hotspot is an alphanumeric passcode with a minimum of 8 characters. The password can be reset by the user provided it meets the minimum number of characters.

189. Provided the iPad is turned on and the hotspot feature is enabled, any other device with the hotspot password entered [then or previously] can connect at any time using their own device, they do not need to touch or access the iPad device if the hotspot is turned on.

190. There are a number of actions a user can take to protect any use of the personal hotspot: the personal hotspot can be turned off when the user is not requiring it. The user can select to change the password. In addition, there is a notification on the host device [A] that shows the tether is in place.

191. The SPCB notes Mr Matheson's evidence that the iPad was kept in his rucksack when out and travelling and using the hotspot himself, and that there is no more evidence about how hotspotting occurred in this instance other than Mr Matheson's submission that "my son helped to facilitate that provision".

192. The independent technical advisors do not believe there is any other reasonable evidence available to the investigation which would materially assist the SPCB in considering whether the non-parliamentary usage was significant.

193. The SPCB has no way of knowing how or when the passcode was made available to be used on another device, but we do know that it had to have been entered on another device at some point for hotspotting to occur.

FINDING

Mr Matheson did not follow the standard of care set out in the Conditions of Use for his parliamentary iPad. The iPad hotspot code was shared (either in December 22 or previously) and this enabled a non-parliamentary device to connect to the iPad hotspot and access data for non-parliamentary purposes. The extent of the non-parliamentary usage was significant and therefore Mr Matheson did not abide by the MSPs' Use of Resources Policy.

Application of the Member's use of the Reimbursement of the Members' Expenses Scheme

194. The Scheme is also one of the applicable SPCB policies members must comply with under Section 7.3 of the Code. Under Section 7.4 of the Code also provides:

"No improper use should be made of any payment or allowance made to members for public purposes. Members must abide by the Reimbursement of Members' Expenses Scheme agreed by the Parliament."

195. Improper use is not further defined in the Code but is to be understood and interpreted in accordance with the Scheme Principles. The SPCB has therefore examined these further in considering whether Mr Matheson made an improper use of the Scheme in breach of SPCB policy.

196. In particular, the SPCB has looked at the principles of: objectivity [requires that the Member does not submit a claim unless satisfied that the expenses represent value for money and were incurred having due regard to efficiency and effectiveness]; integrity [ensure a claim is compliant with the Scheme] leadership [lead by example to strengthen public trust in the Scheme]; and openness [open and transparent in respect of expenses claimed under the Scheme].

197. Mr Matheson's evidence reflects that he was surprised at the cost of the bill and that he could not understand how the costs could be so high. The SPCB has therefore gathered evidence of the level of enquiry he undertook to satisfy himself whether the claim under the Scheme was a proper use of it.

198. The following evidence shows that officials took several steps to investigate the data usage and bill and conveyed this to Mr Matheson, and to constructively test whether SPCB policies and the Scheme had been followed.

[1] ██████████ investigated the usage with EE [see Annex C]. This included a review of the data volumes consumed, the daily pricing charges and the provider's application of tariffs which established they were correct. There was no inquiry from parliamentary staff into what activities had caused the data usage as ██████████ knew from previous experience this would not be provided.

[2] ██████████ investigated the device in person in the Parliament. This included checking the settings that can be used to minimise data usage, for example, ensuring that the device would prompt to join available Wi-Fi networks and that system and app updates would only be carried out when connected to a Wi-Fi network. There was nothing obvious in the configuration which would have caused high data usage without the user's knowledge.

[3] The evidence shows that Mr Matheson was made aware very soon after the charges became known, by ██████████, that the data usage was "*more consistent with streaming media eg watching a film, YouTube, TikTok etc*" [email 10 January, Annex Q]. On 7 February, Mr Matheson was also asked again to confirm if any of the data usage was personal, and if he therefore intended to reimburse the cost [7 February, Annex Q]. In response to these emails Mr Matheson stated, "*it certainly wasn't used by me for streaming and if it has been it was without my knowledge*" and latterly "*the data usage to the iPad has taken place without my knowledge*".

199. Mr Matheson was shown the billing information on 7 February 2023, including levels of expenditure that were incurred on two days - 28 December - £2,249.17; and 2 January - £7,345.70 and £1320.71, in the context of an overall bill of £10,941.74. Mr Matheson's evidence states that during this time he conducted normal routine parliamentary business activities intermittently while on holiday.

200. Mr Matheson has confirmed in his personal statement to the Parliament and in his submission to the investigation that he asked his family if they had any knowledge of how the cost had been incurred. Mr Matheson has noted in his personal statement that "*I should have investigated what happened more thoroughly*".

FINDING

Mr Matheson was directly asked whether there had been non-parliamentary use and was advised by officials that the evidence from EE was consistent with streaming.

Mr Matheson was provided with evidence to enable him to evaluate whether a claim for reimbursement of part of the charges through the Scheme would be consistent with the Scheme Principles.

Mr Matheson states that he did not undertake a sufficient level of inquiry with members of his family before providing assurance to the SPCB that this was a proper use of the Scheme.

201. The SPCB has also considered the timeline in respect of the statements made by the SPCB and by Mr Matheson after publication of his expenses, when the data roaming charges came under parliamentary, media and public scrutiny. [Timeline D]

202. Mr Matheson states that he first became aware that a family member had used the iPad hotspot for streaming football, on 9 November 2023.

203. In the week between becoming aware of this and making his personal statement to Parliament on 16 November, Mr Matheson notified the Chief Executive [10 November] that he would be issuing a media statement concerning repayment of the charges shortly before it issued. This stated:

"I have contacted the Scottish Parliament authorities this afternoon to make arrangements to reimburse the full cost of the £10,935.74 incurred in roaming charges on my parliament iPad.

While the Parliament agreed to pay the bulk of this sum as a legitimate expense, with the rest being met from my office allowance, I have reflected

long and hard and accept that the SIM card on this device should have been replaced at an earlier stage.

Much of the speculation in the past couple of days has questioned my integrity, and I take this extremely seriously.

I take equally seriously the reputation of the Scottish Parliament, of which I have always striven to be a diligent member since its restoration in 1999.

It is my decision to reimburse these costs in full, which I believe in all the circumstances to be the right one.”

204. In correspondence regarding repayment Mr Matheson did not disclose to that the SPCB that he had become aware that the bill met through Parliament funds included personal streaming and that the assurances he had previously provided for the payments made centrally and through his Office Cost Provision were inaccurate. Mr Matheson also had a meeting with the Clerk/Chief Executive and Presiding Officer on 15 November which had been arranged at his request.

205. He also did not provide a full explanation in answers to questions which were broadcast on the BBC on 13 November.

206. The SPCB notes that in his statement to the Parliament Mr Matheson explains this omission arose from a desire to “protect [his] family from being part of the associated political and media scrutiny”, and the admission by Mr Matheson in his personal statement that mistakes had been made by him and in the way he has handled the matter.

FINDING

Mr Matheson did not correct his statement that the Scheme payment was for proper business usage, to the SPCB which is responsible for administration of the Scheme, for a week after he became aware that it was not accurate.

207. Having found that Mr Matheson made an improper claim under the Scheme the SPCB considers that it follows that this is an improper use of the Scheme.

208. The SPCB agrees with Mr Matheson’s statement that he did not undertake a sufficient level of inquiry into the data roaming bill to satisfy himself that making a claim in respect of part of it was a proper use of the Scheme. Mr Matheson’s actions set out in the above findings are not consistent with the requirements of objectivity, integrity, openness and leadership as set out in the Scheme Principles.

FINDING

Mr Matheson's failure to undertake a sufficient level of inquiry and the actions set out in the above findings were inconsistent with the Scheme Principles and an improper use of the Scheme.

REPRESENTATIONS

Representations from Mr Matheson in response to the draft Report

209. The SPCB provided Mr Matheson with a copy of the draft report on 8 February 2024 and gave him an opportunity to make further written representations by 22 February. At Mr Matheson's request the SPCB extended the time available for such representations to 4 March 2024 and Mr Matheson provided his comments on that date. His full further representations, together with a letter from the investigating officer declining his request for a meeting to go through the content of those representations, are annexed to this report at Annex R.

210. After consideration of the further representations by the SPCB, the following matters are noted:

- Mr Matheson expressed the view that the response from the technical advisors, instructed as part of the investigation, takes no account of social media usage (Twitter/Instagram/Facebook) and the impact this would have on the SPCB's assessment of the data usage. He considers this a material omission. His contention is not accepted. The technical advisors set out the scope of the request for advice on the extent of the data usage which the evidence indicates took place and cover, in their response, typical business usage for "web browsing" on a mobile device. This covers the social media usage which Mr Matheson refers to having conducted in his evidence and was taken into account as such by the SPCB in its assessment of data usage.
- With reference to paragraph 44 of the report, Mr Matheson notes that the evidence received from EE refers to "Welcome SMS" messages having been delivered to Mr Matheson's iPad indicating the cost of roaming charges. Mr Matheson makes the point that no notifications were issued by EE to warn of the amount of the data being used or the costs being incurred. The SPCB agrees with Mr Matheson that these messages do not inform the user of the amount of data actually used and is aware that no further messages were sent to advise of the cost being incurred through roaming charges once the iPad was in use. The timeline set out in the report reflects this.
- Mr Matheson identifies two issues where he considers there to be contradictory statements within the report.

- In relation to the first issue, Mr Matheson states that the evidence of what information was obtained from EE is not consistent with what he was advised had been sought from EE when his iPad was being checked by BIT staff. He states that he was informed that a breakdown of what the data had been used for had been asked for. Evidence from BIT staff explains that this would not be sought as it was known from previous experience that this would not be provided. Evidence of the engagement that took place with EE that was shared with Mr Matheson is set out fully in paragraph 198 of the report. The SPCB remains of the view that the findings in fact at paragraph 200 can be made from this evidence.
- In relation to the second issue, Mr Matheson notes that at Annex M (entry for 26 January 2023), an email details that he has a data tariff of 40GB on his iPad. It is accepted that this was a typographical error and that the tariff of 40GB applied to Mr Matheson's iPhone. We have attached the email exchange clarifying this at Annex M. The limit applicable to the iPhone is not material to the determination of the complaints.
- Mr Matheson details that, in his view, his personal statement has been misinterpreted. His position is that the words "I should have investigated what happened more thoroughly", that appear at paragraph [199?], relate to investigating with his family. The SPCB notes that Mr Matheson's comments should not be interpreted more widely. The words "with members of his family" is added to the last sentence of the finding at para 200 to ensure that this is reflected.
- With reference to paragraph 204 of the report, Mr Matheson provides information about the content of two telephone calls with the Presiding Officer on the morning of 16 November ahead of the personal statement he would be making to the Parliament later that day. In these calls he advised of the role his family had in the matter. The SPCB notes this but makes no change to the finding of fact made at paragraph 206 given that the calls were made on the morning of 16 November in the context of making the personal statement that afternoon to the Parliament. As set out in paragraph 80, the decision to take questions on the statement arose from the Parliament's decision (on a motion by Alexander Burnett) to suspend the normal rule that such statements are not debated.
- Two minor corrections have been made to the report. At page 101, the date of the email to Mr Matheson from the Investigation Officer seeking following up points for clarification has been inserted. Within Annex M (Timeline C) at the entry dated 23 January 2023, "3 SMS messages" has been replaced with "2 SMS messages" to correct a typographical error.

DECISIONS

The SPCB upholds the three excluded complaints as follows:

Whether Mr Matheson made an improper claim

211. Mr Matheson's claim for £3000 telecommunications costs from his office cost provision was an improper claim under the Scheme because it was made in respect of a purpose that was not permitted under the Scheme. In making an improper claim, Mr Matheson made an improper use of the Scheme in breach of Section 7.4 of the Code of Conduct for MSPs.

Whether Mr Matheson failed to abide by the policies adopted by the SPCB

MSPs: use of resources policy

212. During the relevant period Mr Matheson failed to ensure that his parliamentary iPad hotspot facility was not used for non-parliamentary purposes to a significant extent. Mr Matheson therefore did not abide by the MSPs: use of parliamentary resources policy in breach of Section 7.3 of the Code of Conduct for MSPs.

MSPs: expenses

213. In making an improper claim Mr Matheson did not abide by the MSPs: expenses policy.

214. Having been provided with evidence to enable him to evaluate whether the claim was in accordance with the Scheme Principles, Mr Matheson's failure to undertake a sufficient level of inquiry before submitting the claim was not in accordance with the Scheme Principles. This was an improper use of the Scheme in breach of Section 7.4 of the Code of Conduct for MSPs.

215. Mr Matheson's failure to inform the SPCB during the period 9 to 16 November 2023, that he was aware that the assurance he had provided that the claim was made for a purpose permitted under the Scheme was unsound, was not in accordance with the Scheme Principles. This was an improper use of the Scheme in breach of Section 7.4 of the Code of Conduct for MSPs.

216. Failing to abide by the requirements of the MSP: expenses policy in these respects is a breach of Section 7.3 of the Code of Conduct for MSPs.

CONCLUSIONS

217. The Scottish Parliamentary Corporate Body has a vital interest in the integrity of the Reimbursement of Members' Expenses Scheme, the principle that SPCB funded resources are to be used solely for parliamentary purposes, and that there is public confidence in these matters.

218. This is the first time in almost 25 years of the Parliament's existence that the SPCB has had to establish formally an investigation team to deal with public complaints about either a Member's use of the Reimbursement of Members' Expenses Scheme, use of SPCB facilities and services or breaches of SPCB policies, assigned to them to investigate and determine, under the Code of Conduct (described in the relevant legislation and the Code of Conduct as "excluded complaints".)

219. The SPCB process has been informed by good practice from other complaints bodies as and where relevant. The evidence presented in this investigation report and its findings in fact lead the SPCB to agree that the complaints should be upheld as set out in its Decisions above.

220. Having determined the complaints and so fulfilled its responsibilities under the Code of Conduct, the SPCB has, in accordance with paragraphs 9.6(c) and (e) of the Code of Conduct, considered whether to refer its report to the Standards, Procedures and Public Appointments Committee with a recommendation for action.

221. The SPCB acknowledges that Mr Matheson has personally reimbursed the SPCB for the roaming charges in full. The costs to the public purse have therefore been addressed. We also understand the difficult circumstances surrounding this issue which Mr Matheson has spoken about and submitted to the investigation.

222. The Nolan Principles of Standards in Public Life are embedded in the Reimbursement of Members' Expenses Scheme as agreed by the Scottish Parliament and underpin the appropriate use of parliamentary resources as set out in the SPCB's policies. They represent the high standard by which all Members must abide and in which the SPCB considers the public must continue to retain confidence.

223. While the costs to the public purse have been addressed, the report's findings relate to wider matters regarding the standard of Mr Matheson's conduct and their implications for public confidence in the use of parliamentary resources, including the Members' Expenses Scheme.

224. The SPCB therefore agrees to refer the findings of this report to the Standards, Procedures and Public Appointments Committee to consider, in accordance with Standing Order 6.4.2, whether it is appropriate to recommend to the Parliament that any sanctions be applied to Mr Matheson

in respect of those findings. The SPCB makes no recommendation regarding removal of Mr Matheson's entitlement under the Members' Expenses Scheme.

225. The SPCB acknowledges that, as set out in his personal statement to the Parliament and more fully in his further representations, Mr Matheson states his actions subsequent to becoming aware of his family's involvement were motivated by a desire to protect them. For the reasons set out in the report, the SPCB considers that Mr Matheson's motivation is not relevant to its determination of the complaints. Having determined that the breaches found should be referred to the SPPA Committee for consideration of whether to recommend any sanction to the Parliament, it refers the question of motivation and the representations made in this respect to the Committee for consideration as the Committee considers appropriate.

226. This concludes the SPCB's investigation.

Scottish Parliamentary Corporate Body
March 2024

Mr Matheson media statement - Friday 10 November 2023

"I have contacted the Scottish Parliament authorities this afternoon to make arrangements to reimburse the full cost of the £10,935.74 incurred in roaming charges on my parliament iPad.

While the Parliament agreed to pay the bulk of this sum as a legitimate expense, with the rest being met from my office allowance, I have reflected long and hard and accept that the SIM card on this device should have been replaced at an earlier stage.

Much of the speculation in the past couple of days has questioned my integrity, and I take this extremely seriously.

I take equally seriously the reputation of the Scottish Parliament, of which I have always striven to be a diligent member since its restoration in 1999.

It is my decision to reimburse these costs in full, which I believe in all the circumstances to be the right one.

As well as being a constituency MSP, I have an important role as health secretary and the coming months will be challenging for our health service.

I am determined to be fully focused on taking forward these responsibilities, and I assure the people of Falkirk West and across Scotland that their concerns are my priorities."

Transcript of BBC Scotland interview with Mr Matheson, 13 November 2023

Source: [BBC Scotland](#) website, 17 November

Mr Matheson is asked during a BBC Scotland interview recorded on 13 November whether his data bill was large because other people were using iPad?

Transcript of Mr Matheson's response:

"No, the reason for it was because it was an old sim card that was in it, which should have been replaced. I've accepted that was my fault. I failed to take the action that the Parliament had already stated that I should take on the matter. As a consequence, it was tied into an old contract which allowed it to

rack up this bill in a way that I wasn't aware of as well, which the Parliament fully investigated back in January."

"As a result of that, took the approach that they did. I've come to the view personally that I should take personal responsibility for that. I intimated to the Parliament on Friday (10 Nov) that I would reimburse the Parliament for the full cost of that, to put the issue beyond any question whatsoever."

Personal Statement to Parliament – 16 November 2023

The Presiding Officer (Alison Johnstone)

The next item of business is a personal statement by Michael Matheson.
14:05

Michael Matheson (Falkirk West) (SNP)

I thank the Presiding Officer for the opportunity to make a personal statement to Parliament.

I want to address the significant level of interest in the data roaming charges associated with my parliamentary iPad during a family holiday in Morocco between 27 December 2022 and 3 January this year.

First, I want to apologise to the chamber for the cost of the roaming charges. As I set out in my public statement on Friday, I accept that the charges have come about as a result of my not updating the SIM card in my iPad to that of the new contract provider. I also recognise that I should have informed the Parliament's information technology department in advance of travelling of my holiday plans and of the fact that I would be taking two devices. That was my responsibility and I accept it in full.

I therefore think that it is important to set out to the chamber all the facts of what happened and, in particular, exactly how the charges came about. I travelled to Morocco with my family—my wife and two teenage boys—on 27 December. On the first day of the holiday, 28 December, I contacted the Parliament's IT department and told it that I was out of the country and that my parliamentary phone was not working but that my iPad was working. In the course of two phone calls, after an initial effort to get the phone working, the Parliament's IT department advised that it had checked with the network operator, which explained that my data package was suitable for use in Morocco. It also advised that I should try to remove and replace the SIM card from my phone, as the problem might be a fault with the SIM card. Nothing in those discussions led me to believe that there was any risk in using my iPad while in Morocco.

I want to be clear with colleagues that I did not knowingly run up the roaming charges bill; quite the reverse—I checked what I should do before I used my iPad. My mistake—I wholly accept this—was not to have sorted all that out long before I went to Morocco.

In January this year, I was informed of the high data charges that had accrued to my iPad. Of course, I queried the charges and Parliament confirmed that it had contacted the provider for more information. At that time, I handed my iPad over to the Parliament for it to be checked. It is important to be clear that, throughout this time, I was not clear what had caused the high charges. I had not used the iPad for any purpose other than parliamentary and constituency business and could not understand how the costs could be so high. Parliament confirmed that the network provider was unable to give further

details of what had led to the charges. In the absence of a clear explanation of how such a large bill could have happened, I thought it appropriate to make a contribution, through office allowances, of £3,000 towards the cost. Following the publication of my expenses last week, there was significant media coverage of the charges.

It was at that point—last Thursday night—when I returned home that I was made aware by my wife that other members of our family had made use of the iPad data. That was the first that I knew that the data had been used by anyone else. I had previously checked that, but the truth emerged only after the story had been in the news. I should have pressed harder; perhaps I should have been less willing to believe what I had been told. Presiding Officer, I need to be very clear with you and my colleagues that the responsibility for the iPad is mine. The responsibility for the data usage is mine. That is why my wife and I made the immediate decision to reimburse the full costs to the Parliament.

I contacted parliamentary authorities the next day to make clear arrangements to reimburse the full costs of the roaming charges and to issue a personal statement to explain that decision. In my statement, which was issued last Friday, I made no reference to the use of data by my family. As a parent, I wanted to protect my family from being part of the associated political and media scrutiny, which is something that I believe any parent would want to do. I am a father first and foremost. I can see now that it is just not possible to explain the data usage without explaining my family's role. The simple truth is that they were watching football matches.

On Tuesday, I told the First Minister that members of my family had made use of the iPad data. Yesterday evening, I provided him with a full account of the matter and of my intention to inform the Parliament.

Disclosing the information about my family has been extremely difficult. Mistakes have been made by me and by my family, and mistakes have been made in the way in which I have handled the matter. I should have sorted the SIM card and I should have investigated what happened more thoroughly. I accept that, take responsibility and apologise unreservedly. That is why the costs have now been fully reimbursed to the Parliament. That is why I have referred myself to the Scottish Parliamentary Corporate Body under section 7 of the MSP code of conduct, so that it can consider whether to investigate the matter further to address any remaining questions to the Parliament's full satisfaction. I take very seriously the reputation of the Scottish Parliament, of which I have always strived to be a diligent member since its restoration in 1999. My wish is that I can now focus fully on the vital duties that I have as MSP for Falkirk West and as health secretary. I hope that members will accept my explanation, my self-referral under the code of conduct and my unreserved apology.

The Presiding Officer

Given the Parliament's decision to suspend rule 13.1.4 of standing orders, I will allow a period of around 10 minutes for questions. Any members who wish to put a question should press their request-to-speak button now.

Douglas Ross (Highlands and Islands) (Con) I am grateful to Michael Matheson for the personal statement that he has just provided. I can fully see the difficulty that it has caused him. However, questions remain. During his statement, Michael Matheson said that he could not understand how he had racked up so many data roaming charges. He went on to say that he could not explain the data usage—but, of course, he did explain it. He told the Parliament, when he claimed for expenses, that it was a legitimate expense. He promised the Parliament that it was a legitimate expense. He gave the Parliament written assurances that it was a legitimate expense.

If, as has now transpired, his son was watching football, why did he claim that he was doing parliamentary work? If he could not understand at the time or could not explain the data usage, how could he say with 100 per cent certainty to the Parliament, when claiming £11,000 of taxpayers' money, that he was doing parliamentary work? The two stories do not align. It seems that Parliament was misled when he made that claim. Does Michael Matheson agree with that?

He also said in his statement that he looked for £3,000 to be taken out of his office cost allowance. Was that his only request, or did he seek more money and more support out of available budgets?

He said that he made the immediate decision, on hearing from his wife, to repay the money, but in the statement that he made to the media and the Scottish public, he said that the issue was a direct consequence of using an outdated SIM. Did he mislead the Scottish people by using that argument, rather than what we now know to be the case?

The health secretary has belatedly been forced to be honest about the circumstances, but we cannot ignore or forget the fact that, months ago, he wanted the Scottish taxpayer to pay £11,000 for his roaming bill. That roaming bill was accrued not due to parliamentary duties, which he claimed, and, therefore, he falsely claimed that money. Will the health secretary accept that?

Michael Matheson

In my statement, I was clear that, at the time when I was notified of the high charges associated with my iPad, the Parliament's IT department contacted the network provider to try to find out more details about how the costs had been associated with my iPad. Unfortunately, the network provider was unable to provide that information to the Parliament, and, therefore, we were unable to identify how the costs of the roaming charges associated with my iPad had been accrued.

At that time, I passed my iPad to the IT department to consider whether there was an issue with it and for it to look at the device. I also made a contribution of £3,000 to help meet the costs associated with the Parliament's IT department in meeting the overall costs. That was something that I volunteered to make to the Parliament directly.

The member referred to my statement last Friday, when I made no reference to the fact that that data usage had occurred through members of my family. As I set out in my statement, this has been a very challenging and emotional time for my family. I chose not to provide details of that in my statement on Friday, because it would implicate my children in this issue. I chose not to provide that information in order to try to protect them from the inevitable media scrutiny and political interest that that would generate. I did that as a father, to protect them.

Jackie Baillie (Dumbarton) (Lab)

I thank Michael Matheson for his personal statement. I think that anyone who has had teenage children will understand what has happened, but what people will not understand is the cover-up. That has only had the effect of heightening the media scrutiny, which understandably he did not want for his family.

I regret to say that the failure to replace the SIM card, despite reminders over several years, is wholly negligent; I regret that the failure to keep the iPad secure is equally negligent; and I regret that, on repeated occasions, the cabinet secretary gave assurances to this Parliament and made statements in the press that were wholly incorrect.

There is a serious question of judgment here, but while the cabinet secretary was focused on this mess of his own making, accident and emergency waiting times have gone up this year to the highest level, NHS Greater Glasgow and Clyde was named as a suspect in a corporate homicide case and 820,000 patients are waiting too long on national health service waiting lists for treatment.

Does Michael Matheson not believe that, as a result of this serious question of judgment, people will understandably have lost confidence in his ability to do his job as the Cabinet Secretary for NHS Recovery, Health and Social Care? I have to ask why he did not investigate the use of data when the issue was consistently raised with him by parliamentary authorities. Why is it only now that he asked his family what actually happened?

Michael Matheson

I wholly accept that the data usage and the cost associated with it are my responsibility. That is why, last Thursday, we as a family made the decision to reimburse the Parliament for the full costs associated with that.

My use of the iPad when I was on holiday was purely for constituency and parliamentary purposes. That was my understanding of all that had happened with the iPad when it travelled with us. However, it is clear that things have changed as a result of the information that I now have.

I will be very clear with Jackie Baillie. I asked for, and the IT department sought to get, further details from the network operator on exactly what the iPad had accrued the charges for, but the network operator was unable to provide that information. I also discussed the matter with my family, and I received assurances at that time. Had I known that my family made use of the data at that time, I would have met the costs associated with that. However, I

did not know that. That is why, at that time, I could not understand how the costs had been accrued. When it became apparent that we had accrued the costs as a result of actions in my family, we took the immediate decision to reimburse the full amount to the Parliament. I hope that Jackie Baillie will take my reassurance that, as soon as that became apparent to us, we as a family decided to ensure that Parliament was reimbursed for the full costs associated with that.

Rona Mackay (Strathkelvin and Bearsden) (SNP)

I welcome the cabinet secretary's statement. Has he engaged with the Parliament on data capping on parliamentary devices in the future?

Michael Matheson

I am aware that the Parliament is undertaking a review of the existing arrangements that it has in place. With my own painful experience of the matter, I am more than happy to engage with it to offer it any assistance that I can from that experience in order to ensure that no other member experiences this type of difficulty at some point in the future.

Meghan Gallacher (Central Scotland) (Con)

For a family member to access the cabinet secretary's iPad, passwords would need to be shared. Can the cabinet secretary confirm whether he has shared his device's passwords with anyone? Does he accept that that goes against general data protection regulation rules, given the sensitive information that is held on parliamentary devices? When did he first share with the First Minister that his family members used his iPad during his family holiday in Morocco?

Michael Matheson

I set out the information that I provided to the First Minister in my statement. When I engaged with the Parliament's IT department on the difficulties that I had with my phone not operating, the advice that I was given was that I could use the iPad for hotspotting purposes. I had not used a hotspot before. My son helped to facilitate that provision. That is how there was the ability to access the data that was provided within the iPad during our holiday period.

Martin Whitfield (South Scotland) (Lab)

I thank the cabinet secretary for his statement. Yesterday, we spoke in the chamber about the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. We have seen across the chamber and outside it the challenge that the statement has been. I respect that.

In MyExpenses, which we use in the Parliament to authorise payments out of the budget that is provided by the Parliament from the taxpayer, we certify that the expenditure arose and was appropriate. That was not correct in this case, was it?

Michael Matheson

The cost was accrued to the Parliament's IT provision, not through my office allowances, and it was funded centrally by the Scottish Parliament. Therefore, there was no claim for the £11,000 through my parliamentary office. I

volunteered to make a contribution to the cost, given the costs that the Parliament faced as a result of the high roaming charges.

Jackie Dunbar (Aberdeen Donside) (SNP)

Does the cabinet secretary agree with me that standards in public office are very important and that it is therefore right that he has referred himself to the Scottish Parliamentary Corporate Body?

Michael Matheson

I have been in the Parliament for 24 years and have always sought to maintain the high standards of the Parliament in how I conduct myself—not just as a minister, but as an MSP—in how my constituency office operates in supporting constituents, and in how we utilise the public resources with which we are provided in order to undertake our job. They are standards that I have always sought to apply and that I will continue to seek to apply. I have acknowledged the errors that have been made in this instance and have described the actions that I took, as soon as those errors became apparent to us, to address them by fully reimbursing the Parliament for the costs.

The Presiding Officer

That concludes the personal statement.

Correspondence with the Presiding Officer

Request for a meeting

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

From: Matheson M (Michael), MSP

From: Matheson M (Michael), MSP

Sent: 09 November 2023 18:11

To: Presiding Officers <PresidingOfficers@parliament.scot>

To: Presiding Officers <PresidingOfficers@parliament.scot>

Subject: Mobile phone cost

Hi Alison,

You will be aware of the story running in the national media regarding roaming charges associated with my parliamentary iPad while on holiday earlier this year.

Unfortunately, I feel that the Parliament's handling of this issue has left me badly exposed.

I would welcome an early meeting with you next week to discuss my experience in dealing with this issue and what I believe needs to be taken forward to ensure members are not left in this situation in the future.

I look forward to hearing from you.

Michael Matheson MSP

Request to make a Personal Statement to Parliament

From: Matheson M (Michael), MSP

Sent: Wednesday, November 15, 2023 7:01 PM

To: Presiding Officers <PresidingOfficers@parliament.scot>

Subject: Rule 13.1 Personal Statement

Dear Alison, I would be grateful if, under rule 13.1 of Parliament's standing orders, I could be given time to make a personal statement in the chamber. This is concerning the data charges associated with my iPad while on a family holiday.

You will be aware of the press coverage on this and the [REDACTED] [REDACTED] over recent days. I would be extremely

grateful if I could make the statement after FMQs or before business starts in the afternoon.

I look forward to hearing from you.

Michael Matheson MSP

Request to self-refer and Presiding Officer's response

From: Matheson M (Michael), MSP

Sent: 16 November 2023 13:48

To: Presiding Officers <PresidingOfficers@parliament.scot>

Subject: Code of conduct

Dear Alison

I know it is more regular that the SPCB would investigate a complaint about an MSP made under the MSP Code of Conduct in relation to Section 7: General conduct of MSPs and part 4 in relation to Expenses (No improper use should be made of any payment or allowance made to members for public purposes. Members must abide by the Reimbursement of Members' Expenses Scheme agreed by the Parliament), however I would like to refer myself to the SPCB as I understand the SPCB can clarify if there has been a breach of the Reimbursement of Members' Expenses Scheme and choose to make a report to Standards Committee if that is deemed necessary.

I would be happy to provide any further information the SPCB need to investigate this matter or to supply anything more formally to take this investigation forward.

Kind regards.

Michael Matheson MSP

From: Presiding Officers

Sent: 16 November 2023 16:59

To: Matheson M (Michael), MSP [redacted];

Presiding Officers <Presidingofficers@parliament.scot>

Subject: RE: Code of conduct

Dear Michael

Thank you for your email.

I note your request that the SPCB accept reference of and investigate whether you have acted in a manner that breaches the Reimbursement of Members' Expenses Scheme.

I also note your offer to provide any further information the SPCB may require should it agree to do so.

I will refer this matter to the SPCB for consideration and will respond further once it has had the opportunity to consider the matter.

Yours sincerely

Rt Hon Alison Johnstone MSP
Presiding Officer

Minutes of Meetings of the Scottish Parliamentary Corporate Body

[Minute of SPCB meeting on 21 November 2023](#)

Extract:

“Discussion

1. The SPCB met to discuss the correspondence received from Michael Matheson MSP and to consider the new information that had come to light during his statement to the Parliament on Thursday 16 November 2023. The SPCB noted that this information had not been known when it met on 14 November.

2. The key issues discussed were:

2.1 The SPCB noted that there was no existing mechanism or process for a Member to self-refer.

2.2 The issues raised by Mr Matheson’s statement touched on several SPCB policies as well as the Reimbursement of Members’ Expenses Scheme. The SPCB would need to consider all of these in the round and would not be limited by the ‘self-referral’.

2.3 The SPCB would require time to carefully consider and agree the scope of any investigation it may decide to undertake to ensure the integrity of the Parliament’s systems and processes.

2.4 Officials were asked to provide further advice on an appropriate process for progressing these matters, and the route for investigation of the different aspects, for discussion at its scheduled meeting on 23 November.

3. The SPCB agreed to issue a brief statement later in the day, with a further statement issuing after discussions on Thursday.”

[Minute of SPCB meeting on 23 November 2023](#)

Extract:

“Roaming data charges

9. The SPCB discussed routes forward in light of Michael Matheson MSP’s statement to the Parliament on 16 November.

10. The SPCB's primary responsibility was the provision of services and resources to support Members in carrying out their parliamentary duties. It was a fundamental requirement of both the Members' Expenses Scheme and the SPCB's policy on MSPs' Use of Resources that these were for parliamentary purposes. The SPCB agreed that an investigation should be undertaken in line with its duties under the Code of Conduct for MSPs. This would consider whether certain data roaming charges incurred by Mr Matheson met the requirements of the Scheme and whether SPCB resources had been used in accordance with SPCB policies.

11. The SPCB commissioned officials to finalise the process to be followed. The SPCB also agreed to issue a further statement ahead of the SPCB Question Time later that day."

[Minute of SPCB meeting on 30 November 2023](#)

Extract:

"SPCB investigation

5. The SPCB agreed the following remit and process for an investigation into the use of parliamentary resources by Michael Matheson MSP:

Data roaming charges having been incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP ("the Member") to support the conduct of the Member's parliamentary duties, to investigate and make findings as to whether:

- (a) an improper claim was made by the Member in respect of the charges (or any part of them) within the terms of the Reimbursement of Members' Expenses Scheme; and
- (b) the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs, including the policy on [MSPs: use of parliamentary resources](#).

6. The SPCB acknowledged the public interest in this matter and the need to maintain the integrity of the Scheme and the application of SPCB policies. In the interest of fairness to all, the SPCB was keen to progress its investigation expeditiously.

7. The SPCB agreed the investigation would be conducted through written submissions, with Mr Matheson being permitted up to two weeks in which to provide his substantive statement of evidence. If thereafter any meetings became necessary they would be conducted in private.

8. The SPCB also agreed that, in line with fair and due process, the Member would also be provided with a copy of a draft statement of provisional findings, together with copies of any material relied upon in making those findings. The Member would then have an opportunity to make further representations to be

considered by the SPCB before finalising its findings and concluding the investigation. The expectation was that a period of up to three weeks would again be necessary in the investigation's timeline for Mr Matheson to respond.

9. The Corporate Body noted that a robust process and timeline would ensure fairness and help mitigate potential challenge to the SPCB. The initial statement of provisional findings would likely be provided to the Member in January 2024, but the SPCB agreed that work should continue at pace. The SPCB agreed the final report would be published.”

Annex C

SUMMARY OF STAFF INTERVIEWS CONDUCTED BY THE INVESTIGATING OFFICER

As part of the investigation process, I interviewed 5 staff members from the Parliament to clarify some of the procedures in place and to satisfy myself of my understanding of various issues.

On 20 December 2023 I met with [REDACTED]. The purpose of this meeting was to better understand several issues. The first of these was the policies, guidance and processes that are in place around mobile devices.

I was advised about the *Conditions of Use*. It is standard practice that everyone using a mobile device has to sign a receipt for the device which contains a link to the conditions of use. There is also an *Acceptable Use Policy* so that when anyone signs the conditions of use form it makes clear that that person agrees to the Acceptable Use Policy. The *Use of Resources Policy* is an SPCB policy that covers all resources Members consume. Finally, there is a *Travel Policy* with a requirement to contact BIT when travelling. This is a BIT operational management policy. This is regularly advertised through numerous emails issued to make sure users have access to the most appropriate travel package for data; and to provide relevant security advice depending on where they are travelling.

I was informed at my meeting that the understanding was that Mr Matheson was one of a small number of users who had not yet swapped SIM cards over to the new Vodafone contract and were still therefore under the EE contract terms. It was explained to me that had Mr Matheson got in touch with BIT before he travelled, they would have applied a package for him to roam with in that country because there was no package up front. The package would have helped to control the costs.

I sought clarification on why a package could not have been applied while Mr Matheson was in Morocco. I was advised that it can be done but is difficult and can take days to 'come through'. At the time I was advised that BIT only checked to see that there was a suitable roaming data package on the iPhone, which is what the engagement with Vodafone was about so there was no reason to put another package on his phone as Mr Matheson should have been able to use that.

I also asked [REDACTED] about usage. I was told that the standard process when excessive charges arise is for BIT to contact the Member and ask them to give assurances that either the costs were incurred through parliamentary business or to indicate if it was private use and how much they were going to pay towards that. As Mr Matheson, at the time, could not understand the level of usage, [REDACTED] checked

the device to ensure it was working correctly. As BIT were told the usage was only for parliamentary business use no further action was taken at that time.

I was informed that there is nothing BIT can do remotely that would enable someone to understand how the iPad was used. All devices hold a running total of data consumed on applications which might give an indication of which applications used data for a period, however, these can be reset by and, if not, it would run from when the device was first used.

I was advised that BIT do not configure devices other than baseline security (pin required to start; automatic updates turned on) and the PIN requirement could be turned off by the user. When a user accesses a device such as an iPad it does not connect to the parliamentary network, but through cloud services for access to emails and other services. I was told that, at the time, BIT did look at the possibility that the iPad could have downloaded the latest version of some software, which would account for a larger than usual level of data usage but there was no proof of that at the time.

On 20 December 2023 I also met with [REDACTED]. One of the issues I wanted to clarify was if, in fact, Mr Matheson had made a claim on his office costs provision [given he had disputed this and suggested that the transfer of funds had been made by parliamentary staff].

I was advised by [REDACTED] that within the Members' Expenses Scheme the financial allocations against each heading are a maximum annual limit rather than a budget. It is ultimately for the Member to decide how much is spent and on what, provided it relates to parliamentary duties and is permitted within the Scheme rules.

Section 1 of the Scheme refers to how claims are administered and the various responsibilities. Additionally, a Guidance document is also available which reiterates the Scheme rules and goes into more detail about the provisions. The Guidance sets out that anything paid/offset through the Scheme is considered a claim under the Scheme (although may not necessarily be a personal reimbursement of costs to the individual).

As such, the moment a Member asks for money to be met or reimbursed from the Scheme, it becomes a claim. Evidence is available to demonstrate that Mr Matheson agreed to £3,000 being used from his office cost provision to meet the mobile costs incurred.

I also wanted to satisfy myself that it is not unusual for costs normally met centrally, such as mobile telephone costs, to be also charged to the office costs provision. [REDACTED] confirmed to me that there is a small number of Members who have their mobile costs met through the office costs provision, although the majority are met through the central budget.

The Members' Expenses Scheme also makes provision about improper claims and I needed to ensure my understanding of what constituted an improper claim was correct. [REDACTED] informed me that the

Scheme sets out that it would be improper if the claim is for expenditure incurred that is not related to a Member's parliamentary duties.

I was further advised that, at the time the claim was made, Mr Matheson was asked several times in both writing and verbally about the use being for parliamentary purposes only and repeatedly confirmed it was. I was told that the Scheme works on being able to have a level of trust in Members.

It was also important for me to understand how the figure of £3,000 to be met from the office costs provision was reached. [REDACTED] advised that following discussions Mr Matheson had with his staff about how much he had left in his office cost provision and how much he could transfer from his engagement allowance before the end of the financial year, the figure of £3,000 was reached as being what he could afford from within his expenses limits for the year.

[REDACTED] advised me that there were communications between Mr Matheson and [REDACTED] to arrange a meeting resulting in a telephone meeting at which point Mr Matheson confirmed [REDACTED] that the use of the mobile devices had been for parliamentary purposes, not personal or for Scottish Government work. A summary of this meeting was provided in writing to Mr Matheson. [REDACTED] then arranged the charging against Mr Matheson's expenses on the basis of his assurances.

[REDACTED] also explained to me that in respect of the repayment of monies, Mr Matheson had made it clear he wanted to repay the whole amount. There was no question or discussion about some of the usage being for parliamentary purposes and therefore of repaying only part of the bill.

On 21 December 2023, I met with [REDACTED]. This was to better my understanding of the role played by BIT.

[REDACTED] explained that initially, all exchanges were with the Helpdesk and were about Mr Matheson's mobile phone not working. Given it was during the Christmas recess period few staff were working in the building so most communication was by email. Details of these are provided in the timeline in Annex K.

When it came to light that excessive charges were being incurred [REDACTED] was immediately notified and [REDACTED] contacted Mr Matheson to check he was still in possession of his iPad and to make him aware of the charges that were stacking up (email) - £7k at that time. On receiving confirmation that Mr Matheson still had the iPad he was reminded that he should be on the Vodaphone contract, and he was asked to attend the BIT Helpdesk with his iPad so that the SIM could be changed over.

I sought clarification from [REDACTED] about what difference it made with Mr Matheson being on the old contract with EE. I was advised that

there was a cap on domestic usage and a range of roaming packages available through the new Vodafone contract. Whereas with the EE contract there was an automatic roaming data package in place (Rest of the World) which was sufficient for most users. This had been in place for the whole term of the EE contract. I was further advised that had Mr Matheson taken his iPad to the Helpdesk, the SIM would have been replaced to put him on the new Vodafone contract and a roaming data package which would have included a cap would have been applied.

████████████████████ informed me that had the contract with EE still been in place there might have been some scope for managing the costs within the contract, however, despite efforts there was no incentive for EE to offer any assistance with the bill.

On the engagement with Mr Matheson, a record has been set out in the evidence timeline at Annex K. ██████████████████████ recollects a verbal conversation about the use of the iPad and if it had been for parliamentary purposes given the high levels of usage. During this conversation, Mr Matheson explained he was not aware how the usage had occurred and that he had had been using it to hotspot as his mobile phone was not working.

Mr Matheson was asked to take his iPad to the Helpdesk so it could be checked to ensure it was operating correctly and to see if any software updates or apps had been uploading. ██████████████████████ explained to me that ██████ found nothing unusual during inspection of his iPad, but ██████ could see there had been a lot of data usage over the life of the device (4½ - 5 years since issued) but nothing “jumped out”. Mr Matheson also had his mobile phone with him; however, it did not show anything on mobile data because he had been hotspotting via the iPad.

████████████████████ recalled having further conversations with Mr Matheson during which he maintained that he had only used his device for parliamentary purposes – responding to constituency emails and keeping abreast of issues. This was subsequently confirmed in an email of 7 February 2023 [see timeline in Annex Q].

I also met with ██ on 21 December 2023.

████████████████████ explained to me that ██████ team puts in place relevant mobile ‘bundles’, manages bills; escalate any issues as necessary; moves people onto new contracts; liaises with the providers as necessary.

I was advised that the EE contract terms were still running until all numbers have been moved across to the new Vodafone contract and EE still provided the service. The Rest of the World data roaming package outside the UK was ██████ per day for 500MB of data and ██████ per MB over the 500MB which kicked in automatically and had no cap.

I was told that Mr Matheson was on a 10GB per month level for his iPad with EE and he has been moved on to the same level with Vodafone. Mr Matheson was not a particularly high user or someone who regularly went over their pre-arranged data usage level.

██████████ informed me that ██████ received an email from the EE Fraud Team on 6 January 2023. EE was asked to put a bar on the number while ██████ found out some more information, about whose number it was, as ██████ was not aware MM was abroad. Once it was confirmed the usage was genuine, arrangements were made to get the bar lifted.

On receipt of the invoice, ██████████ contacted EE to query it being over the ██████ per day. EE provided evidence of the alerts being received by the user on 28 December: along the lines of welcome to Morocco; costs that will apply; another, seconds later, saying you are using the data and there is no cap. EE advised ██████ that there is an app on the iPad so Mr Matheson would have received the messages, however, there is no evidence they were read. The continuing use was taken by EE as acceptance of costs.

██████████ did try to negotiate a reduction, but EE was not prepared to do so. EE gave ██████ no indication of what they thought the data usage might have been for and ██████ could not see what lay behind the usage figures.

On 9 January 2024 I met with ████████████████████ who engaged initially with Mr Matheson when he was on holiday in Morocco. This was to allow me to understand the call log following receipt of the initial email by Mr Matheson on 28th December and to understand the subsequent actions taken by BIT.

It was explained to me that an email was received by the IT Helpdesk on 28 December 2022 at 09.30. On receipt of this, Mr Matheson was contacted by phone to clarify what the problem was. Mr Matheson said that he had not been able to access 4G on his phone since arriving in Morocco. During this communication it was confirmed to me that there was no mention or reference made at this stage of the iPad.

██████████ advised that ██████ then contacted Vodafone on their 'chat' function. Vodafone confirmed roaming was on for the device so ██████████ called Mr Matheson who confirmed he still could not access the internet. ██████████ offered suggestions about removing and re-inserting the SIM card to Mr Matheson which was unsuccessful and to try the SIM card on another device, however, Mr Matheson advised he did not have another device with him. The suggestion was also made to buy a cheap phone locally or buy data/SIM locally and reclaim costs when back in the UK .

██████████ could not remember if ██████ had suggested hotspotting but there is no evidence in the call log or any retained notes that ██████ did. ██████ also has no recollection of discussing the iPad.

As Vodafone had confirmed roaming was on there was no apparent reason why Mr Matheson was not able to access the internet when not connected to Wi-Fi. [REDACTED] suggested to Mr Matheson that he should bring the device in to the Helpdesk on his return so that they could check it was working properly. It was also explained to Mr Matheson that it would not be possible to send out a replacement device as delivery could not be guaranteed while he was on holiday so the only option would be a local SIM card.

[REDACTED] did not hear back from Mr Matheson and as there was no further action that could be taken the ticket was closed. I was advised this was an hour after receipt of the original email. Following the interview, [REDACTED] checked [REDACTED] records and confirmed to me [REDACTED] could find no further emails or tickets relating to this matter.

Commissioning of independent specialist technical advice

From: Hegarty M (Michelle) [REDACTED]
Sent on: Tuesday, January 9, 2024 1:40:21 PM
To: [REDACTED]
CC: [REDACTED]
Subject: RESTRICTED: SCOTTISH PARLIAMENT
Urgent: High

Dear [REDACTED],

As you know I am undertaking an investigation on behalf of the Scottish Parliamentary Corporate Body into data roaming charges accrued on a parliamentary ipad by a Member of the Scottish Parliament over the period 28 December 2022 - 3 January 2023 whilst they were in Morocco.

As you appreciate the Member concerned had previously advised the Parliament that he was hotspotting onto his parliamentary ipad from his Parliament issued phone. In addition, the Member has explained that family members also hotspotted onto the device to watch football matches in this period. A significant bill for data roaming charges was incurred. My task includes investigating the activity which gave rise to the data roaming charges (a) to establish to what extent charges accrued during this period related to non-parliamentary use; and (b) to consider whether any such non-parliamentary use was significant.

Before Christmas I wrote to the Member asking them to explain what kinds of activities were undertaken using the hotspotting on the ipad. The Member's explanation of both the parliamentary business and non-parliamentary use (ie use by others) of the device between the relevant dates is set out below. A copy of the Mobile Data provider's log of the data volume consumed is also annexed to this letter, which was released under FOI.

As we discussed I wish to commission your professional opinion on whether the Member's explanation of the parliamentary and non-parliamentary use of the device is consistent with the data usage set out in the billing information.

In order to assist me in considering whether the non-parliamentary use was significant it would be useful to understand the sorts of data usage that would be consistent with:

- Streaming of football match coverage as specified (taking into account that this may include any associated pre or post match programme).

- Typical business usage as described in regularly:
 - reading and answering emails
 - Sending emails with instructions to other office staff
 - Monitoring social media and mainstream media accounts

I have asked the Mobile Data provider what information it holds and can share with me that might be relevant. It would also be useful to have your professional view on whether there is any other evidence I could reasonably consider seeking at this stage that would materially assist me in considering whether the non-parliamentary use was significant.

Kind regards

Michelle

Annex

Parliamentary Use by the Member

“I checked my emails, social (Twitter/Instagram/Facebook) and mainstream media on a regular basis throughout the day. I personally deal with all emails sent to my MSP account as I actively manage all issues raised by constituents. This is the approach I have always taken since being elected. Where necessary I will then forward on emails to my constituency office with direction for staff to action. In general terms, the types of issues raised with me during this period ranged from emergency health service provision, energy costs, access to local facilities and assistance with local events”

Non-parliamentary Use by others

“My understanding is it was two matches, on the 28th of December 2022 and 2nd of January 2023. Unfortunately, I am unable to give a precise length of time involved.”

EE roaming bill

<https://www.parliament.scot/about/information-rights/foi-request-disclosure-log/2023-694207?ref=210>

Scottish Parliament – Leidos Statement

Date Published: 22 January 2024

1 Introduction

Leidos is a Fortune 500® information technology, engineering, and science solutions and services leader working to solve the world's toughest challenges in the defence, intelligence, homeland security, civil, and health markets. The company's 48,000 employees support vital missions for government and commercial customers. Leidos UK has over 1,300 employees delivering transformative digital solutions across public services, transportation, defence, national security, energy and logistics clients. As a leader in IT, we deliver complex change programmes to transform and secure critical national services from large-scale systems integration, to advanced development, and analytics.

The Scottish Parliament has requested support from Leidos to understand typical data usage for mobile devices in certain scenarios.

This document was diligently compiled and created by the Leidos UK Solution Architecture team, with additional insights and peer review from a certified Leidos network specialist. The team, comprised of seasoned IT professionals, focuses on understanding customer needs and developing elegant solutions. Skilled in managing ambiguity, they are adept at conducting research and analysis to provide supporting information. The references utilised in this document are as follows:

- SKY-GO: <https://help.sky.co.nz/s/article/sky-article-4281>
- NOWtv: <https://help.nowtv.com/article/fix-slow-loading-buffering>
- MS Teams: <https://learn.microsoft.com/en-us/microsoftteams/prepare-network>

Typical Business Usage: No specific reference used as there is no definitive answer. The numbers were derived from the expert opinions of both the solution architecture team and the network specialist.

2 Scottish Parliament Request

The specific ask:

it would be useful to understand the sorts of data usage that would be consistent with:

- o Streaming of football match coverage as specified (taking into account that this may include any associated pre or post match programme).
- o Typical business usage as described in regularly:
 - reading and answering emails
 - Sending emails with instructions to other office staff
 - Monitoring social media and mainstream media accounts

and

is there any other evidence I could reasonably consider seeking at this stage that would materially assist me in considering whether the non-parliamentary use was significant.

3 Terminology Used in This Assessment

Term	Description
App	An application installed on a mobile device
Hotspot	A device which shares its mobile data connection to other nearby devices in the form of a local Wi-Fi connection
Streaming	Transferring audio or video data to a local device while it is being watched or listened to, as opposed to downloading an entire media file to the device.

Term	Definition	Description
Byte	Byte	A measurement of data volume – 8 bits
KB	Kilobyte	A measurement of data volume – one thousand bytes
MB	Megabyte	A measurement of data volume – one million bytes
GB	Gigabyte	A measurement of data volume – one thousand megabytes
Kbps	Kilobits per second	A measurement of data transfer in thousands of bits per second
Mbps	Megabits per second	A measurement of data transfer in millions of bits per second. As an example, 1 megabit per second would transfer 125 kilobytes of data each second

4 Response to Scottish Parliament Questions

4.1 Bandwidth of streaming football matches

- Sky Sports own the rights to stream Scottish premier matches so the most obvious way to stream those on a mobile device would be via the Sky Go or NOWtv apps.
- To investigate typical streaming data usage, Leidos has assumed that one of these apps may have been used:
 - o Sky Go suggests that an hour of SD quality streaming would be around 1.5GB. (this information can be accessed via the SkyGo website, available in the public domain).
 - o NOWtv suggests a minimum of 450Kbps for a 3G or 4G device up to 2.5Mbps for broadband (this information can be accessed via the NOWtv website, available in the public domain).
- If you assumed a scenario of 120 minutes for a football match with breaks that would imply a data usage range of 400MB to 3GB data per match, this

range was calculated by using the indicative usage values listed above and multiplied to cover a two-hour window.

4.2 Typical business usage

- This is difficult to put a range on because it depends on the types of activity and, for example, if emails included large attachments.
- Anything in the range 40MB-80MB per hour could be considered as reasonable for general email and web browsing on a mobile device. Leidos arrived at this data range by testing on a similar device under routine office usage.
- It is important to note that if any video calls were made, e.g. using Microsoft Teams, Zoom or FaceTime, data usage could be much greater. For example, Microsoft Teams uses 0.5Mbps – 1.5Mbps depending on the video quality and settings in the app. This would equate to 900MB – 2.7GB for a 30-minute video call.

4.3 Any other evidence

iPadOS includes a built-in Screen Time app which provides the amount of time spent using each installed app, by day. This could ordinarily be used to confirm which applications were used on the days in question, for example NOWtv or Sky Go.

However, if the iPad device was used via hotspot, meaning it was simply used as a router for other devices, then the Screen Time app would not have the ability to track the activity of the other devices.

The retention period for this data on the iPad is short, therefore even if the device had been used directly to stream any TV show, in this instance it would not be useful as the activity occurred so long ago.

Unfortunately, we have not identified any other potential evidence that we believe would assist you to any extent at this stage.

Correspondence with BT (EE)

From: Hegarty M (Michelle) [REDACTED]
Sent: 21 December 2023 18:13
To: [REDACTED]
Subject: CONFIDENTIAL : SPCB INVESTIGATION MICHAEL MATHESON
MSP DATA ROAMING CHARGES
Importance: High
Sensitivity: Private

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

Scottish Parliamentary Corporate Body Investigation of roaming charges incurred by Michael Matheson MSP 28 December 2022- 3 January 2023

I understand you will be aware from the significant media coverage of an issue regarding roaming charges of £10,935.74 incurred by Michael Matheson a Member of the Scottish Parliament whilst he was on holiday in Morocco between 28 December 2022 and 3 January 2023.

I am writing to you as lead official on the Scottish Parliamentary Corporate Body [SPCB] investigation into the data roaming charges incurred by Michael Matheson MSP during that period through the use of equipment provided by the SPCB to the Member of Parliament to support the conduct of his parliamentary duties and to make findings as to whether an improper claim was made under the Parliament's Reimbursement of Members' Expenses Scheme and whether the Member failed to abide by SPCB policies, including the policy on MSPs' use of resources.

As you will be aware from the billing information provided to the Scottish Parliament, and subsequently released under a Freedom of Information request [FOI], the Member incurred the data roaming charges on a parliamentary iPad via EE service provision, whilst in Morocco, between 28 December 2022 – 3 January 2023. I attach the statement the Member made to Parliament which sets out his explanation of how the data roaming charges were incurred [link below]. I have also attached the billing information for the relevant period released under FOI and now in the public domain [link below].

My primary focus is whether EE hold data which can evidence how the iPad was being used during this period and, if so, the extent to which the roaming charges were incurred for activity other than the conduct of parliamentary duties.

I would appreciate if you could provide the following information to assist the SPCB investigation. The relevant time period is the dates covered by the billing ie 28 December 2022 - 3 January 2023:

1. How would service access to the local provider in Morocco, and details of data roaming charges be notified via the iPad, frequency, under what circumstances and to whom?
2. Taking account of question 5, have you evidence which you can provide to the SPCB showing how these specific data roaming charges were alerted/notified in the relevant period under investigation to Mr Matheson?
3. Can you explain how an alert appears on an iPad for a customer?
4. We understand that in discussion with EE after the bill came in you confirmed that alerts had been sent to Mr Matheson – you explain messages were “received” and “accepted”. Can you explain what these terms mean in practice?
5. Can you explain the steps taken by EE with Parliament once the data roaming charges were incurred?
6. What information do you hold about the nature of the activities which incurred the data roaming charges that is relevant for my investigation, including any IP addresses and time stamps and what these demonstrate?
7. Having regard to the Member’s statement to the Scottish Parliament [attached] is there anything you would like to clarify/add from EE’s perspective?

Thank you for considering this request for further information, which will greatly assist the investigation process. As you may appreciate the investigation is being undertaken expeditiously so I would be most grateful to receive a response by 5th January 2024.

Yours sincerely

Michelle Hegarty, Deputy Chief Executive

<https://www.parliament.scot/chamber-and-committees/official-report/search-what-was-said-in-parliament/meeting-of-parliament-16-11-2023?meeting=15546&iob=132692#2133>

<https://www.parliament.scot/about/information-rights/foi-request-disclosure-log/2023-694207?ref=210>

Response

From: [Redacted]
Sent: 12 January 2024 10:16
To: Hegarty M (Michelle) [Redacted]
Subject: Response from BT Group - CONFIDENTIAL : SPCB INVESTIGATION MICHAEL MATHESON MSP DATA ROAMING CHARGES
Sensitivity: Private

Dear Michelle,

SPCB Investigation Michael Matheson MSP Data Roaming Charges – response from BT Group/ EE

With regard to your request for information from BT Group relating to this investigation, please find our response contained in the grid below.


[Redacted]

Please do come back to me if you think we can be of any further help.

Kind regards,

[Redacted]

Question from Scottish Parliament	EE response
My primary focus is whether EE hold data which can evidence how the iPad was being used during this period and, if so, the extent to which the roaming charges were incurred for activity other than the conduct of	EE is not in a position to be able to confirm if any iPad usage was for parliamentary or personal use.

<p>parliamentary duties.</p>	
<p>1. How would service access to the local provider in Morocco, and details of data roaming charges be notified via the iPad, frequency, under what circumstances and to whom?</p>	<p>We know that the SIM card was set for voice and data (which includes SMS) and had been since 2019. EE's logs (set out below) show that EE sent a cellular "Welcome SMS" text message alerting the customer's user that their SIM was roaming, together with the prices related to Morocco on 28 December 2022.</p> 
<p>2. Taking account of question 5, have you evidence which you can provide to the SPCB showing how these specific data roaming charges were alerted/notified in the relevant period under investigation to Mr Matheson?</p>	<p>The tariffs that would be applicable in Morocco would have been notified to the iPad user in accordance with our answer to Question 1.</p> <p>The specific data charges for the usage whilst the user was in Morocco were notified to the Scottish Parliament contract owner in accordance with our answer to Question 5.</p>

3. Can you explain how an alert appears on an iP for a customer?

The EE network delivers the Welcome SMS to the foreign network on which the user's iPad was registered on to.

The images below show how an alert appears on an iPad:

If the iPad had the following settings, Setting -> Messages -> Notifications -> Toggle On:




If the iPad had the following settings, Setting -> Messages -> Notifications -> -> Badges -> Toggle On:

Message will be deposited into the iMessage App with the badge number in red being incremented by 1 each time a new message is received



If the iPad had the following settings, Setting -> Messages -> Notifications -> -> Badges -> Toggle Off

Message will be deposited into the iMessage App, but without a badge number.

	
<p>4. We understand that in discussion with EE after the bill came in you confirmed that alerts had been sent to Mr Matheson – you explain messages were “received” and “accepted”. Can you explain what these terms mean in practice?</p>	<p>The terms "Received" and "Accepted" were used in the context of message transmission, indicating that the message has been successfully delivered to Mr Matheson’s iPad and acknowledged by the device. The message delivery logs associated with this are provided in our answer to Question 1.</p>
<p>5. Can you explain the steps taken by EE with Parliament once the data roaming charges were incurred?</p>	<p>On 5 January 2023, [REDACTED] at the Scottish Parliament had contacted EE to request that the tariff on Mr Matheson’s device be increased from 10gb to 20gb data. This was confirmed, and applied, by EE the same morning.</p> <p>On 6 January 2023, EE contacted [REDACTED] at the Scottish Parliament to flag that the user was accruing high charges originating in Morocco, as had been identified by the internal fraud team, and advised that the user should be alerted. EE asked [REDACTED] to confirm the number was still being used as part of that contract and whether they were aware of the usage.</p> <p>On 9 January 2023 (7.07am), [REDACTED] at the Scottish Parliament replied to confirm they were not aware the number was being used in Morocco and asked for a bar to be placed on the number until they could speak to the user. [REDACTED] at the Scottish Parliament asked for an explanation of the charges that were being applied. EE confirmed at 9.36am the same morning that the number would no longer have access to data internationally.</p> <p>Information on the charges was provided to [REDACTED] [REDACTED] at the Scottish Parliament on 23 January 2023, including the information from the log shared in answer to Q1. EE also notified [REDACTED] at the Scottish Parliament that we had become aware that roaming access</p>

	<p>had been reapplied to the account on 11 January 2023, via the Scottish Parliament’s web portal. We asked the Scottish Parliament to advise if they wished for this access to be removed again. The Scottish Parliament confirmed they wanted the number ceased on 7 February 2023.</p> <p>Following further queries from [REDACTED] at the Scottish Parliament on 23 February 23, EE outlined the reason for the charges and that they were legitimately accrued. As part of these responses, it was explained at the time that text messages to notify of roaming charges are received by iPads, via the text message app. This was not disputed further by the Scottish Parliament and the bill was paid.</p>
<p>6. What information do you hold about the nature of the activities which incurred the data roaming charges that is relevant for my investigation, including any IP addresses and time stamps and what these demonstrate?</p>	<p>EE no longer has access to this information as roaming networks only hold such information for four months from the time of the activity.</p>
<p>7. Having regard to the Member’s statement to the Scottish Parliament [attached] is there anything you would like to clarify/add from EE’s perspective?</p>	<p>Thank you for the opportunity to respond. We have nothing substantive to add.</p> <p>For clarity, the charges of concern here related to out of bundle charges that are charged in accordance with EE’s price list. The relevant contract for these services formally expired on 31 December 2021. After this date, the customer had been transferring its services to another provider, during which time EE continued to charge the customer in accordance with the pricing agreed under the expired contract.</p> <p>As the Member said in the statement to the Scottish Parliament; “I accept that the charges have come about as a result of my updating the SIM card in my iPad to that of the new contract provider.”</p> <p>We are not able to make any comment on the advice given to members about the importance of switching to a new SIM</p>

at the time of the contract being switched from EE to the new provider nor are we able to make any comment on whether those providing advice to the member regarding the use of his iPad overseas were aware as to whether or not the SIM had been switched. We do not know whether this would have made any difference to the charges accrued. This would need to be checked with the new contract provider.

EE has proactively made every effort to provide efficient and timely information to Scottish Parliament Corporate Body since these matters came to light to us. Should further information be required, we will endeavour to assist as best and as constructively as we can.

[Redacted]

M: [Redacted]
E: [Redacted]

Code of Conduct for Members of the Scottish Parliament

Relevant extracts:

SPCB Policies

7.3. Members must abide by the policies that are adopted by the Scottish Parliamentary Corporate Body (SPCB). These policies are set out in the library of policies created by the SPCB on the Scottish Parliament website.

[Read the policies for Members](#)

Expenses

7.4. No improper use should be made of any payment or allowance made to members for public purposes. Members must abide by the Reimbursement of Members' Expenses Scheme agreed by the Parliament.

Complaints

9.6(c) Complaints about a Member's use of the Reimbursement of Members' Expenses Scheme: these are to be referred to the Scottish Parliamentary Corporate Body (SPCB). Where, following an investigation (whether as a result of a complaint or claim submitted), the SPCB finds that a member has submitted an improper claim, the SPCB may report the matter to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the member's entitlement to reimbursement of expenses under the Scheme for such period and to such extent as the SPCB may specify.

9.6(e) Complaints about use of SPCB facilities and services and breaches of SPCB policies (which do not relate to conduct at a meeting of the Parliament or at a meeting of a committee): these are to be made to the SPCB. The SPCB may refer any complaint relating to the use of Parliamentary facilities and services and breaches of SPCB policies to the Standards, Procedures and Public Appointments Committee together with a recommendation for action.

Code of Conduct - Guidance

Complaints

Excluded complaints

49. Where an Excluded Complaint has been referred to the Standards, Procedures and Public Appointments Committee it will be dealt with in such

manner as the Standards, Procedures and Public Appointments Committee deems appropriate. The Standards, Procedures and Public Appointments Committee may refer such a complaint to the Commissioner for further investigation.

Sanctions in relation to a breach of the Reimbursement of Members' Expenses Scheme

65. Where the SPCB finds that a member has made improper use of an allowance the SPCB may report this to the Standards, Procedures and Public Appointments Committee. The Standards, Procedures and Public Appointments Committee may then recommend to the Parliament that any of the member's rights and privileges be withdrawn, including under the Reimbursement of Members' Expenses Scheme Resolution the removal of all or part of the member's allowances.

Reimbursement of Members' Expenses Scheme

Relevant extracts:

Section 1: General Rules

1.1 The Principles of the Scheme

1.1.1 In submitting a claim, a member shall:-

- (a) act in accordance with the Scheme Principles;
- (b) comply with the rules of the Scheme; and
- (c) have regard to any guidance issued by the SPCB under paragraph 1.2.2(c).

1.1.2 The Principles of the Scheme are:

Objectivity

- A member is entitled to reimbursement of expenses which have been incurred only for the purpose of carrying out parliamentary duties.
- A member shall not submit a claim unless the member is satisfied that the expenses represent value for money and were incurred having due regard to efficiency and effectiveness.

Accountability

- A member is personally accountable for a claim, even if the member delegates the administration of the claim to others.
- A member is entitled to reimbursement of expenses only if the claim is supported by receipts or other documentation confirming the expenditure, unless otherwise determined by the SPCB.

Openness

- A member shall be open and transparent as respects expenses claimed under the Scheme.

Integrity

- A member shall ensure that a claim is in compliance with the Scheme.
- A member shall not submit a claim which relates to party political activity and a member shall not enter into any arrangement which could give rise to a benefit to a party political organisation.

Selflessness

- A member shall ensure that any claim is submitted solely in respect of the performance of parliamentary duties and is not submitted in order to gain financial or other benefit for the member or any other person.

Honesty

- A claim shall be made in good faith.

Leadership

- In complying with the rules of the Scheme and the Scheme Principles, a member shall lead by example to strengthen public trust in the Scheme.

Equality

- All members have equal formal and legal status

1.1.3 The SPCB shall exercise its functions under the Scheme so as best to promote and achieve conformity with the Scheme Principles.

1.2 Administration of the Scheme

1.2.1 The Scheme is to be administered by the SPCB.

1.2.2 In exercising its functions under the Scheme, the SPCB may make such arrangements as it sees fit for administration of the Scheme and for determining any claims and may, in particular:-

- (a) prescribe the form and manner in which claims are submitted and the manner in which claims are verified;
- (b) on the submission of a claim by a member, reimburse expenses incurred by that member;
- (c) issue guidance to members on the operation of the Scheme;
- (d) prescribe time limits for the submission of claims and determine the consequences of failure to comply with any such time limits; and
- (e) do anything else which the SPCB considers necessary or expedient in connection with the administration of the Scheme.

1.2.3 In determining any matter under the Scheme the SPCB shall, in particular, consider whether a member has had regard to guidance issued under paragraph 1.2.2(c).

1.2.4 For each financial year the SPCB shall uprate the various limits on expenses or costs which can be reimbursed under the Scheme, having regard to such indices as the SPCB considers appropriate. Any such uprating shall also be applied to the limit on the amount by which Members may vary their office cost and engagement provisions up or down subject to the overall agreed combined annual limit, as set out in paragraph 4.3.1 and 5.1.3. Such increases shall apply from 1 April in any financial year.

1.2.5 The limits on the reimbursement of accommodation costs under paragraph 2.1.7, staff salary costs under paragraph 3.2.1 and office costs under paragraphs 4.2.3 and 4.2.4 shall be rounded up to the nearest £100 at each uprating under paragraph 1.2.4.

1.2.6 The SPCB may at any time review the limits on the reimbursement of office costs under paragraphs 4.2.3, 4.2.4 and 4.2.7 and may, following such a review, apply such variation to those limits as it considers appropriate. Any such variation shall apply from 1 April in any financial year.

1.2.7 Where any changes are enacted in respect of constituencies or regions following a review by the Boundary Commission for Scotland, the SPCB may amend such references to constituencies and regions in this Scheme as it considers necessary to give effect to those changes.

1.3 Publication of Expenses

1.3.1 The SPCB shall publish information on expenses reimbursed to members under the Scheme in such form and at such intervals as the SPCB may determine.

1.4 Submission of claims and verification of expenditure

1.4.1 Where a member is entitled to reimbursement of expenses or costs under the Scheme, the member shall complete and authenticate any form or other documentation provided or required by the SPCB.

1.4.2 Where a member is required to apply to the SPCB for reimbursement of any expenses or costs under the Scheme:-

- (a) in advance of incurring any such expenses or costs, a member shall submit an application to the SPCB for approval of such expenses or costs in such form as the SPCB may require;
- (b) the SPCB may grant its approval for reimbursement of such expenses or costs to such extent as it considers appropriate; and
- (c) following such approval and once any such expenses or costs have been incurred by the member, the member shall complete and authenticate any form or other documentation provided or required by the SPCB and the SPCB shall reimburse such expenses or costs to the extent previously approved by it (or to the extent of expenses or costs actually incurred if that amount is less).

1.4.3 Subject to paragraph 1.4.4, the SPCB shall reimburse expenses or costs under this Scheme only on production of evidence of such expenses or costs in the form of supporting invoices or receipts or such other documentation as the SPCB may determine from time to time.

1.4.4 A member is not required to provide supporting invoices and receipts for the reimbursement of the cost of travel undertaken in the performance of, or in support of, the member's parliamentary duties:-

- (a) in respect of a claim for an amount per mile for a journey, or part of a journey, by motor vehicle (excluding a hired motor vehicle), motor cycle, or bicycle; or
- (b) in such other exceptional circumstances as the SPCB may determine.

1.4.5 The SPCB may determine that in certain circumstances a member shall provide written justification for the use of a taxi. The SPCB shall reimburse a member for taxi costs only to the extent that it is satisfied with the justification provided.

1.5 Review of decisions and improper claims

1.5.1 Where a member disputes a decision either not to reimburse expenses or costs or not to approve expenses or costs for reimbursement, the SPCB may review that decision. Any decision of the SPCB on review is final and it shall intimate the result of that review to the member.

1.5.2 The SPCB may investigate any claim. Where, following such an investigation, the SPCB finds that a member has submitted an improper claim, the SPCB may report to the Standards, Procedures and Public Appointments Committee and may recommend the removal of all or part of the member's entitlement to reimbursement of expenses under this Scheme for such period and to such extent as the SPCB may specify.

Section 4: Office costs

4.1 Introduction

4.1.1 A member is entitled to reimbursement of office costs reasonably incurred in the leasing and running of a local parliamentary office in the performance of the member's parliamentary duties, in so far as not available from the SPCB by way of central provision.

4.1.2 Office costs relate solely to the actual costs of having and running a local parliamentary office and include, but are not limited to:

- (a) the cost of establishing and running a local parliamentary office, such as leasing and utility costs
- (b) the purchase or lease of office furniture or equipment (including IT, telephony or photocopying equipment where such equipment is not provided centrally)
- (c) the cost of telecommunications
- (d) the cost of annual subscriptions, office related services and insurances
- (e) the cost of overnight accommodation for a member of staff, a volunteer or intern when the member of staff, volunteer or intern is required to accompany a member for the purpose of assisting the member in the performance of parliamentary duties
- (f) the fees for a member attending a seminar or conference; and
- (g) any other costs which are ancillary to those specified in sub-paragraphs (a) to (f) above.

Section 10: Definitions

10.1.1 The following definitions apply to the Scheme:

“claim” means a claim or application under the Scheme for reimbursement of expenses or costs

“improper claim” means a claim in respect of expenses or costs which have either not in fact been incurred or have not been incurred for a purpose permitted by the Scheme

"parliamentary duties" means any task or function which a member could reasonably be expected to carry out in that member's capacity as a member, including but not limited to:

- (a) attending a meeting of the Parliament
- (b) attending a meeting of a committee or sub-committee of the Parliament on which the member sits or which the member is required to attend, or attending such a meeting for some other valid reason relating only to the business of the committee or sub-committee
- (c) undertaking research or administrative functions which relate directly to, or are in connection with, the business of the Parliament
- (d) attending meetings for the purpose of representing electors or explaining the application of policy or meeting a member of the public residing in the constituency or region from which that member was returned
- (e) attending parliamentary party group meetings in Edinburgh or, with the prior approval of the SPCB, any other place in Scotland
- (f) attending a meeting, ceremony or official function which relates directly to, or is in connection with, the business of the Parliament
- (g) attending an international conference which relates directly to, or is in connection with, the business of the Parliament with the prior approval of the SPCB but does not include a member's activities which are in relation to that member's role as a party spokesperson or representative.

“reimbursement” means either a payment by the SPCB to a member in respect of an expense or cost incurred by that member, or a payment made by the SPCB on behalf of a member either to a third party to whom that member has an obligation to make payment or to a member of staff to whom that member has requested that payment be made.

“Scheme” or “the Scheme” means the Reimbursement of Members' Expenses Scheme

“Scheme Principles” means the principles in paragraph 1.1.2

“SPCB” means the Scottish Parliamentary Corporate Body

Reimbursement of Members' Expenses Scheme - Guidance

Principles of the Scheme

1.3. In submitting a claim for reimbursement or in using a corporate payment card, where one is provided, a Member must act in accordance with the principles laid out in the Reimbursement of Members' Expenses Scheme and comply with the rules of the Scheme. This includes following any guidance issued by the SPCB on the Scheme.

1.4. The principles of the Scheme are covered in Section 1 of the General Rules to the Scheme

Enforcement

1.5 The SPCB is responsible for ensuring that the Scheme is administered in line with the Scheme Principles. The SPCB is responsible for issuing and making any changes to the guidance on the operation of the Scheme.

1.6 The Allowances Office will be responsible for administering and advising on the Reimbursement of Members' Expenses Scheme on behalf of the SPCB. To find out more information about who the Allowances Office are see their office pages here.

1.7. Where a Member disputes a decision either not to reimburse expenses or costs or not to approve expenses or costs for reimbursement, the SPCB may review that decision. Any decision of the SPCB on review is final and it shall let the Member know of its decision as soon as possible.

1.8. The SPCB has the power to investigate any claim for reimbursement of expenses or use of a corporate payment card. Where, following such an investigation, the SPCB finds that a Member has submitted an improper claim (that is a claim which was for expenses which have not been incurred or which have been incurred for a purpose not permitted by the Scheme), or where there has been improper use of a corporate payment card, the SPCB may report to the Standards, Procedures and Public Appointments Committee and can make a recommendation as to any action which should be taken. This could be the removal of all or part of the Member's entitlement to reimbursement of expenses under this Scheme. The SPCB can make recommendations on both the extent and length of time this would apply.

Parliamentary duties

1.10. A Member is entitled to reimbursement of expenses in connection with the undertaking of parliamentary duties. This is stated clearly as one of the Principles of the Scheme. The meaning of parliamentary duties is any task or

function which a Member could reasonably be expected to carry out in his or her capacity as a Member. This includes but is not limited to:-

- Attending a meeting of Parliament.
- Attending a meeting of a committee or sub-committee of the Parliament on which the Member sits or which the Member is required to attend or attending such a meeting for some other valid reason relating only to the business of the committee or sub-committee.
- Undertaking research or administrative functions which relate directly to, or are in connection with, the business of the Parliament.
- Attending meetings for the purpose of representing electors or explaining the application of policy or meeting a member of the public residing in the constituency or region from which that Member was returned.
- Attending parliamentary party group meetings in Edinburgh or, with the approval of the SPCB, any other place in Scotland.
- Attending a meeting, ceremony or official function which relates directly to, or is in connection with, the business of the Parliament.
- Attending an international conference which relates directly to, or is in connection with, the business of the Parliament with prior approval of the SPCB.

1.11. Expenses cannot be reimbursed in relation to a Member's activities that relate to a Member's role as a party spokesperson or representative or in relation to the Member's membership of a cross-party group other than travel or overnight accommodation costs for the Member associated with the work of that cross-party group, for example when carrying out a visit for research purposes.

Publication of Annual Expenses

1.20. Section 83 of the Scotland Act 1998 requires the Parliament to ensure that the information regarding the sums paid in expenses is published for each financial year. Members will be aware that the SPCB publishes information on Members' expenses on a quarterly basis.

Detail

1.21. The detail of information published on expenses is determined by the Scottish Parliamentary Corporate Body in line with Rule 1.3 of the Reimbursement of Members' Expenses Scheme. Information to be published will cover the following headings:-

- Accommodation costs.
- Office costs.
- Staffing costs.
- Engagement costs.
- Travel costs.
- Other costs (including exceptional expenses, interpretation and translation costs, incidental and ancillary employment costs and winding up costs).

How to claim

2.1. There are different ways for expenses to be reimbursed under the Members' Expenses Scheme. You can:

- pay the costs upfront and reclaim the monies by completing and submitting a claim with the appropriate receipts through the travel and expenses system;
 - submit an invoice through the travel and expenses system for payment direct to the supplier;
 - set up, in conjunction with the Allowances Office, a direct debit or scheduled payment for telecoms, utilities and rent costs;
 - purchase through a central Parliament contract with a subsequent recharge to your cost centre, for example catering, stationery and taxis; or
 - By using a corporate payment card, if one has been provided by the SPCB.
- For payment of staff salary costs see section 5 of this guidance

Mobile Devices and Phones

8.47 Members are entitled to 4 mobile devices provided and funded by BIT, including 2 mobile phone numbers.

8.48 Items beyond the 4 mobile devices which are funded through the Members' Expenses Scheme can still be obtained through the Parliament corporate contract. Members can use this contract to obtain a mobile phone and any required accessories. Details of the models of phones available and prices can be obtained from the BIT engagement desk in the Holyrood campus or requested via emailing the ITHelpdesk@parliament.scot.

8.49 For further information on the service provided by BIT, such as help in setting up your local office and broadband as well as casework systems and cyber security, you can access the Members' Services catalogue - BIT Services

Use of Parliamentary Resources Policy

Parliamentary resources are provided by the Scottish Parliamentary Corporate Body to support MSPs' in undertaking their parliamentary duties and include items such as office equipment and furniture, IT and mail systems, meeting rooms and the [Reimbursement of Members' Expenses Scheme](#). It also includes [financial assistance to non-Scottish Government parties](#). These resources are provided by the SPCB to support MSPs with their parliamentary duties and must not be used to any significant extent for any other purpose including any party political purpose.

The SPCB appreciates there can sometimes be a fine line between something that is parliamentary and party political and Members have to use their judgement accordingly. Where there is any doubt, MSPs are encouraged to seek advice from the contact points provided in the various policies and guidance.

IT hardware – Conditions of use

1. Scope – Mobile devices, associated equipment and software are supplied to Members, Members' staff and SPS staff in support of Parliamentary duties and should be cared for appropriately.

1.1. All equipment supplied by Business IT remains the property of the SPCB.

1.2. This document is intended for Members of the Scottish Parliament, their staff, SPS staff and contractors.

1.3. Term definitions:

- 'these devices' refers to the mobile device(s) that is being issued to you
- 'iOS device' refers to either an iPhone or an iPad
- 'Corporate Container' refers to the AirWatch applications installed on your device(s) and the data contained within them (Secure Content Locker).

2. Intended use of device – Mobile devices are provided for the carrying out of Parliamentary business by authorised individuals. You are responsible for the device at all times, and you will be deemed accountable for all activity undertaken on, or from, your device. This will apply even if you have granted another Parliamentary user permission to use the device.

2.1. You should not allow any other users access your corporate information on the device (specifically the corporate container) apart from authorised BIT support staff.

3. Care of the device – You must care for, and use, the devices supplied in a responsible manner. Breakages, damage or loss of the equipment should be reported to the IT Helpdesk on 0131 34 86100 as soon as possible.

3.1. The mobile device must be kept physically secure and in good condition. If cared for appropriately, the mobile devices available from Business IT are expected to meet the published refresh cycle agreed by SPCB.

4. Data Integrity, Encryption and Backups

4.1. Where it is available, encryption is used to protect the data stored on these devices; however, you should not store any sensitive, private or restricted data on your device. On laptops, encrypting the data stored on the device is done by BIT. On other devices however, including iOS, you may need to configure this yourself. AirWatch will encrypt all data held within the AirWatch applications. If you need assistance with this, please contact the IT Helpdesk.

4.2. You are responsible for the backup and protection of any personal data or corporate data stored outside AirWatch that is stored on these devices or associated removable media.

4.3. iCloud Backup – On iOS devices, iCloud backup should be configured to automatically backup your content to the device and should always be enabled. If more iCloud storage is required, this should be arranged through your group head.

5. Using the device – You will be given basic training when these devices are given to you; however, should you have any concerns, please call the IT Helpdesk or visit the Engagement Desk.

5.1. It is required that you set up an Apple ID for iOS devices. BIT recommend using your parliamentary email address for this, as it makes it easier to recover a lost password if the situation ever arises. • BIT cannot offer support if you forget your Apple ID password. The Apple ID service is a service offered by Apple and BIT cannot support this in any way.

5.2. iTunes – iTunes is not permitted on any Parliamentary PC due to the security and legal compliance requirements of our network. Should you wish to use iTunes on a personal computer, BIT can accept no responsibility for the installation, configuration or data that iTunes stores.

- Any iOS device backups made through iTunes must be encrypted with a secure password.

6. Security – Any passcode required to log into the device must be kept secret. You must not write it down or pass it to others.

6.1. You are reminded that sensitive data should not be stored outside of the corporate container on the device, other than in line with Off Network Data Handling Policy and should be removed as soon as possible. If any data is stored on the device, you should ensure that an appropriate backup is kept.

6.2. You should ensure that Business IT supplied devices are kept secure and are not left unattended.

6.3. Tablets and Smartphones specific security points

- All tablets and smartphones must be secured with a four (4) digit numeric passcode as a minimum. You can increase this to a longer alphanumeric passcode if you wish.
- The passcode may not be removed at any time, as it stops unauthorised users from gaining access to Parliamentary data.
- The device will be configured to automatically lock after five minutes of inactivity. You may change this if you like but are strongly encouraged to not change this for security reasons.
- If an incorrect passcode is entered 10 times, the device will be wiped (including all corporate and personal data). In this situation, you should contact IT Helpdesk as soon as possible. This setting for number of failed attempts should not be changed.

- Find my iPad / iPhone will be enabled by default on all iOS devices. This setting should remain unchanged as it allows us to find your device in the event of it being lost or stolen.

7. Remote Device Management – BIT makes use of technologies that allow us to configure certain applications on your mobile device. This does not apply to laptops.

7.1. BIT reserves the right to:

- remotely configure, install, delete and manage Parliament supplied applications on your device;
- remotely configure and manage your device's usage statistics and logs;
- remotely wipe your device in special circumstances.

7.2. You may not remove any configuration settings we add to your device regarding device or application management as this may prevent the device from being able to access parliament resources.

8. Loss or Theft – In the event that a device is lost or stolen, please follow the procedure outlined below.

8.1. Inform the police and obtain a reference number.

8.2. As soon as possible after the event, inform the IT Helpdesk on 0131 34 86100.

8.3. Complete a Theft / Damage / Accounting Loss Form which can be found under Finance Resources on the Intranet.

8.4. BIT will remotely wipe your device to protect parliamentary resources. This will also remove all personal content from the device. This will only work if the device has a data connection.

9. Support – All issues should be reported to the BIT Helpdesk on 0131 34 86100 as soon as possible. Every effort will be made to resolve issues by telephone, however it may be necessary to return the device to Business IT for investigation or repair.

9.1. With iOS devices specifically, it is difficult to diagnose certain issues, so a full system restore is often required. For this reason, please ensure you always keep your iCloud backup up to date in case we need to restore or replace your device.

9.2. It is the responsibility of the user to keep their device up to date with the latest version of iOS. Updated versions of iOS tend to be released to fix security vulnerabilities, but occasionally an update is made available that adds new features for users. BIT suggest waiting for a couple of weeks from when an update is made available to allow us to ensure there are no major issues with the release. This advice should be followed unless otherwise directed by a BIT member of staff.

9.3. All applications, whether they were recommended by BIT or not, will be supported on a 'best endeavours' basis. If your device is running an older version of iOS, we would suggest updating this first before contacting the IT helpdesk.

10. Additional Hardware / Software

10.1. Laptops – Business IT issued laptops are provided with the same standard software as Parliamentary desktop PCs. If you have additional software requirements, you should discuss these with BIT, and submit a Work Request detailing the requirement and business case. Software installation will only be undertaken by BIT and you should not install or attempt to install any software yourself. Software which has not been validated by BIT is not permitted on any BIT supplied laptop.

10.2. Tablets & Smartphones – Given the variety of applications that are available for tablets and smartphones, these devices are provided out of the box and additional applications can be downloaded by you from the appropriate application store. BIT will not fund these applications, but they may be claimed back as expenses in the usual fashion.

- As with the device operating system, it is the user's responsibility to keep their applications up to date.

10.3. If additional hardware accessories are required, a work request should be submitted to BIT.

11. Data Usage

11.1. Although BIT pays for data usage on cellular devices, it should be used sensibly and for business use only. Potential misuse will be reported to your head of Office.

11.2. Any SIM card provided with a mobile device must not be moved to another mobile device without the knowledge and express permission of BIT.

12. Return – If you no longer need your mobile device, please contact the BIT Helpdesk who will be happy to facilitate the return of the device and associated equipment and the subsequent data cleansing exercise. You will receive a receipt from BIT for your records confirming the return of your device.

12.1. iOS Device Return – Before returning a BIT issued iOS device you are responsible for:

- Disabling Find my iPad / iPhone. You can do this by going to Settings > iCloud >. Turn Find my iPad / iPhone off. We need you to do this as this requires your Apple ID password, and if this service is not removed before wiping the device then we cannot reuse the device with another user.
- Disabling iMessage & Facetime Services. You can do this by going to Settings > Messages > Turn iMessage off and also Settings > FaceTime >

Turn FaceTime off. Without performing this step, if your phone number gets put on a different phone you may not receive text messages.

13. Associated Policies and Documentation

13.1. Policy on the Use the Internet, E-mail and Other Business Communications Systems (SPS and some MSP Staff only)

13.2. Members' Expenses Scheme (Members only) 13.3. Home Working Arrangements (SPS Only)

13.4. DSE (Display Screen Equipment) Assessment

Timeline A - Evidence relating to mobile contract switchover and travelling abroad requirements

12 Feb 2021	Business Information Technology (BIT) email requesting MM visit the Engagement Desk to replace EE SIM card in iPad with new Vodafone SIM card
5 October 2021	Mr Matheson confirms he was emailed by BIT to replace the SIM in his iPad.
2 December 2021	BIT Office emailed Mr Matheson requesting him to visit the engagement desk at the Parliament to replace his EE SIM card in his iPad with a new Vodafone SIM card.
28 June 2022 [similar email records for previous years show approach was standard]	Email to all parliamentary device users travelling outside European Roaming Zones to contact the Helpdesk so that an appropriate bundle could be applied. Users were advised that failure to do so could result in expensive out of tariff charges.–

Timeline B - Evidence relating to contact between Mr Matheson and BIT in the relevant period and subsequent point at which levels of data roaming were notified

<p>28 December 2022</p>	<p>Mr Matheson emailed the BIT Helpdesk regarding no data on his phone (incident number [REDACTED]) while in Morocco. The Helpdesk checks with Vodafone and confirmed all is correct with the set up. The Helpdesk calls Mr Matheson back with the advice to remove his SIM and replace it in the phone to force a manual roam. The Helpdesk also suggests verbally to purchase a local SIM to use on phone.</p>
<p>28 December 2022</p>	<p>EE alerts were sent to Mr Matheson’s iPad as follows –</p> <p>SMS 28/12/2022 08:37:14 “You have started to use data. You have no usage cap and data is charged up to [REDACTED]”</p> <p>SMS 28/12/2022 08:36:49 “Welcome to Morocco. Whilst in this country you will be charged up to [REDACTED] for calls up to 50p/SMS and for data you will be charged no more than [REDACTED]. For more information on your plan please call 158”</p>
<p>3 January</p>	<p>Member travels back to Scotland from Morocco</p>
<p>6 January 2023</p>	<p>EE Fraud Team contacts the Scottish Parliament [REDACTED] regarding significant cost incurred in Morocco by an iPad belonging to Mr Matheson (£7,369.69 of data between 30/12/2022 and 04/01/2023)</p> <p>[REDACTED] for EE contacts the Scottish Parliament</p>

	<p>██████████ to inform and check that the iPad is still in the user's possession</p>
<p>9 January 2023</p>	<p>9 January 2023 – ██████████ emails Mr Matheson to inform him that the EE Fraud Team had been in touch and there is about £7K of charges. Mr Matheson was asked to confirm if he still had the iPad in his possession and any information on charges. He was asked to attend the Engagement Desk to replace the EE SIM with a Vodafone SIM in his iPad next time he was in the Parliament. He was also reminded to inform the Helpdesk in advance of travel abroad to take steps to adjust tariff to a cost effective one, any usage not related to Scottish Parliament business will need to be covered by individual.</p>
<p>9 January 2023</p>	<p>██████████ contacts EE to ask for clarification of charges.</p>
<p>9 January 2023</p>	<p>██████████ requests a bar on the number until it is known iPad hasn't been stolen.</p>
<p>9 January 2023</p>	<p>Mr Matheson confirmed that the iPad was still in his possession and that he was in Morocco between 27th December 2022 and 3rd January 2023. Mr Matheson advised he did not know how so much data was used; and that he had contacted the Helpdesk when he was in Morocco as he could not access any data on phone and had to use iPad hotspot to access phone emails and used Wi-Fi when available; Mr Matheson was surprised that there was no form of cap and had not experienced this on prior overseas trips using the iPad.</p>

Response from Mr Matheson to invitation from David McGill, Clerk/Chief Executive, to provide evidence

I understand that I am invited to provide a response to the matters under investigation and, at this stage, to provide any written comments or information which I consider relevant to the SPCB's consideration of the matters.

The matters under investigation are those set out in the letter dated 5th December 2023 from David McGill, Chief Executive as follows:

'On 16 November 2023 you made a personal statement to Parliament regarding data roaming charges incurred between 28 December 2022 and 3 January 2023 through the use of equipment the SPCB provided to you to support the conduct of your parliamentary duties Meeting of the Parliament: 16/11/2023 | Scottish Parliament Website.

The SPCB has received 3 "Excluded complaints" in relation to the subject matter of your statement to Parliament. The SPCB hereby notifies you that it will start an investigation of them in line with the Code.

The complaints received are set out in Annex 1 to this letter. Applying paragraphs 9.6 (c) and (e) of the Code, the scope of the SPCB's investigation is therefore –

Data roaming charges having been incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP ("the Member") to support the conduct of the Member's parliamentary duties, to investigate and make findings as to whether:

(a) an improper claim was made by the Member in respect of the charges (or any part of them) within the terms of the Reimbursement of Members' Expenses Scheme; and

(b) the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs, including the policy on MSPs: use of parliamentary resources. The investigation process is outlined in the undernote below.'

Overview and preliminary remarks.

I have noted that the Appendix to the letter contains several complaints raised by members of the public. I entirely respect the rights of those individuals to lodge complaints or concerns about me given the level of public expenditure involved. It is not my intention to go over the detail of each of those complaints, some of which do not appear to reflect the factual circumstances (I mean no criticism of the individuals concerned), but I do intend to address the principles behind those concerns which are helpfully summarised by Mr McGill's letters.

If you wish me to address the individual letters, I shall be happy to do so although my reading of your letter is that I don't require to.

I must stress, however, that at no stage did I act with the intention of obtaining any personal or financial gain from the public purse. I also agree wholeheartedly that as Parliamentarians, we should uphold the 7 principles of public life of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

In my 24 years of being a Member of the Scottish Parliament, I have never made an excessive expenses claim. I have served my constituents with pride and I have always faithfully observed my duties not just as a Parliamentarian over that period but as a Minister too.

I deeply regret what has happened in this instance and I hope that my statement to Parliament and that this letter can provide context and factual background and satisfies you that I did not act maliciously.

I have therefore focused this response on the issues raised by your letter, namely:

Data roaming charges having been incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP ("the Member") to support the conduct of the Member's parliamentary duties, to investigate and make findings as to whether:
(a) an improper claim was made by the Member in respect of the charges (or any part of them) within the terms of the Reimbursement of Members' Expenses Scheme; and
(b) the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs, including the policy on MSPs: use of parliamentary resources. The investigation process is outlined in the undernote below.'

Chronology.

On the 27th of December I travelled to Morocco with my family – my wife and two teenage boys. Shortly after arriving it became apparent that my mobile phone was not working as it appeared to have no data. However, when I arrived at our hotel, I found that my Parliamentary iPad was working.

On the 28th of December I emailed IT helpdesk at 9.22am to advise them that I was out of the country, in Morocco, and that my phone wasn't operating. I recognise that I should have advised IT that I was taking two Parliamentary devices with me overseas. This was my mistake which I fully recognise should have been addressed before traveling. However, IT were informed the morning after I arrived that I had the two devices with me in Morocco.

I was then called by IT helpdesk, and I explained that my phone was not operating but that my iPad was working. I was advised by IT that my phone should work in Morocco, and after attempts to get it operating IT stated they would contact the network provider to see what the problem was. IT then called me again to say that the network provider advised that my data package was suitable for use in Morocco.

I was told to remove and replace the SIM card from my phone, as the problem might be a fault with the SIM card. Nothing in the discussions I had with IT led me to believe that there was any risk in using my iPad while in Morocco, particularly given that they were aware that I had my iPad with me and that it was operating.

I am aware that Parliament issued a statement to the press on Thursday the 9th of November 2023 stating – *‘The investigation also confirmed that Mr Matheson had not updated his i-pad’s sim card to the new provider as required, or notified the IT office before travelling, so that the appropriate roaming package could be applied.’*

However, following my personal statement in Parliament on Thursday 16th November parliament issued the following statement –

‘Mr Matheson contacted the IT Helpdesk on 28 Dec to say his phone wasn’t working. “Our records show the focus of the call was on trying to get his phone working. It was working for calls but not data.

“Our IT staff spoke to Vodaphone to try to resolve it. He was advised to try removing and reinserting the sim, but we weren’t able to get the phone working. “Our records don’t show any discussion of his ipad.”

For a full week I believe the Parliament’s press statement created the impression that they had no knowledge of me being in Morocco, given I contacted them shortly after arriving. Whilst I accept that I should have contacted IT in advance of traveling, it’s unclear why an appropriate data package could not have been applied to my phone and iPad once I had contacted them. I am not aware of what record is held by IT regarding my two-telephone discussion, however I am clear I made them aware that my iPad was working. It wouldn’t make sense not to tell them my iPad was working given the problems I was having with my phone.

IT had been unable to resolve the problem with my phone and I used the hotspot from the iPad in order to get data for my phone. This would ensure that I still had telephone connectivity while out and travelling. I should stress that my sole concern was to ensure that I was still had access to my emails and any emerging media issues I needed to be aware of in case I was required to do anything while abroad. The only reason that I needed to ensure my phone received emails was for me to fulfil my Parliamentary duties. Where I could use Wi-Fi I would in order to avoid any costs associated with data roaming charges.

I acknowledge that I am not technically proficient with issues that arise when electronic devices are not working, and [REDACTED] assisted in setting up the hotspot between my phone and the iPad. It should be noted that the iPad is password protected and unlike my lap top it does not operate via the parliamentary network and access to emails is also protected.

Additionally, I was not aware of incurring data roaming charges via my iPad. I note that the Parliament also challenged EE on the late notification of such charges being accrued. Given the costs being incurred it would seem reasonable that the network provider should have been more proactive in contacting IT to notify them of the costs starting to be incurred given that they were clearly well beyond the normal pattern of use. I am aware that EE have advised that two SMS messages were sent to my iPad

advising of charges associated with roaming, however my iPad has no record of any messages in relation to this. Had I been aware of charges being incurred or that I was at risk of running up high charges I would have ensured that this would have been avoided. I have never been frivolous with my parliamentary resources during my 24 years in parliament (I have never transgressed any allowances rules and I have also managed my constituency office cost very carefully) and I would never have knowingly allowed a cost of this nature to have been generated.

I returned home without knowing of any excessive charges. I understood that the only charges would have been the minimal charges for my Parliamentary use. I was contacted by [REDACTED], BIT on the 9th of January 2023 by email, advising that EE had informed them that my iPad had generated charges of £7,369 while in Morocco. I responded on the same day explaining that I was unaware that it had used so much data and informed [REDACTED] of the issues with my phone and that I had been in contact with IT helpdesk. I also explained that I always used Wi-Fi when I could and that I was surprised that it did not have some form of cost cap on the iPad to prevent this from happening.

[REDACTED] then emailed me on the 10th of January 2023 to advise that the data use was more consistent with streaming media. I responded to this explaining that I had no knowledge of the data being used for anything other than for Parliamentary purposes. It was also brought to my attention that the iPad had an outdated SIM card that need to be replaced. As I had been hotspotting using the iPad, I assumed that this had generated the costs. Technology is complicated and although to some people it might be straightforward, I do acknowledge that hotspots, streaming and the volume of data involved is not intuitive to myself.

At this point I also discussed the cost generated with [REDACTED]
[REDACTED]. In hindsight I should have pressed this issue harder but accepted what was stated to me at the time.

I do accept that the iPad had been operating with an outdated SIM card. I have reviewed the notifications from BIT on this and to the best of my knowledge they are as follows. On the 12th of February 2021, I was emailed by BIT to request that I bring in my iPad to have the SIM replaced due to the contract moving from EE to Vodafone. I was then emailed approximately 8 months later the 5th of October 2021 making the same request and I was then emailed on the 2nd of December 2021 looking to arrange a date for the iPad to be brought into the engagement desk.

I was then emailed by BIT on the 3rd of February 2022 to be informed that I had a Parliament iPhone that required to have the SIM card replaced. There was no mention of my parliamentary iPad. BIT posted a SIM card to my home and the iPhone was transferred to the Vodafone network on the 21st of February 2022 without any difficulty. I have no record of being contacted again by BIT or any further communication regarding the iPad SIM card needing to be replaced throughout 2022. The next time it was mentioned was on the 9th of January 2023, when the data roaming charges were highlighted. As you will note, 13 months have elapsed before BIT highlighted that I still had an outdated SIM card.

I was then notified by [REDACTED] on the 7th of February 2023 that the final bill from EE was £10,941. As the only use of my iPad had been for parliamentary purposes and given EE could not provide a break down on how the data had been used – something which the Parliament asked for – in the absence of a clear explanation, I was not clear how a significant cost had been incurred other than it being due to the outdated SIM card connecting into the mobile network in Morocco and high data roaming charges associated with this. Given the cost to BIT I thought it appropriate to assist BIT in meeting these costs and I offered to contribute from my office allowances towards the costs. It was agreed with allowances that I could transfer £3000 of my office allowances across to BIT to assist with the costs. I never have and never would allow any of my office allowance to be used to meet inappropriate personal costs. I have always abided by the rules set out in the Reimbursement of Members Expenses Scheme. I have a history of long standing service to the parliament and there has never been any question or concern over my expenses.

Following publication of members allowance at the beginning of November 2023, media interest developed in the budget transfer I had made to assist in meeting the BIT cost associated with the iPad data.

On Thursday the 9th of November 2023 [REDACTED]
[REDACTED]
[REDACTED]. This was the first I knew of data being used by anyone else. I clarified exactly what the data had been used for and as I explained in my personal statement it was to watch football matches. They had set up a hotspot between the iPad and their own device.

The iPad and its data usage are my responsibility, and this led to my immediate decision to reimburse the parliament for the full cost as data had been used for personal purposes without my knowledge.

I contact David McGill the next day to advise him that I would be reimbursing the parliament for the full costs and that I would be issuing a statement at 5PM to explain my decision. In the statement I made no reference to the use of data by my family.

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Following the parliament's publication of the EE data bill on Wednesday 15th of November 2023, it was clear that I would need to explain in more detail the usage of the data [REDACTED]. That evening I made a request to the Presiding Officer to make a Personal Statement to Parliament on Thursday 16th of November 2023.

Responses to the matters raised.

Data roaming charges having been incurred between 28 December 2022 and 3 January 2023 through the use of equipment provided by the SPCB to Michael Matheson MSP ("the Member") to support the conduct of the Member's parliamentary duties, to investigate and make findings as to whether:

(a) an improper claim was made by the Member in respect of the charges (or any part of them) within the terms of the Reimbursement of Members' Expenses Scheme; and
(b) the Member failed to abide by the policies adopted by the SPCB as required by Section 7.3 of the Code of Conduct for MSPs, including the policy on MSPs: use of parliamentary resources. The investigation process is outlined in the undernote below.'

I accept entirely that data roaming charges were incurred between 28 of December 2022 and 3 January of 2023 using equipment provided to me by the SPCB to support my parliamentary duties. I was unaware of the excessive charges at the time and had I known that they were being incurred, I would have stopped that happening immediately. I hope that my history of very limited use of data at very limited cost to the Parliament is evidence of that.

When it became clear that the costs had been incurred (due to the outdated SIM card and high data roaming charges associated with it) I sought to assist BIT in meeting these costs by transferring some of my office allowances.

When it became clear how the cost had been incurred, I immediately took steps to reimburse the costs in full from my personal funds (which included the reimbursement of the £3000 paid in March 2023). I would emphasis again that there has never been until this matter in my whole Parliamentary career any question or concern over my expenses.

Furthermore, I made a statement to Parliament (attached) and I asked the SPCB to consider investigating the matter. While I understand that there is no mechanism for member to self-refer in this way, I welcome this investigation and I wish to co-operate fully.

I will leave the SPCB to determine the competence of the referral under the 'Reimbursement of Members' Expenses Scheme', although I do not believe that I made a claim for reimbursement of expenses. The payment is made automatically by SPCB and so I do not understand this to be an improper claim in the sense that I never made a claim for reimbursement of the sums involved.

I absolutely do accept that an excluded complaint can look into a complaint about the use of Parliamentary facilities, resources and services that this complaint falls under this category. In response, I hope that the above explanation satisfies you that:

- (a) The costs have been fully reimbursed and the public purse is not out of pocket.
- (b) I reimbursed the costs in full as soon as I was aware of what had occurred.
- (c) Given the limits of my technical knowledge, my genuine belief at the time was that the charges related to an outdated SIM card and associated high data roaming charges, but not in relation to personal use.
- (d) My whole time as an MSP, which spans the life of the Holyrood Parliament has never seen me claim excessively on expenses or misuse Parliamentary facilities or services.

(e) I am genuinely contrite and apologetic, and I take full responsibility for what happened. I have apologised to the Chamber, and I referred myself to the SPCB to consider investigating the matter.

Letter from Investigating Officer and response from Mr Matheson

From: [REDACTED]
Sent: 20 December 2023 18:03
To: Matheson M (Michael), MSP [REDACTED]
Cc: Hegarty M (Michelle) [REDACTED]
Subject: RE: Initial response to SPCB
Sensitivity: Private

Dear Mr Matheson

Please see the attached letter from Michelle Hegarty.

Kind regards

[REDACTED]

[REDACTED]
[REDACTED]

Michael Matheson MSP
By email

Dear Mr Matheson

SPCB Investigation follow up

Thank you for your initial response to the SPCB investigation submitted on 19th December 2023. You will be aware that I am the Investigating Officer for the SPCB investigation.

Having considered your response, I would like to invite you to respond further on some follow up points for clarification. I note that within your response that you welcome the investigation and wish to co-operate fully. Given the SPCB commitment to undertake the investigation expeditiously I would welcome your response in writing to me by 5th January 2024.

1. You have stated in your initial response that your concern “was to ensure that I still had access to my emails and any emerging media issues I needed to be aware of in case I was required to do anything abroad. The only reason I needed to ensure my phone received emails was for me to fulfil my parliamentary duties”. Can you

please in general terms give us an idea of the type of parliamentary business you undertook and the extent of it over the dates in question?

2. You have explained that following the publication of the EE data bill, under a Freedom of Information request to the Scottish Parliament, that you would need to explain in more detail the usage of the data [REDACTED]. Without going into personal details, do you know how many football matches were streamed, when and for how long?

3. Is this the only non-parliamentary usage of data, associated with data usage on your parliamentary iPad in this period, of which you are aware?

4. You have explained you became aware on 9th November 2023 that a family member had disclosed that they had made use of the iPad data. Can you explain more fully how a family member gained access to use data, via your parliamentary iPad device, in Morocco during the dates in question please?

Thank you in advance for answering these points. It would be most helpful if you could please respond to me copying in [REDACTED].

Yours sincerely

MICHELLE HEGARTY
Deputy Chief Executive

From: Matheson M (Michael),
MSP [REDACTED]
Sent on: Friday, January 5, 2024 11:40:40 AM
To: [REDACTED]
Subject: SPCB
Attachments: Follow up (1).pdf (68.37 KB)

Thank you for your letter and the enclosed questions. I will respond to each of them in turn.

1) I checked my emails, social (Twitter/Instagram/Facebook) and mainstream media on a regular basis throughout the day. I personally deal with all emails sent to my MSP account as I actively manage all issues raised by constituents. This is the approach I have always taken since being elected. Where necessary I will then forward on emails to my constituency office with direction for staff to action. In general terms, the types of issues raised with me during this period ranged from emergency health service provision, energy costs, access to local facilities and assistance with local events.

2) My understanding is it was two matches, on the 28th of December 2022 and 2nd of January 2023. Unfortunately, I am unable to give a precise length of time involved.

3) Yes.

4) As I mentioned in my statement to Parliament my son assisted in setting up the hotspot between my phone and the iPad.

I hope the above is helpful in responding to the questions.
Michael Matheson MSP

Timeline C – Evidence associated with billing discussions & decisions

10 January 2023	Confirmation was sought from Mr Matheson by [REDACTED] to ask if it was only the phone using the iPad for a hotspot or if others were connected to the device. Mr Matheson was also requested to visit the Engagement Desk for his SIM for the iPad to be swapped for the new Vodafone SIM.
10 January 2023	<p>Mr Matheson confirmed data was not used by him for streaming. If it had been it was without his knowledge. He advised he had experienced a similar problem with having no data on phone overseas on 3 occasions in the last year. [*BIT could not find any calls relating to issues experienced. Did locate calls relating to change of monthly plan from 20GB to 40Gb].</p> <p>Mr Matheson reiterated he had contacted the Helpdesk whilst in Morocco and was advised the data was enabled on the phone, however, it did not work despite Vodafone stating it was enabled. He requested the problem needed to be resolved. He also advised he would bring in his iPad for a Vodafone SIM to be fitted.</p>
11 January 2023	[REDACTED] removed the bar from the iPad's EE number via EE's online portal. Confirmed in an email from EE on 23 Jan 2023.
23 January 2023	<p>Contact with EE to follow up on outstanding request for EE to clarify costs. EE confirmed (with screenshot) that Mr Matheson had "received confirmation of the charges and accepted these; they then started to use and we then again advised of the cost to which they have then still accepted the service and costs, therefore we are unable to offer any credit in this instance." EE provided screen shots of 2 SMS messages sent to Mr Matheson and receipt of delivery.</p> <p>EE confirmed they were unable to offer any credit in this instance.</p>

<p>25 January 2023</p>	<p>Mr Matheson was contacted by [REDACTED] to inform him that EE will not waive any costs incurred in Morocco as alerts (SMS messages were sent confirming the charges and they had proof of receipt of delivery). Mr Matheson was asked to confirm if data usage was for parliamentary business. He was again requested to attend the Engagement Desk to replace the SIM in the iPad and to allow an investigation of the reason why the iPad generated so much data usage.</p>
<p>25 January 2023</p>	<p>Mr Matheson replies to confirm he was unaware that charges were accepted, high charges were being incurred and uncapped. Had he been aware he would have stopped using the iPad. He confirmed he used the iPad whilst away from hotel due to no data on phone and he had used hotspotting to access data for emails. Confirmed he used Wi-Fi whilst in hotel.</p> <p>Mr Matheson reiterated he had raised the issue with the Helpdesk. He also confirmed the iPad mainly works off Wi-fi at home and in office and that he would be happy to discuss further and would bring the iPad to the Engagement Desk.</p>
<p>26 January 2023 (see clarification email exchange at end of annex)</p>	<p>Mr Matheson is contacted by [REDACTED] to request an appointment at the Engagement Desk or in his office with the iPad to discuss the situation, to provide new iPad SIM and to discuss how to avoid charges in the future. It was confirmed that the current iPad data tariff was 40GB.</p>
<p>27 January 2023</p>	<p>Mr Matheson confirms he would bring the iPad to the Engagement Desk.</p>
<p>Late Jan/early Feb</p>	<p>Mr Matheson visits the Engagement Desk to receive the new SIM card for the iPad. Checks are carried out on the mobile data, but this does not establish any new information.</p>
<p>6 February 2023</p>	<p>[REDACTED] sends on the final bill from EE to [REDACTED] – £10,941.74 [check]</p>
<p>6 February 2023</p>	<p>BIT email the Allowances Office making it aware of charges incurred by Mr Matheson whilst on holiday in Morocco, advising that BIT was in discussion with EE to determine if the bill can be reduced and seeking advice on meeting costs from within the Reimbursement of Members' Expenses Scheme.</p>

	<p>This was followed by a meeting to discuss the way forward and action to be taken. The Allowances Office confirmed costs could only be met from the expenses scheme if the costs related to parliamentary business and were not personal or Scottish Government costs. It was agreed BIT would raise the matter with [REDACTED] to make [REDACTED] aware of the position.</p>
7 February 2023	<p>Mr Matheson was emailed by [REDACTED] with the final EE bill confirming the final balance is £10,941.74 and that EE are not prepared to waive any of the amount. Mr Matheson was asked to confirm if the data charges generated were while carrying out parliamentary duties, or if any was personal use, and if there was an intention to make a personal contribution. He was made aware that if it all related to parliamentary business it would require escalation [REDACTED].</p>
7 February 2023	<p>Mr Matheson replied reiterating that the iPad was used as he had no access to data on phone and data usage taken place without knowledge, had he been aware would have taken action to prevent. He also confirmed the main reason for checking the phone was for emails and any emerging events to be aware of. He recognised the significant cost and he was content to explore using his office costs provision (from the expenses scheme) to meet part of cost of data, as he was unable to meet full cost from this provision.</p>
7 February 2023	<p>BIT contacted EE to clarify and appeal the charges and ask if some of some of the cost can be waived. This was not upheld.</p>
7 February 2023	<p>Internal discussion within BIT on the options to address the contractual costs given that Mr Matheson had confirmed the costs were a legitimate parliamentary cost.</p>
7-8 February 2023	<p>Internal emails about alerts and summary of debrief from [REDACTED]</p>
2 March 2023	<p>An email is sent to Mr Matheson to confirm the matter has been escalated [REDACTED], given the costs are associated with parliamentary business use. Confirmation was sought from Mr Matheson to use office cost allowance to cover part of the bill and advised next steps.</p>

13 March 2023	<p>████████████████████ sought an update from the Allowances Office on progress on the case or any decisions taken. ██████████ advised that ██████████ has discussed the matter with ██████████. Noted that ██████████ had informed the Chief Executive.</p>
14 March 2023	<p>An email was issued to Mr Matheson from ██████████ to discuss the transfer of some of his office costs provision to meet the EE bill costs before the end of the financial year.</p>
20 March 2023	<p>Mr Matheson emails ██████████ to confirm he can contribute a total of £3,000 from his Office Cost provision (following a transfer of £2,000 from his Engagement provision in the expenses scheme).</p>
20 March 2023	<p>██████████ replies acknowledging Mr Matheson's email and copies in the Allowances Office and BIT Admin to action the transfer of £3,000 from the Office Costs provision to the BIT costs centre and account code.</p>
28 March 2023	<p>The Allowances Office emails Mr Matheson to confirm the expenditure position after carrying out checks and seeking confirmation and assurances from him that the costs incurred were related to parliamentary duties and not personal or Scottish Government.</p>
28 March to 23 April 2023	<p>Various emails between Allowances Office and Mr Matheson to arrange a meeting to discuss the matter.</p>
20 April 2023	<p>The SIM is no longer associated with the iPad and is discontinued.</p>
16 May 2023	<p>██████████ and Mr Matheson had a telephone discussion to seek assurances that costs were related to parliamentary duties before it could be agreed to meet any costs from the expenses scheme. Reassurances were provided which were noted for the scheme audit and publication of expenses.</p>
16 May 2023	<p>An email was sent from ██████████ confirming and summarising discussion with Mr Matheson that day and seeking him to confirm captured accurately for records – summary below:</p>

	<i>To arrange the transfer of monies from 2022-23 Engagement Provision to Office Cost Provision to cover the £3,000 contribution to data charges and other associated actions. To confirm Mr Matheson had been using his Parliament phone as a wi-fi hotspot for his iPad so that could use it to access emails, twitter etc. That no personal or Scottish Government usage as surface pro was used and hotel wi-fi for SG work but had problems connecting to the hotel wi-fi.</i>
16 May 2023	Mr Matheson confirmed by email what has been captured and added the point that he had contacted BIT to try to resolve the problem with his phone.
19 May 2023	A General Ledger Transaction was processed on My Expenses by the Allowances office to transfer funds (£3,000) from Mr Matheson's office costs provision to BIT.
10 November 2023	Mr Matheson emailed the Clerk/Chief Executive stating that he wished to repay in full the data costs incurred during his visit to Morocco.
13 November 2023	[REDACTED] provided Mr Matheson with options for payment.
15 November 2023	Confirmation from Mr Matheson that payment had been made and that he was content for the allowances record to be updated immediately.
15 November 2023	Confirmation from Finance Office that the funds had been received.

*** email chain clarifying typographical error**

From: [REDACTED]
Sent: 16 January 2024 09:44
To: [REDACTED]
[REDACTED]
Subject: RE: MM

Sorry for the confusion. Yes, seems like my mind was rather on the one track and I was muddling the phone info with the iPad info!

[REDACTED]

[REDACTED]

Office: [REDACTED]
Mobile: [REDACTED]

From: [REDACTED]
Sent: 16 January 2024 07:25
To: [REDACTED]
[REDACTED]
Subject: RE: MM

Morning [REDACTED],

I can confirm that this trail of emails is about MM phone not his iPad, his phone is on a 40gb+voice tariff with Vodafone (he still is). No one asked about what his usage on his phone was whilst in Morocco so I checked it out.

In Dec 22 he incurred additional usage for making calls / sending text messages.

[REDACTED] must have put the word iPad in error in [REDACTED] email to MM – should have been phone.

MM phone went across to Vodafone in Feb 22.

Thanks

[REDACTED]

From: [REDACTED]
Sent: 15 January 2024 17:10
To: [REDACTED]
[REDACTED]
Subject: MM

Hi [REDACTED]

Sorry, another wee query.

There is some confusion between a couple of emails:

[REDACTED] to [REDACTED] on 26 Jan 2023:

From: [REDACTED]
Sent on: Thursday, January 26, 2023 3:06:56 PM
To: [REDACTED]

Subject: RE: Scottish Parliamentary Corporate Body Reference Number: 20111160

Attachments: MMatheson - Phone usage for Dec 22 (002).xlsx (42.39 KB),
MMatheson Phone Jan.xlsx (19.98 KB)

Hi [REDACTED],

I thought I'd share with you reports of Michael's phone usage with Vodafone (both for Dec (been invoiced) and Jan (not invoiced yet).

He is on a 40gb data tariff – due to his constant high usage and you will see that in Dec he used 13gb. He incurred £19.20 in call/text charges whilst in Morocco.

No-one asked BITA to look at his tariff's to ensure on right bundle etc.

What I don't understand is his reference to SIM being cancelled – what number is he talking about as no SIM cancelled. In fact we are paying for 2 SIMS for his iPad (one with EE the other with Vodafone as he hasn't swapped them over).

[REDACTED]

And [REDACTED] to MM on 26 Jan 2023:

From: [REDACTED]
Sent on: Thursday, January 26, 2023 5:47:43 PM
To: Matheson M (Michael),
MSP [REDACTED]
Subject: iPad charges

Hi Michael

I tried to catch you after decision time today, but you were deep in conversation and I didn't want to disturb you.

Is there a time next week when either you can come to the Engagement desk with your iPad or I can pop up to your office with the SIM and we can chat, not just about this situation, but how to avoid charges next time (by telling the Helpdesk so that we can add the required tariff).

It should be noted that you have got a data tariff of 40GB on your iPad (which is the highest one available to us) and you regularly go over this data limit and generate out of tariff charges.

In Morocco you used 13GB, which, because of roaming generated this cost.

Let me know a time that suits. I will be in Parliament on business days next week.

Regards

[Redacted]

Can you confirm if the 40GB data tariff was for his phone rather than his iPad - presumably his phone as his iPad hadn't been swapped over at this point so maybe just a typo?

Many thanks

[Redacted]

[Redacted]

Timeline D : Publication of Members' Expenses and subsequent activity relevant to the investigation

DATE	WHAT
7 November	The SPCB received a media enquiry about Mr Matheson's expenses.
8 November	The SPCB confirmed substantial charges incurred by Mr Matheson. Confirmed still using previous provider's contract and incurred significant data fees on Rest of the World tariff. On basis Member had given assurance that costs were for parliamentary business purposes they were paid via the Scheme and central budget
9 November	In response to further enquiries the SPCB made a further statement affirming that they were provided assurances costs were for parliamentary business purposes and reiterating continued use of previous mobile provider and Rest of World tariff.
10 November 4.46pm	Mr Matheson notified the Clerk/ Chief Executive by email that he wished to reimburse the Parliament in full for the data roaming bill and that he would be issuing a statement at 5.00 pm setting out his reasons for doing so.
10 November 5pm	Mr Matheson released statement - refers to the Parliament having agreed to meet costs centrally and through his Office Cost Provision as a legitimate expense. The decision to repay is attributed to his acceptance that the SIM card should have been replaced at an earlier stage. Notes speculation of past couple of days has questioned his integrity which he takes seriously.
13 November	In interview with the BBC, Mr Matheson states in a BBC interview that no-one else had used his iPad and the bill was due to an old SIM card that should have been replaced.
13 November	In response to further enquiries, a SPCB spokesperson confirmed Mr Matheson's iPad examined in person to ensure functioning correctly – duly established. Reviewed data setting and data use but the device does not provide a

	breakdown of data over a specific timeframe – official observed a cumulative total accrued over lifetime of device.
15 November	In response to a FOI request, the SPCB published the EE itemised bill for the charges incurred by Mr Matheson’s iPad for the relevant period.
15 November	Mr Matheson notified the Presiding Officer that he wished to make a personal statement to the Parliament in relation to the data charges. The Presiding Officer agreed to his request and following amendment of the business programme the statement was made the following afternoon on 16 November.
16 November	Mr Matheson makes his Personal Statement to Parliament in the Chamber.

Record of ipad being issued to Mr Matheson

IPAD 9.7 Pro
111550 - IT

Modified By: 8801973 On: 06/06/21 14:27

Product Class: Tablets

Product: IPAD 9.7 Pro

Product Version:

Change Product

Main

Shortcode: 111550

Name: 111550

Customer Service Group: IT Discontinued

Serial Number: 854887000337819

Key A:

Key B: 948P:3D E2:04:32

Remarks:

Reinote Connection Details:

Status: Stable Item In Use

User: Matheson M (Michael), MSP

Section: SCOTTISH NATIONAL PARTY

Department: MSP

Building: Tower 4

Room: T3.07 - Third Ministers Room

Supplier: XMA

Supplier Ref:

Acquired: 30/06/2018

Installed: 04/10/2018

Warranty (months): 0

Expires: 04/10/2020

BIT device handover document (iphone)

Welcome to your new hardware device from BIT. Please ensure you retain this document for the duration of the device it pertains to. You will be required to read the Conditions of Use and then sign the document to confirm that you have read them.

Device User:	Michael Matheson MSP
BIT Staff Member:	
Device Details: (e.g. laptop)	iPhone
Asset Number:	111806
Extra Equipment (Accessories, Cases, Bags etc)	n/a
Work Request / Incident Number	

By signing this document, you agree to the Conditions of Use:

<https://www.parliament.scot/intranet/55031.aspx>

Customer Name:	Michael Matheson MSP
Customer Signature:	[Redacted]
BIT Staff Name:	[Redacted]
BIT Staff Signature:	
Head of Infrastructure Approval: (SURFACES only)	n/a
Date / Time:	17/06/2020

Member's signed statement committing to act in accordance with the principles and rules of the Expenses Scheme.

I Michael Matheson MSP agree that in making any claim or application for expenses under the Reimbursement of Members' Expenses Scheme I shall act in accordance with the principles and rules of the scheme.

Signed

Date 24/5/20

IT Helpdesk call log

History

Event Detail | [REDACTED] (Closed)

Logged by MAILBOX, IT Incidents Allocation on 28/12/22 09:23 Details

Affecting: Matheson M (Michael), MSP, Tel: [REDACTED], Ext: [REDACTED], Email: [REDACTED]

Location: [REDACTED]

Department: Scottish National Party, MSP

Item: Phone, Phone

SLA: Default , Response Due: 29/12/22 09:23, Resolution Due: 30/12/22 09:23

Category: LINE , Impact: Medium Seriousness (4) , Urgency: Medium Priority (4)

Assigned: [REDACTED], IT Helpdesk

Callback Remark: Mobile data

Summary

Mobile data

Description

Subject: Mobile data

From: "Matheson M (Michael), MSP" [REDACTED] **To:** "IT Helpdesk" <ITHelpdesk@parliament.scot>

Cc:

Date: Wed, 28 Dec 2022 09:22:42 +0000

Hi, I appear to have no data on my phone. I am out of the country at the moment and I have had no data at all since arriving last night. I can access wifi, however I need access to data in order to get my emails out with the periods when I don't have wifi. My phone is stating that I have 4G and I've switched on data roaming, however I still have no data at all.

Many thanks.

Michael Matheson MSP

Close 28/12/22 10:29 Time:0:03:00

[REDACTED] **IT Helpdesk**

Phoned user explaining he need to remove sim and re enter and restart phone.

Vodafone have confirmed he does have data just struggling to connect to the 4g in morocco

Important Info 28/12/22 10:08 Time:0:06:00

IT Helpdesk

Reference Number: 188979300232673043

DATE/TIME: 2022-12-28 09:45:34

Your Chat Transcript

The following is a record of your online chat with Vodafone

Vodafone: If you have opted not to receive a copy of the transcript of this chat via email, once the conversation is closed all of the information in this chat will be removed from the chat for data protection purposes. If you decide during the chat that you would like a copy of the chat, you can click the envelope icon at the bottom of the chat and enter your email address for an email of the chat to be sent to you. If you require an unedited copy, please copy and paste from the chat box before the chat has ended. This cannot be done after the chat has ended.

Thanks for choosing to chat with us. An agent will be with you shortly

[REDACTED]: Thank you for choosing Web Chat today.
Good Morning. You're chatting with [REDACTED], how are you?

[REDACTED]: HI The user of xxxxxxxxxxxx is over sea and said he does not have any data on his phone how can i see if roaming data is on for him

[REDACTED]: Morning [REDACTED], let me check xxxxxxxxxxxx for you.
You should see it in edit a connection and [REDACTED]
Is it only data being effected?

[REDACTED]: yes everything ells is working

[REDACTED]: xxxxxxxxxxxx Michael Matheson MSP

[REDACTED]
Optional PCAPON Domestic data cap opt in 21/02/2022 £ 0.00
Optional SCOGOVWEL WSMS - DO NOT REMOVE/USE 21/02/2022 £ 0.00
Optional WIFI4GCAL Wi-Fi Calling 21/02/2022 £ 0.00
I've checked when it last updated on the network
GPRS 28-DEC-2022 09:44:35 REGISTERED YES -
4G 28-DEC-2022 09:44:22
REGISTERED NO N/A Morocco / Orange/Medi Telecomxxxxxxxxxxxxx (Morocco-MediTelecom)

[REDACTED]: Let me just check unbilled and I'll be 4-5 minutes

[REDACTED]: xxxxxxxx

[REDACTED]: unbilled shows data used up to 27/12/2022 00:00:00

12965.88 MB but in the UK

██████████: When did they raise the issue ██████████

██████████: Just this morning

██████████: 4G None 28/12/2022 09:44:22 Registered

██████████: I'm not sure if you are aware that there is a new feature in VCO - VCO Admin - Connection Diagnostics. You can use this to check when a number last updated on the network.

We like to see this, showing REGISTERED, in the last 12-24 hours

When you use the connection diagnostics on VCO there is a (i) button and it gives you additional next steps.

██████████: That's what it shows on VCO
- connection diagnostics ██████████.

██████████: If they are still experiencing issues can they try the SIM in a different phone (ideally a different make and model) and manually connect to the internet or try making a call - this will eliminate if the issue lies with the SIM or the device

They can try doing a hard reset - by removing the SIM - switching the device on - re-inserting the SIM and switching back on - as we are aware sometimes the SIM for a dongle doesn't fit the phone

They can also go into settings and network reset which will also help.

If they can put the SIM into a phone, try to connect to data and browse. This will eliminate if the SIM or device is at fault.

If they have the same issue in a phone, then a new SIM will be needed.

If works fine in the phone, then the previous equipment it at fault.

██████████: Great thank you i will have a look and give him a phone call

██████████: Unfortunately VCO doesn't show the country they are in

██████████: But my other system shows 4G 28-DEC-2022 09:44:22
REGISTERED NO N/A Morocco / Orange/Medi Telecom

██████████: They just need to do a manual roam to update if still having issues

To fix this issue, can I kindly ask if you could get the end user to perform a hard reset and a manual roam on the device. Here is a link to all devices and guides -

<https://deviceguides.vodafone.co.uk/>

██████████: Sorry they are having issues ██████████.

Is there anything else that I can assist you with at the moment?

██████████: No That's it thank you

██████████: You're most welcome ██████████.

██████████: I hope you enjoy the rest of your day and look forward to speaking with you again soon. Take care and bye for now.

BIT Hotspotting desk instructions

Tethering in iOS

The following document details how to 'Tether' one iOS device to another to allow you to use that device's 3G (SIM card) to access the internet. Apple devices refer to this as the "Personal Hotspot".

You can use your Personal Hotspot (iPhone 4 or later) to share an Internet connection with a computer or other device—such as an iPod touch, iPad, or other iPhone—connected to your iPhone via Wi-Fi. You can also use Personal Hotspot to share an Internet connection with a computer connected to iPhone.

Personal Hotspot works only if iPhone is connected to the Internet over the cellular data network.

Go to Settings > Personal Hotspot



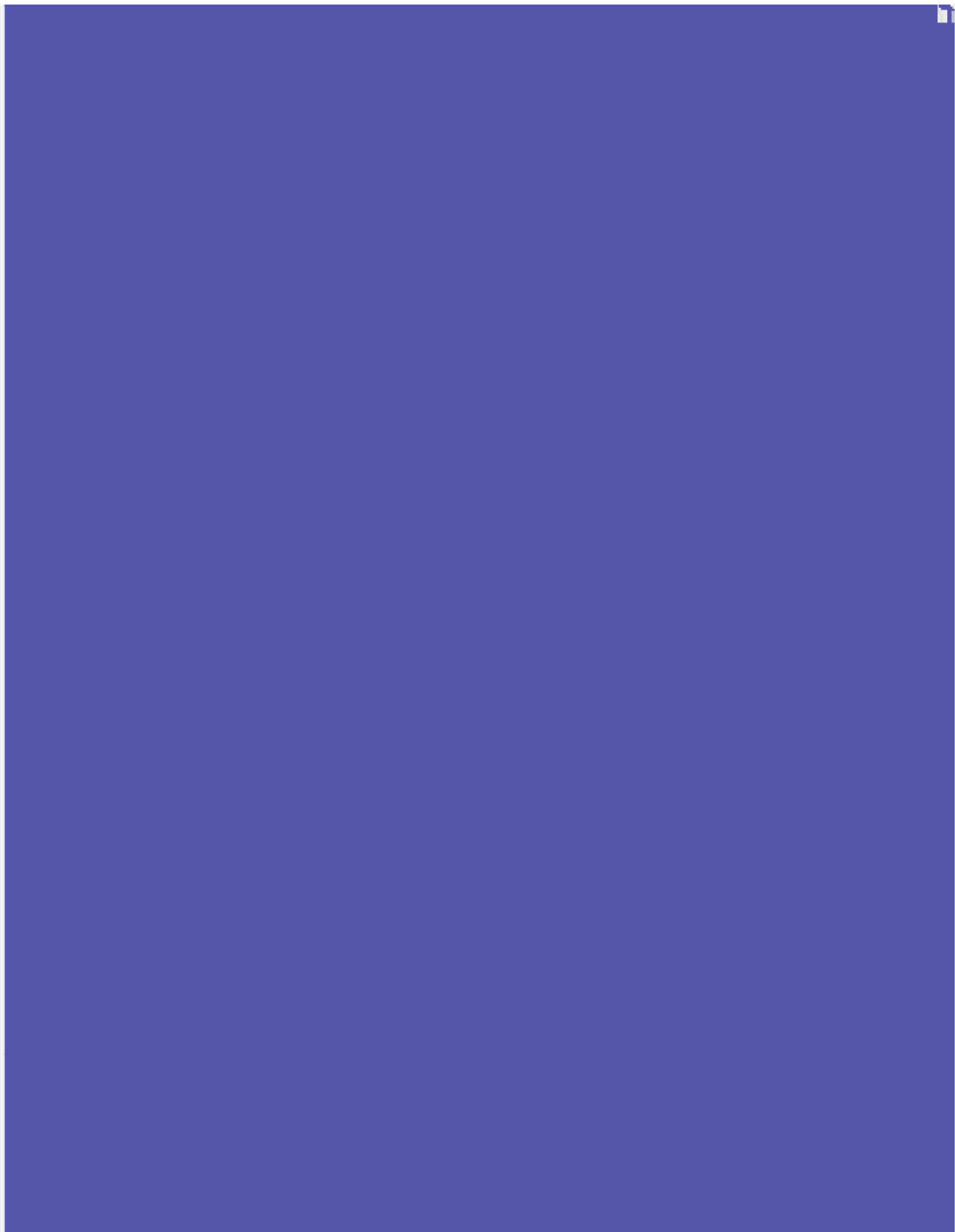
After you turn on Personal Hotspot, other devices can connect in the following ways:

- **Wi-Fi:** On the device, choose your iPhone from the list of available Wi-Fi networks.
- **USB:** Connect your iPhone to your computer using the cable that came with it. In your computer's Network preferences, choose iPhone and configure the network settings.
- **Bluetooth:** On iPhone, go to Settings > Bluetooth and turn on Bluetooth. To pair and connect iPhone with your device, refer to the documentation that came with your computer.

Note: When a device is connected, a blue band appears at the top of the iPhone screen. The Personal Hotspot icon appears in the status bar of iOS devices using Personal Hotspot.

Change the Wi-Fi password for iPhone: Go to Settings > Personal Hotspot > Wi-Fi Password, f at least 8 characters.

Vodafone price list



Bundle usage

Annex P

Selected bill month: Feb-2023


























Reporting criteria











Phone selection: [redacted] - Michael Matheson
 Bundle category: Additional
 Bill selection: No
 Sort order: Phone label Ascending
 Row count: 51

Filters:

Descriptions: Personal descriptions

Totals						6.45 GB	0	00:00:00	£10,941.743
Date	Time	Phone	Username	Dialled	Description	Data vol	Events	Duration	Cost
28-Dec-2022	00:00:00	[redacted]	Michael Matheson MSP iPad	Morocco internet	Morocco internet	1.26 GB	0	00:00:00	£2,249.170
30-Dec-2022	00:00:00	[redacted]	Michael Matheson MSP iPad	Morocco internet	Morocco internet	68.70 MB	0	00:00:00	£0.000
31-Dec-2022	00:00:00	[redacted]	Michael Matheson MSP iPad	Morocco internet	Morocco internet	505.67 MB	0	00:00:00	£20.174
02-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	Morocco internet	Morocco internet	710.89 MB	0	00:00:00	£1,320.710
02-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	Morocco internet	Morocco internet	3.18 GB	0	00:00:00	£7,345.689
03-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	Morocco internet	Morocco internet	392.66 MB	0	00:00:00	£6.000
08-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	3.66 MB	0	00:00:00	£0.000
09-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	81.92 KB	0	00:00:00	£0.000
09-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	81.92 KB	0	00:00:00	£0.000
10-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	122.88 KB	0	00:00:00	£0.000
10-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	102.40 KB	0	00:00:00	£0.000
11-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	143.36 KB	0	00:00:00	£0.000
11-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	184.32 KB	0	00:00:00	£0.000
12-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	102.40 KB	0	00:00:00	£0.000
12-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet mobile	122.88 KB	0	00:00:00	£0.000
13-Jan-2023	00:00:00	[redacted]	Michael Matheson MSP iPad	mobile internet	internet	61.44 KB	0	00:00:00	£0.000

13-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	mobile internet	163.84 KB	0	00:00:00	£0.000
14-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	81.92 KB	0	00:00:00	£0.000
14-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	163.84 KB	0	00:00:00	£0.000
15-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	40.96 KB	0	00:00:00	£0.000
15-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	121.20 MB	0	00:00:00	£0.000
16-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	163.84 KB	0	00:00:00	£0.000
16-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	143.36 KB	0	00:00:00	£0.000
17-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	81.92 KB	0	00:00:00	£0.000
17-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	61.44 KB	0	00:00:00	£0.000
18-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	3.00 MB	0	00:00:00	£0.000
18-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	102.40 KB	0	00:00:00	£0.000
19-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	1.92 MB	0	00:00:00	£0.000
19-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	163.84 KB	0	00:00:00	£0.000
20-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	81.92 KB	0	00:00:00	£0.000
20-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	102.40 KB	0	00:00:00	£0.000
21-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	61.44 KB	0	00:00:00	£0.000
21-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	102.40 KB	0	00:00:00	£0.000
22-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	102.40 KB	0	00:00:00	£0.000
22-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	69.84 MB	0	00:00:00	£0.000
23-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	204.80 KB	0	00:00:00	£0.000
23-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	122.88 KB	0	00:00:00	£0.000
24-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	143.36 KB	0	00:00:00	£0.000
24-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	40.96 KB	0	00:00:00	£0.000
25-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	163.84 KB	0	00:00:00	£0.000
25-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet mobile	81.92 KB	0	00:00:00	£0.000

26-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	mobile internet	143.36 KB	0	00:00:00	£0.000
26-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	266.24 KB	0	00:00:00	£0.000
27-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	204.80 KB	0	00:00:00	£0.000
27-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	88.54 MB	0	00:00:00	£0.000
28-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	4.14 MB	0	00:00:00	£0.000
28-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	20.48 KB	0	00:00:00	£0.000
29-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	49.98 MB	0	00:00:00	£0.000
29-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	35.00 MB	0	00:00:00	£0.000
30-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	122.88 KB	0	00:00:00	£0.000
30-Jan-2023	00:00:00		Michael Matheson MSP iPad	mobile internet	internet	163.84 KB	0	00:00:00	£0.000
<i>Bundle usage</i>									
			<i>06-Feb-2023 08:07:10</i>						

Email correspondence

Purpose of data use

From: Matheson M (Michael), MSP [REDACTED]
Sent on: Tuesday, May 16, 2023 11:36:25 AM
To: [REDACTED]
Subject: Re: Recent charges from Morocco

Hi [REDACTED],

The only point I would add is that I did contact IT help desk due to the problem I was having with my phone to try and resolve the problem, they couldn't identify what was causing the issue as it should have been work while I was away.

Michael Matheson MSP

On 16 May 2023, at 12:26, [REDACTED]
wrote:

Michael

Thank you for your time earlier and glad we have both managed to touch base on this rather than keep missing each other with busy schedules.

As discussed we will arrange the transfer of monies from your 2022-23 Engagement Provision to your Office Cost Provision to cover the £3,000 contribution to the large data charges you received whilst in Morocco and process a journal to pass the monies back to BIT and they will show against your office cost provision for 2022/23.

As we discussed you have confirmed that you had been using your parliament phone as a wifi hotspot for your Ipad so that you could use it to access emails, twitter etc in relation to your MSP role but that unbeknown to you the hotspot was constantly running on an uncapped sim and the charges were building whereas you thought you were only running it when connected to your phone and actually access emails etc. You have confirmed there was no personal or Scottish Government usage as you used your surface pro and hotel wifi for SG work but had problems connecting all the time to the hotel wifi. You do think that someone else could have been accessing your hotspot but have no way of proving this. As your sim was an old one and uncapped this has now been changed so that this cannot happen again and you have also taken the further step of having a separate SG phone so that you have very clear separation for your work as a minister and work as an MSP.

Please let me know if I have not captured anything correctly.

Many thanks

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent on: Tuesday, March 28, 2023 3:13:58 PM
To: Matheson M (Michael), MSP [REDACTED]
Subject: RE: Recent charges from Morocco

Michael

I've had a look at your current position in terms of your provision limits and spends to ensure it remains as indicated below. As of 3pm this afternoon you have a balance of £2,007 in your OCP and could transfer a further £2,000 from your Engagement Provision to your Office Cost Provision giving you a total available of £4,007 as you already indicated below.

This of course does not take account of any other costs you may have to process before the end of the financial year or invoices you have yet to add to My Expenses and again as you have indicated below you feel that this does mean you could contribute £3,000 to the costs incurred whilst you were in Morocco.

Whilst I understand that you were not aware such costs were being incurred, you should be aware that given the size of the bill this will be picked up both by internal audit and Audit Scotland when they review 2022-23 Members Expenses later this year. This is because it will show as being a large bill that is not in line with the level of other mobile costs met through the Scheme. In order to ensure we are prepared for any questions auditors may have as well as to ensure we are carrying out our role here in Allowances by seeking reassurance that this cost can be met within the rules of the Members' Expenses Scheme I would be grateful if you could provide some information on the costs incurred.

As you know the Scheme can only be used to support Members in carrying out their parliamentary duties so I would be grateful if you could confirm that in relation to the £3,000 costs you propose to claim from the Scheme that all these costs were incurred solely in relation to you carrying out your parliamentary duties and did not relate in any way to your role in the Scottish Government or any personal costs. Any governmental or personal costs couldn't not be met from the Scheme as you know.

Once you have provided further detail on the use of the phone during this time, confirmed that it all related to you carrying out your parliamentary duties and confirmed you wish to vire £2k from your Engagement Provision to Office Cost Provision I will carry out the transfer and liaise with BIT colleagues to process the costs from your office cost provision.

Kind regards

[REDACTED]

From: [REDACTED]
Sent on: Thursday, March 2, 2023 1:22:50 PM
To: Matheson M (Michael), MSP [REDACTED]
Subject: RE: iPad charges

Hi Michael

I hope this email finds you well.

As we discussed I have escalated the recent invoice to BIT Management, and explained that you have advised that the costs were incurred by checking emails and keeping up to date with emerging events, as required by your role as an MSP (i.e. Parliamentary Business). I also mentioned that you had offered to cover some of the 10.9K from your Office Costs. Please can you confirm if that is correct and clarify how much you would be able to cover from your Allowances.

Once you have confirmed I will work with [REDACTED] / the Allowances Office to transfer the amount into BIT budgets.

Happy to discuss.

[REDACTED]

[REDACTED]

From: Matheson M (Michael), MSP [REDACTED]
Sent: Tuesday, February 7, 2023 2:17 PM
To: [REDACTED]
Subject: Re: iPad charges

Hi [REDACTED], as discussed the data usage to the iPad has taken place without my knowledge, had I been aware of it building up I would have taken action to prevent it. I

also explained the reason for carrying the iPad due to having no access to data on my phone. The main reason for checking my phone is to check my emails and any emerging events that I need to be aware of. I recognise the significant cost attached to this and I am happy to look at using some of my office allowances to meet the cost of this data. I wouldn't be able to meet the full cost, however, if allowance could allow for some flexibility in my office allowance I could assist with meeting part of the cost.

Many thanks.
Michael

On 7 Feb 2023, at 13:03, [REDACTED]
wrote:

Hi Michael

Please find attached the bill from your recent trip to Morocco. The final balance is £10,941 and unfortunately EE are not prepared to waive any of the amount. Please can you confirm if this was generated while carrying out your parliamentary duties, or if any of it was personal use and you are intending to make a contribution yourself? If it was all due to Parliament business then I will have to escalate to [REDACTED].

Again, please can you visit the Engagement desk with your iPad so that the SIM can be replaced, or let me know a time that suits and I can come up to your office.

Regards

[REDACTED]

[REDACTED]

Mobile: [REDACTED]

From: Matheson M (Michael),
MSP [REDACTED]
Sent on: Wednesday, January 25, 2023 2:33:40 PM
To: [REDACTED]
Subject: Re: Scottish Parliamentary Corporate Body Reference Number:
20111160
Attachments: ~WRD0003.jpg (823 Bytes), image003.jpg (31.32 KB)

Hi [REDACTED], the first thing is I've no idea how they can say I accepted the charges as I was unaware it was running up a charge like this. To suggest that I knowing ran up a bill like this is completely wrong, my own office allowance expenditure over the last twenty years would clearly show that I manage my allowances carefully and avoid incurring

unnecessary expenditure. Additionally, I had no idea the service is uncapped, as would normally be the case.

Second, as I mentioned in my previous email the only reason the iPad was used when I was away from my hotel was that I had no data on my phone. This is the issue I contacted IT about while I was away. It's an issue that I have previously raised and was advised that it had been resolved. When I spoke to IT while I was away they checked with the provider and called me to advise I did have data. That turned out not to be the case as I was still unable to check my email etc. unless in my hotel with wifi. Because I had no data on my phone to check my emails and folders I carried my iPad in my rucksack to hotspot in order to access data for my emails. When I was in my hotel I would always use wifi.

I don't have the iPad with me today but I can bring it to the desk when I have. It mainly works off Wi-Fi at home or in the office, which would avoid using any data and probably why I haven't noticed that the sim has been cancelled.

More than happy to chat this over with you if that would be helpful, but be assured that if I had any awareness that I was running up a bill like this or was likely to run up a bill like this I would have stopped using the iPad.

Michael

On 25 Jan 2023, at 12:09, [REDACTED]
wrote:

Hi Michael

We have got the following email from EE where they show that you received confirmation of the charges and accepted these and the fact that there was no cap. EE are not going to waive any of the 7.5K cost incurred from Morocco.

Before we get the detailed breakdown of the bill to try to understand what generated this cost, I wanted to check with you that all of the usage in Morocco was for Scottish Parliament business?

Please do come to the Engagement Desk to get your new Vodafone SIM, (I think that the existing SIM in your iPad has been cancelled) and perhaps we could have a look at the iPad to see how the data was used while you were abroad.

Regards

[REDACTED]
Mobile: [REDACTED]

From: Matheson M (Michael), MSP [REDACTED]
Sent on: Tuesday, January 10, 2023 1:41:21 PM
To: [REDACTED]
Subject: Re: Roaming charges in Morocco

Hi [REDACTED], it certainly wasn't used by me for streaming and if it has been it was without my knowledge.

I have now had the same problem with my phone not having data oversea on three occasions now in the last year. I contacted IT while I was away and they called me to advise the data is enable on my phone, however it simply doesn't work despite Vodafone stating that it's enabled. There is clearly a problem with it and it needs to be resolved.

I will bring the iPad for the new SIM card to be fitted.

Thanks

Michael

On 10 Jan 2023, at 13:04, [REDACTED]
wrote:

Hi Michael

I would not have expected that using the iPad to hotspot for emails would use more than 500MB of data (which is what is included in the [REDACTED] daily rest of world tariff). It is more consistent with streaming media, e.g. watching a film, YouTube, TikTok etc. Was it only your phone using the iPad for a hotspot or were there others connecting to the device?

Regarding a data cap, we do this for domestic data (so you cannot incur charges over and above your allocated data while in the UK) however network providers (e.g Vodafone / EE) are not able to cap foreign use as they get billed after the event.

With respect to your phone, roaming data is either enabled or not. This is one of the reasons why we request that you tell the helpdesk *before* taking your device abroad, to check you can use it and we can apply a cost effective tariff depending on where you are going. It might be that the last time you were overseas it was within Europe which is significantly cheaper.

We have got the SIM for your iPad at the Engagement desk if you would like to pop down and get this swapped. We are also waiting to hear from EE, who hopefully will be able to tell us the nature of the data that was used.

Regards

[REDACTED]

[REDACTED]

Mobile: [REDACTED]

From: Matheson M (Michael), MSP [REDACTED]
Sent: Monday, January 9, 2023 8:03 PM
To: [REDACTED]
Subject: Re: Roaming charges in Morocco

Hi [REDACTED], thanks for flagging this up. I was in Morocco between the 27th of February and 3rd of January. I still have the iPad and I had it with me when I was in Morocco. I've no idea how it's used up so much data. I had to contact IT while I was there as I couldn't access any data whatsoever on my phone and I had to hot spot with the iPad in order to access my phone emails. However I always used Wi-Fi when it was available. I am also very surprised the account doesn't have some form of cap on it. I've had the iPad with me on other overseas trips and this has never happened.

Happy to discuss as I need the problem with my phone resolved.

Cheers

Michael

Payment arrangements - £10,941.74

From: [REDACTED]
Sent: 15 November 2023 16:04
To: [REDACTED]
Subject: RE: Payment from M Matheson

Hi [REDACTED]

We have received £10,941.74 into our account this afternoon

Thanks

[REDACTED]

From: [REDACTED]
Sent: 15 November 2023 15:23
To: [REDACTED]
Subject: Payment from M Matheson

[REDACTED]

Can you confirm we have received a payment of £10,941.74 from Michael Matheson MSP – his name will be the reference.

Thanks

[REDACTED]
[REDACTED]
[REDACTED]

From: Matheson M (Michael), MSP [REDACTED]
Sent on: Wednesday, November 15, 2023 1:55:59 PM
To: [REDACTED]
Subject: Re: Private Member only - Data costs

Hi [REDACTED],

Just to let you know that the payment has been transferred. I am also happy for the allowances record to be updated immediately.

I would be grateful if you could confirm receipt of the payment.

Many thanks for your help.

Michael

On 15 Nov 2023, at 13:03, [REDACTED]
wrote:

Michael

Here is the bank details

Payment can be made by BACs transfer to the following account:

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
Regards

[REDACTED]
[REDACTED]
From: Matheson M (Michael), MSP [REDACTED]
Sent: 14 November 2023 17:35
To: [REDACTED]
Subject: Re: Private Member only - Data costs

Hi [REDACTED],

Thanks for your email and setting out the payment options. I could meet with you tomorrow if that still works for you. After lunch would be best for me. I will be looking to make one single payment.

Many thanks.

Michael Matheson MSP

On 13 Nov 2023, at 16:38, [REDACTED]
wrote:

Dear Mr Matheson

I am writing in response to your email to David McGill on 10 November 2023 in relation to your statement that you wish to repay your parliamentary device data costs incurred during your visit to Morocco over the festive period last year.

I would be happy to meet to discuss with you the best way to take that forward and agree how you would like to meet the costs, which as you will know from the bill extract provided by my colleague [REDACTED], came to a total of £10,941.74.

Recognising the value of the costs involved, there are three options we could explore:

1. Paying the monies in full by BACS transfer to the Scottish Parliament's bank account.
1. Paying the monies in a number of instalments by BACS transfer to the Scottish Parliament's bank account.
1. Paying the monies in instalments direct from your salary.

If you would prefer to pay in a number of instalments, we can discuss how many and what that would look like in terms of cost each month, however, please note that any instalments would need to be completed within this financial year so any final payment could be no later than end March 2024.

For your ease an example of this would be if you were to pay in instalments over the 5 remaining months, including November, this would equate to 4 payments of £2,188.34 and 1 payment of £2,188.38.

I would be grateful if you could let me know a suitable time to discuss this further either in person (please note I am in the building on a Wednesday and Thursday), over Teams or by phone at any time. Once we have established how you would like to make the payments I will send over the bank details if required.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

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

From: Matheson M (Michael), MSP [REDACTED]

Sent: 10 November 2023 16:46

To: McGill D (David) [REDACTED]

Subject: Reimbursement

Hi David,

You will be well aware of the media coverage on the issue of roaming charges while I was on holiday in Morocco earlier this year.

I have reflected on the issue and I have come to the decision that I wish to reimburse the parliament for this cost. I will be issuing a statement this evening at 5 pm setting out my intentions and the reason why I have chosen to do so.

I would be grateful if you could arrange for the relevant officials to contact me to take this forward.

Having said that, I believe there are lessons for the parliament to learn from the handling of this issue. I have already requested a meeting with the Presiding Officer to discuss these matters next week if possible, should the PO agree, I would welcome your input at the meeting.

Kind regards.

Michael Matheson MSP

Payment arrangements - £3,000

From: Matheson M (Michael), MSP [REDACTED]
Sent on: Tuesday, May 16, 2023 11:36:25 AM
To: [REDACTED] >
Subject: Re: Recent charges from Morocco

Hi [REDACTED],

The only point I would add is that I did contact IT help desk due to the problem I was having with my phone to try and resolve the problem, they couldn't identify what was causing the issue as it should have been work while I was away.

Michael Matheson MSP

On 16 May 2023, at 12:26, [REDACTED]
wrote:

Michael

Thank you for your time earlier and glad we have both managed to touch base on this rather than keep missing each other with busy schedules.

As discussed we will arrange the transfer of monies from your 2022-23 Engagement Provision to your Office Cost Provision to cover the £3,000 contribution to the large data charges you received whilst in Morocco and process a journal to pass the monies back to BIT and they will show against your office cost provision for 2022/23.

As we discussed you have confirmed that you had been using your parliament phone as a wifi hotspot for your Ipad so that you could use it to access emails, twitter etc in relation to your MSP role but that unbeknown to you the hotspot was constantly running on an uncapped sim and the charges were building whereas you thought you were only running it when connected to your phone and actually access emails etc. You have confirmed there was no personal or Scottish Government usage as you used your surface pro and hotel wifi for SG work but had problems connecting all the time to the hotel wifi. You do think that someone else could have been accessing your hotspot but have no way of proving this. As your sim was an old one and uncapped this has now been changed so that this cannot happen again and you have also taken the further step of having a separate SG phone so that you have very clear separation for your work as a minister and work as an MSP.

Please let me know if I have not captured anything correctly.

Many thanks

[REDACTED]

From: [REDACTED]
Sent on: Tuesday, March 28, 2023 3:13:58 PM
To: Matheson M (Michael), MSP [REDACTED]
Subject: RE: Recent charges from Morocco

Michael

I've had a look at your current position in terms of your provision limits and spends to ensure it remains as indicated below. As of 3pm this afternoon you have a balance of £2,007 in your OCP and could transfer a further £2,000 from your Engagement Provision to your Office Cost Provision giving you a total available of £4,007 as you already indicated below.

This of course does not take account of any other costs you may have to process before the end of the financial year or invoices you have yet to add to My Expenses and again as you have indicated below you feel that this does mean you could contribute £3,000 to the costs incurred whilst you were in Morocco.

Whilst I understand that you were not aware such costs were being incurred, you should be aware that given the size of the bill this will be picked up both by internal audit and Audit Scotland when they review 2022-23 Members Expenses later this year. This is because it will show as being a large bill that is not in line with the level of other mobile costs met through the Scheme. In order to ensure we are prepared for any questions auditors may have as well as to ensure we are carrying out our role here in Allowances by seeking reassurance that this cost can be met within the rules of the Members' Expenses Scheme I would be grateful if you could provide some information on the costs incurred.

As you know the Scheme can only be used to support Members in carrying out their parliamentary duties so I would be grateful if you could confirm that in relation to the £3,000 costs you propose to claim from the Scheme that all these costs were incurred solely in relation to you carrying out your parliamentary duties and did not relate in any way to your role in the Scottish Government or any personal costs. Any governmental or personal costs couldn't not be met from the Scheme as you know.

Once you have provided further detail on the use of the phone during this time, confirmed that it all related to you carrying out your parliamentary duties and confirmed you wish to vire £2k from your Engagement Provision to Office Cost Provision I will carry out the transfer and liaise with BIT colleagues to process the costs from your office cost provision.

Kind regards

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 20 March 2023 14:38
To: Matheson M (Michael), MSP [REDACTED]
Cc: [REDACTED]; BIT Admin Support <BIT.AdminSupport@parliament.scot>; [REDACTED]
[REDACTED]
Subject: RE: Recent charges from Morocco

Thanks Michael

I have copied in [REDACTED] from Allowances and also my team who handle the finances.

Hopefully they have enough information to be going on with and start transferring.

Regards

[REDACTED]

From: Matheson M (Michael), MSP [REDACTED]
Sent: Monday, March 20, 2023 2:05 PM
To: [REDACTED]
Subject: Re: Recent charges from Morocco

Hi [REDACTED],

[REDACTED] has now returned and I've now discussed this morning what I have left in my allowances to help meet the cost.

I can via £2000 from my engagement fund to my local office cost provision. I have already switched £3000 earlier in the year to help meet my office costs and allowances

cap the amount you can switch in any one year to £5000. So switching £2000 will take me to my permitted limit.

I can also allocate a further £1000 of my office cost allowances.

That means I can allocate £3000 to assist in meeting the cost. I don't have any other flexibility in my allowance allocation to free up more money ie staff allowance as the transfer is capped. If the cap wasn't in place I could have provided more.

Let me know how you want to take this forward and we can arrange the transfer of my allowance.

Thanks

Michael

On 14 Mar 2023, at 09:29, [REDACTED]
wrote:

Hi Michael

Cc [REDACTED]

I'm just dropping you a reminder, that you were going to speak to Allowances regarding the transfer of some funds from your office costs Allowance to BIT.

I'm aware that you were waiting for your member of staff to get back from leave, but I'm keen that this gets sorted this financial year.

Thanks in advance.

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 04 March 2024 11:49
To: Matheson M (Michael), MSP [REDACTED]
Subject: RE: SPCB Response

Thank you, this is to acknowledge receipt of your email.

[REDACTED]

From: Matheson M (Michael), MSP [REDACTED]
Sent: 04 March 2024 11:42
To: [REDACTED]
Subject: SPCB Response

Hi [REDACTED],

Please find attached my response to the draft SPCB report. I am grateful for the extension provided by the SPCB.

I would also be grateful if you could confirm receipt of my response.

Best wishes.

Michael Matheson MSP

Dear Ms Hegarty,

I attach below my comments on the report by reference to paragraphs/findings of the report.

I want to start by reinforcing that I take responsibility for shortcomings on my part for what happened here. I am prepared to be fully accountable for my actions. This has been shown by my repayment of the sums in full as soon as it became clear that data used while abroad was not for Parliamentary business, by my co-operation with the process, by my statement to Parliament, by my referring the matter for investigation and by my recent resignation from my Cabinet post.

However, this is a process in which I was assured of confidentiality and as a parliamentary process, I think not only can I, but the public should expect a fair and balanced process which is consistent with the assurances provided. Accordingly, I have set out below areas of the draft report where clarity requires to be set out to ensure

fairness not only to the process, and to ensure a fair outcome, but also to me. I am concerned that as currently drafted, there is a lot of misleading information in the draft report, material factors have been omitted and therefore unreliable conclusions have been reached. I also consider that there is an unfair assumption that I was meant to have known and understood data usage when it is clear in the report that these are technical matters which require explanation.

The most obvious example of an unreliable conclusion is that I have 'claimed' £3000 when in fact, the proposed allocation of funds from office expenses was suggested by BIT. The documentary evidence supports that. There is a failure to acknowledge or recognise that I was unaware of personal usage until 9th November – with no evidence whatsoever to suggest that I did or could have known about that. Let me reinforce that I have accepted responsibility for my part in this and am deeply embarrassed about what happened. The taxpayer has not suffered any loss and I ensured that as soon as it became clear what had happened.

First, however, I have a number of preliminary comments I wish to make.

1. Process concerns

(a) Independence of the process

The report and evidence demonstrate a clear interplay between my own actions and that of Parliamentary staff. I am therefore disappointed that based on both objectivity and impartiality the investigation has not been undertaken by someone independent of the Parliament. While the process is a matter for the SPCB, the investigation has been conducted by a senior manager from Parliament, who has been responsible for interviewing and assessing the role of her colleagues in the process.

Further in the interest of fairness I am surprised that I have not been afforded the same opportunity as parliamentary staff to give oral evidence, particularly ahead of producing a draft report which would have assisted in addressing some of the significant issues within the draft report. I remain prepared to provide oral evidence and specifically request that before this report is finalised and before findings are reached.

(b) Confidentiality

Despite assurances of confidentiality prior to the investigation commencing, matters relating to the investigation have been leaked to the press. This resulted in significant media coverage prior to receiving a copy of the draft report. It is particularly disappointing that no action was taken by Parliamentary authorities on these leaks to even establish the source of them within Parliament. The need for confidentiality is critical in ensure a fair process for all involved and I was assured of this by the Chief Executive from the outset. The most recent example of confidentiality being broken occurred on my request for an extension to the two-week feedback period. This was leaked to the media on Wednesday 21st February 2024, with two journalists contacting

me just after 2.30pm on the 21st to informing me that they had been advised that I had requested an extension. Media reports also stated that I had requested a 'lengthy extension.' This information could only be known to the SPCB. Despite this information being leaked, no action was taken by Parliamentary authorities to investigate this breach of confidentiality. I urge this to happen given the assurances provided for confidentiality and the implications of such breaches, which on one view are a clear breach of the Data Protection Act and on any view only undermine the process.

Throughout the period during which this information was being leaked to the media I received no contact from the SPCB or any other Parliamentary authority on what action was being taken to address the issue.

Given the SPCB's undertaking to ensure confidentiality of the process, breaches of this nature compromise the trust, integrity, and fairness of the process.

(c) Overview of process

The combination of a lack of independence in the investigation process, repeated leaking of information to the media and a lack of any initiative-taking investigation into these leaks leave me with little confidence in how this is being managed by the Parliament.

2. The draft report

It is also clear from the draft report that there are significant mistakes in the Investigating Officer's investigation. This includes incorrect technical advice being obtained, contradictory evidence from officials that are not explored by the Investigating Officer and misinterpretation of comments. The conclusions are therefore flawed and in many areas without basis.

Wrong technical advice.

The investigating officer commissioned independent technical advice from Leidos to assist in understanding whether the non-parliamentary use was significant. The Investigating Officer requested assistance with understanding the sort of data usage that would be consistent with four areas. This included streaming a football match, reading, and answering emails, sending emails with instructions, and monitoring social media and mainstream media accounts. This request was informed by my own explanation of the type of parliamentary use while on holiday which involved checking emails, social (Twitter/Instagram/Facebook) and mainstream media on a regular basis throughout the day.

The response from the technical advisors takes no account of social media usage (Twitter/Instagram/Facebook) and the impact this would have on data usage. Having commissioned the technical advice, the Investigating Officer has failed to identify this

significant error. As a result, incorrect information has been used by the Investigating Officer in a key part of the draft report.

The expert technical advice commissioned by the Investigating Officer and used in the report is incorrect. The technical advisors have not followed the full request from the Investigating Officer in her original request. I am surprised that such a clear error has not been identified by the Investigating Officer as it forms the basis of a key part of the draft report.

Contradictory statements.

I was informed by BIT staff that EE had been asked for a breakdown of what the data had been used for. I was advised of this when I asked if the information could be obtained at the point when my iPad was being checked. However, in the evidence provided by BIT I cannot identify an email making this request. BIT also advised EE would not provide this information and as they had no interest in doing so as the contract was ending. However, the report states at paragraph 198 [1] "There was no inquiry from parliamentary staff into what activities had caused the data usage as [REDACTED] [REDACTED] knew from previous experience this would not be provided" which would suggest that the information relating to data usage was not pursued with EE. This is contrary to the advice I was given at the time when I made the request for the data. At annex C [REDACTED] states "despite efforts there was no incentive for EE to offer any assistance with the bill."

Additionally, there are parts of the report which refer to me having a 10GB data package, while other references to having a 20GB and 40GB. See evidence at Annex M which as set out in the email from [REDACTED] on the 26th of January 2023 states I have a data tariff of 40GB on my iPad. However, [REDACTED] states in Annex C that I had a 10GB per month package for my iPad. At Annex E the evidence from EE states that on the 5th of January 2023 my data package was increased to 20GB of data.

Misinterpretation.

Comment made by me on investigating matters further have been used out of context by the Investigating officer. I made the point during my parliamentary statement that on the assurances I was given at the time "I should have pressed harder; perhaps I should have been less willing to believe what I had been told." To interpret "I should have investigated what happened more thoroughly" to be anything other than with my family is a misrepresentation of what I was seeking to say. Additionally, in the evidence received by the Investigation Officer no additional actions are set out that I should have taken. Everything that was requested by BIT at the time was conducted. If the Investigating Officer believes that there is evidence that I should have taken other steps at the time it should be substantiated with evidence, they have gathered rather than misinterpreting my comments.

I would request a meeting to go through this document, to provide oral evidence and to address the issues I have raised both here and in the draft report to ensure fairness.

Michael Matheson

Response to sections of the report, addressed by reference to the relevant paragraphs.

Settlement of the charges

2. On the basis that the Member had assured [REDACTED] Business Information Technology (BIT) and Allowances Offices that these costs were incurred in relation to parliamentary business, and not for personal or Scottish Government use, the costs were met through parliamentary funds.

3. As is the case with most MSPs, Mr Matheson's mobile costs are usually met through a central SPCB contract and budget. In this case Mr Matheson authorised a contribution of £3,000 from the Office Cost Provision allocated for his use under the Reimbursement of Members' Expenses Scheme (the Scheme), with the remainder being paid through the central Parliament contract.

Paragraphs 2 & 3.

The original transfer of £3000 from my allowance occurred at a time when I had no knowledge of any personal use and made in good faith. The transfer also took place at the request of BIT to contribute. This was a process that was unfamiliar to me having never been in this situation before.

15. The SPCB was supported in undertaking its investigation by an Investigating Officer [IO], Michelle Hegarty, Deputy Chief Executive, and a small advisory team. The team comprised:

[REDACTED]

16. Each member of the team made a declaration confirming in writing that they could undertake the investigation process fairly, following due process.

This included assurances that they were not involved in the discussions with Mr Matheson around the data roaming charges bill, and subsequent decisions to meet costs through the Office Cost Provision and central provision. The IO assurance was signed off by the Clerk/ Chief Executive with team members signed off by the IO.

Paragraphs 15 and 16.

The report provides no explanation of the competency / experience of the Investigating Officer on conducting such an investigation. Perhaps that could be clarified. Having referred myself to the SPCB the process of investigation is one for SPCB. However, the investigation process has no independent oversight.

The lack of independent oversight naturally raises questions about its objectivity and impartiality. Further in the interest of fairness I am surprised that I have not been afforded the same opportunity as parliamentary staff to give oral evidence, particularly ahead of producing a draft report which would have assisted in addressing some of the issues within the draft report

Technical information

23. This report refers to technical information around hotspotting, using an iOS device [iPad]. The following descriptors, provided by the external technical advisors, describe terms used in the report.

<i>TERM</i>	<i>DESCRIPTION</i>
<i>App</i>	<i>An application installed on a mobile device</i>
<i>Hotspot</i>	<i>A device which shares its mobile data connection to other nearby devices in the form of a local Wi-Fi connection</i>
<i>Streaming</i>	<i>Transferring audio or video data to a local device while it is being watched or listened to, as opposed to downloading an entire media file to the device.</i>

Paragraph 23.

This paragraph demonstrates that these technical expressions require explanation. I am concerned that it creates the impression that I should have known more about some of the technical aspects of using a hotspot, use of data etc. than I did at the time. It fails to reflect the evidence I provided highlighting my limited IT knowledge. The technical complexities around this are demonstrated in the report itself, which has gone to some length to explain the various technical issues for SPCB members. I am sure like SPCB members my technical knowledge around this issue has increased in recent months, while my knowledge at the time of the data roaming charges being incurred was much lower.

30. Each Member has a “package” – representing the bundle and tariff required to support their parliamentary business usage. The monthly costs for each MSP package are billed and paid centrally. Billing against individual packages is closely monitored and BIT will only discuss with Members any significant costs above their package to seek assurance it is for parliamentary business

purposes. BIT will assess, based on these discussions, whether a different tariff might be required to meet parliamentary business needs.

Paragraph 30.

The claim in this paragraph cannot be correct as practical experience demonstrates this. Close monitoring would have identified any device still operating on an outdated SIM card linked to the old EE contract. Experience shows that BIT took no action for over 13 months on my iPad's outdated SIM card and only then action was taken due to roaming charges. This was not a planned intervention by BIT. Any reasonable assessment of this claim would recognise that it is not correct given direct practical experience. The Investigating Officer provides no evidence to substantiate this claim.

31. If a Member identifies any non-parliamentary usage BIT will send instructions on how to reimburse the Parliament for the corresponding amount. If a Member confirms the out of tariff costs relate to parliamentary usage, then the invoice is paid centrally. If the cost of parliamentary usage is beyond the normal tariff it would be discussed between BIT, the Allowances Office and the Member on how to allocate the cost from relevant budgets within the overall Parliament funds.

Paragraph 31.

It only became known to me on the 9th of November 2023 that an element of personal usage had taken place and within 24 hours of knowing this I announced full personal reimbursement of all costs. It is reasonable to consider what actions a member takes as soon as they become aware of personal usage, particularly if the member was unaware of that at the time. The process set out here takes no account of that and there is no guidance for members on the procedure that should be followed in those circumstances. In the evidence the Investigation Officer fails to establish what the expected procedure would be for a member in those circumstances. The conduct of a member would then be able to be assessed against the guidance they should follow. The existing guidance is silent on this, and the Investigating Officer's report fails to provide any clarity on the matter or recognition of the gap in guidance for members.

36. The Parliament awarded a contract to a new mobile provider, Vodafone in late 2020. As part of the planned switch over of SIM cards, the first tranches were undertaken alphabetically and focused on iPads, as these are technically easier than mobile phones, with the focus on mobile phones thereafter. During 2021 Members, including Mr Matheson, were asked to bring their parliamentary devices to the Engagement Desk in the Parliament so that the EE SIM card could be replaced with the new provider Vodafone's SIM card. BIT emails were sent 12 February 2021 [Mr Matheson's evidence], 5 October and 2 December 2021 [BIT emails]. The Vodafone contract offered a range of roaming packages for going abroad which included a cap on costs.

Paragraph 36.

Significantly this paragraph omits to mention that between 2nd Dec 2021 until Feb 2023 (13 months) no one from BIT contacted me to request my iPad sim card be replaced.

Additionally, it also fails to mention that the SIM card was eventually changed in Feb 2023, not as part of a planned intervention, but only due to the roaming charges that had been incurred with the old EE SIM card.

37. Members were regularly advised that they must inform BIT officials before travelling abroad, so that any roaming charges, which had to be incurred for parliamentary business, could be managed in a pre-planned and cost-effective way. This is done prior to recess generally via an email to all Members, corporate bulletin (an internal publication) notices and via BIT garden lobby engagement desk advertisement.

Paragraph 37.

Omits to mention that I contacted IT Help desk within a few hours of arriving in Morocco and informed them that I have both my iPhone and iPad with me.

38. Mr Matheson updated his Parliament iPhone in February 2022 to the Vodafone contract. The iPad remained on the EE contract until late January/early February 2023

Paragraph 38.

Omits important fact. BIT contacted me to update my parliament phone SIM card Feb 2022, advising that the mobile network was moving to Vodafone. They advised that a SIM card would be posted to my home to replace the old one. However, no request for my iPad SIM to be replaced was made. The evidence in annex C from [REDACTED] states that had the iPad SIM been replaced to the “new Vodafone contract and a roaming data package which would have included a cap would have applied.” However, for a 13-month period no one from BIT contacted me to replace my outdated SIM card.

41. Mr Matheson recalls that he was advised to remove/replace the SIM and he also noted in his personal statement that he made the helpdesk aware he had his iPad with him. Mr Matheson also advised in the chamber, in response to a question, that he had been advised to hotspot by the helpdesk. [Annex A]

Paragraph 41.

While the primary reason for the call was due to the phone not working, it was explained that while my phone would not work my iPad was working. This point was important from my perspective as I presumed, they both operated on the same service provider and thought the problem was with my phone set up. I appreciate that [REDACTED] will have been focusing on the phone problem, however I contrasted the two devices with one working while the other was not. Unfortunately, the call log contains no recorded information on the discussions that took place between me and help desk staff, beyond my initial email to them.

44. EE has provided evidence that two SMS alerts were delivered to the iPad on 28 December. These showed data usage cost and informed him that there was no cap in place. Mr Matheson does not recall receiving or reading these messages.

Paragraph 44.

Does not reflect accurately the evidence from EE on these text messages. In the evidence at Annex E provided by EE they confirm that texts are only “Welcome SMS” indicating the cost of roaming charges. These are standard text issues by service providers when a device is switched on for the first time overseas. What they do not inform you of is the amount of data used or the cost being incurred through roaming charges. Further, based on the evidence from EE and the configuration of my iPad these messages would have gone to an unused message app on the iPad. Additionally, as stated in my own evidence at annex L, I do not recall receiving or seeing them. Further, when this was highlighted to me by BIT on the 25th of January 2023 the message app was checked for said text and they are not in the message app. Additionally, the evidence at annex C from [REDACTED] confirms that there is no evidence that the text had been read.

The evidence from EE explains that the text messages are only “Welcome SMS.” Michelle Hegarty also asked EE for the frequency of notification of data roaming charges. EE confirmed that only the two “Welcome SMS” were issued. No notifications were issued by EE to warn of the amount of data being used or the costs being incurred. I have stated throughout, I had no knowledge that data roaming charges were being incurred and I would have acted to prevent this from happening if I had been made aware. The evidence from EE clearly explains no notifications were issued about the level of data being used or any cost associated with it.

It would be misleading to suggest that these ‘Welcome SMS’s’ demonstrate knowledge of the level data roaming being used or the cost being incurred. The Investigating Officer provides no explanation on how I should have known what level of data had been used or the costs associated with it. I am conscious of the risks with roaming charges, as set out in my evidence, I would use Wi-Fi wherever possible. To suggest these text messages make you aware of the amount of data roaming charges being incurred and the cost being incurred with them is factually inaccurate and not substantiated by the evidence from EE at annex E. It is concerning that this supposed evidence of intimation to me, which I had not seen, is being interpreted in this way.

45 The EE fraud team contacted parliamentary staff on Friday 6 January 2023 [after Mr Matheson returned home] given that the level of roaming costs being incurred on the iPad was “significant”, and originating from Morocco, asking BIT if it still had the number and was aware of the usage. The message was sent to [REDACTED] at 16:04 on Friday 6 January 2023 (during parliamentary recess). It was not read and actioned until the morning of Monday 9 January when staff requested a bar on the device until it was established whether it was still in Mr Matheson’s possession. Mr Matheson confirmed that same evening that he still had the device, and that it was with him in Morocco and the bar was lifted. Mr Matheson stated he had no idea how so much data was used and explained that he had issues with his phone and that he had to hotspot on his Parliament iPad to be able to use his phone when away from hotel Wi-Fi.

Paragraph 45.

This is not an accurate account of the evidence at annex E from EE. The evidence from EE states that on the 5th of January 2023, "[REDACTED]" at the Scottish Parliament had contacted EE to request that the tariff on Mr Matheson's device be increased from 10GB to 20GB data. This was confirmed, and applied, by EE the same morning." No explanation is provided by the Investigation Officer as to why someone from Parliament contacted EE to have the tariff on my device increased from 10GB to 20GB.

This raises a number of questions that are not addressed by the Investigating Officer in the report.

- 1) It unclear if this means that the iPad SIM had a cap of 10GB and if this is correct as BIT stated the iPad had a 40GB cap.
- 2) Additionally, why did the parliament ask for the cap to be increased on the 5th of January and then later asked EE to put a bar on the SIM?
- 3) Given that it was an old sim card and should have been replaced, why did the request to increase the cap not trigger a need for the SIM to be replaced.
- 4) Who requested this cap increase on an old SIM card?

The paragraph also lack accuracy on the three days it took for someone to respond to the email from EE on the 6th of January. The explanation provided is that the delay was due to the recess period. Based on this explanation for the delay, had EE emailed at an earlier stage the email would not have been actioned until [REDACTED] returned from recess on the 9th of January. This factor is ignored by the Investigation Officer in the report and raises concerns about oversight of the contract during recess periods.

In the evidence from EE, they advise that they contacted parliamentary staff on the 6th of January regarding the level of the roaming charges. This is 9 days after the first spike in cost associated with roaming charges which were completely out of the normal and 4 days after the spike in roaming charges incurred on the 2nd of January. [REDACTED] gives no explanation as to why EE were not challenged on the delay in highlighting these charges for such a length of time before this was identified and action taken. There are no emails in the evidence to explain if [REDACTED] challenged EE on this point.

TIMELINE C - Evidence associated with billing discussions & decisions
[Annex M]

46. There was a range of contact between officials in two different parliamentary teams – the BIT and the Allowances Offices – with Mr Matheson to discuss the bill received from EE for the data used in the relevant period. As part of this contact officials asked for assurance repeatedly from Mr Matheson that the data roaming charges were incurred for parliamentary business purposes. BIT officials advised Mr Matheson that the usage appeared consistent with streaming and sought assurances that no one else

had used data from the device. Mr Matheson confirmed in writing that all usage was for parliamentary purposes and that he was unaware of any other usage.

Paragraph 46.

This paragraph is inaccurate as it does not reflect the facts at the time. As explained throughout I had no knowledge of personal use until the 9th of November 2023, at which point I took immediate action to reimburse the full costs. I have been consistent with this throughout my engagement with BIT officials. I only used the iPad for parliamentary purposes and had no knowledge of its use for anything else. My repeated reassurance was consistent with my knowledge at the time. I also raised the question about my iPad being hacked and the data used by someone else, but in the absence of a breakdown of how the data had been used from EE this would be difficult to identify.

Additionally, at no point in any of my discussions with BIT did they present any evidence that the device had been used for non-parliamentary purposes. However, when I became aware of non-parliamentary usage, I took immediate action to reimburse the full cost.

48. Mr Matheson was approached by BIT about the option of making payment from his Office Cost Provision towards the bill. Following discussions with his office on what was left in his expenses, he decided to put £3,000 towards the overall bill payment. It was confirmed in writing with [REDACTED] that the use of the mobile device was for parliamentary business purposes and officials in Allowances arranged payment from his expenses on this basis to the BIT cost centre and account code.

Paragraph 48.

This paragraph does not reflect the full facts at the time. BIT asked if I would contribute from my allowance provision. At that time, I had no knowledge of personal usage. I have no doubt that if BIT had any evidence of personal usage or that the investigation into the matter at the time had identified personal usage, they would not have asked if I could contribute through my office allowances. I agreed to their request in good faith and based on the knowledge I had at the time. Up until the 9th of November I had no knowledge of personal use being made of the data. It is self-evident from all the circumstances and my reimbursement of the cost in full as soon as I became aware of personal usage, which had I known of personal usage at the time I would have ensured that I paid for it myself. I appreciate this is an unusual set of circumstances, however I can only act based on information at the time. As soon as I became aware of personal usage, I took immediate action to reimburse the full cost.

53. The SPCB accepted the Internal Audit report recommendation that the BIT Office, in consultation with the Allowances Office, should develop a policy for meeting exceptional mobile phone costs including the potential for seeking approval from the SPCB to meet the costs centrally, the scope for Members to contribute to these costs from the provisions within the Scheme or the requirement for Members to be personally liable for such costs

Paragraph 53.

Factual and accuracy for this point is important, as it confirms that I operated within the scope of the policy set out in paragraph 47 on the request to contribute from my office allowances. However, this is not reflected in the paragraph as it is drafted.

62. On 9 November Mr Matheson requested to meet with the Presiding Officer, suggesting the following week. He requested that David McGill, the Clerk/Chief Executive, be present.

Paragraph 62.

This request for a meeting was made on Friday the 9th of November at 18.11hrs. For accuracy, my request was for an 'early meeting' next week.

63. On 10 November at 4.46 pm Mr Matheson notified the Clerk/ Chief Executive by email that he wished to reimburse the Parliament in full for the data roaming bill and that he would be issuing a statement at 5.00 pm setting out his reasons for doing so.

Paragraph 63.

This paragraph omits a number of facts related my request for a meeting. The Chief Executive responded to my email on the 10th of November, advising that he would arrange for his appropriate colleague to contact me to arrange reimbursement. I then contacted the Chief executive again at 16.32hrs on Monday 13th November regarding arranging reimbursement and the meeting with the Presiding Officer as no one had been in touch to arrange either of these.

Paragraph's 61, 62,63 and 64.

This paragraph omits any reference to the point that parliament also confirmed [REDACTED] had already investigated the issue earlier in the year. The evidence at annex C from [REDACTED] confirms that had the SIM been replaced the new Vodafone contract would have had a cap in place. The replacement of the SIM is an incredibly significant factor in how the costs have been incurred due to the EE contract not having a cap in place, as confirmed in the evidence at Annex C.

65. On 13 November [REDACTED] contacted Mr Matheson to discuss arrangements to repay the entire data roaming bill of £10,941.74. This was duly processed.

Paragraph 65.

Omits to highlight that I contacted the Chief Executive at 16.32hrs on the 13th of November 2023 as no one had been in touch.

66. On 13 November Mr Matheson stated in a BBC interview no one else had used his iPad and the bill was due to an old SIM card that should have been replaced.

Paragraph 66.

This paragraph lacks accuracy. The issue has been about usage of the iPad, it has been about data being accessed through the iPad as I explained in my statement on the 16th of November 2023 in my statement to parliament.

67. On 15 November in response to an FOI request seeking a copy of the bill, the SPCB published the EE itemised bill for the charges incurred by Michael Matheson's iPad for the relevant period.

Paragraph 68.

The Investigating Officer have missed key facts. I was emailed by [REDACTED] at 17.38hrs on the 14th of November to be advised that they would be issuing a breakdown of my mobile data bill very soon based on an FOI request. I responded explaining that the short notice of FOI's being issued was one of the issues I wished to discuss with the Presiding officer and the chief executive who I was due to meet the following day. I received no response to my request for the matter to be discussed at the meeting planned for the following day.

On 15th November, the information was published, without my knowledge, along with a statement from the Presiding Officer around 20 minutes before I was due to meet the Presiding Officer. Its publication only became known to me once it was in the public domain.

69. On the afternoon of 15 of November Mr Matheson met with the Presiding Officer and the Clerk/Chief Executive to the Parliament as he had requested on 9 November. The Clerk/Chief Executive has explained that the main discussion was between himself and Mr Matheson and that the meeting focussed on the data roaming bill situation and his experience of this. No new information was provided in the meeting by Mr Matheson about how the data charges had arisen.

Paragraph 69.

This paragraph is not an accurate reflection of the issues discussed at the meeting. The meeting took place at my request. I requested the meeting on Friday the 9th of November. I had received no response with a date and time by the afternoon of Monday the 13th of November and I contacted their offices again to secure a date and time. I was then provided with a date and time of Wednesday 15th at 3PM. The meeting took place six days after I had requested it.

The Investigating Officer gives no insight into the issues that were discussed at the meeting. The main issue I raised in the meeting was a complete breakdown in trust between me and the parliament given its handling of the matter to date, particularly with the speculative comments being made by the parliament's press office and information being leaked to the media from within parliament. I made clear to both the Presiding Officer and the Chief Executive that I had lost all trust in the parliament's handling of this issue and that they had absolutely no regard for the impact this was having on my family due to the level of media intrusion and political interest. In particular, the way Parliament issued information at short notice and without my knowledge. The

combination of speculative comments being made by the parliament's press office, the issuing of FOI's at short notice and without any knowledge of when information would be published, added to my sense of mistrust in the Parliament and its actions. I asked the evening before to have the opportunity to discuss handling information being issued at short notice and despite this request information was published 20 minutes before the meeting. The Chief Executive advised that he was not aware of my request, despite the fact I had it in writing.

More recently the leaking of details around the draft report have eroded trust further in the confidentiality around this process.

Additionally, at no point during the meeting was I asked to explain anything in relation to the data roaming charges and how they had been incurred.

71. On 15 November Mr Matheson discussed with [REDACTED] removal of the £3k claim from the SPCB Publication Scheme. The Publication Scheme was updated, removing the claim on 20 November.

Paragraph 71.

For accuracy, [REDACTED] asked me if I wanted the publication updated once I had reimbursed the cost, which I agreed to.

Factual information missing in this section. I had two calls with the Presiding Officer on the morning of the 16th of November 2023. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]. The Presiding Officer called again, advising that she would permit the statement, however [REDACTED] [REDACTED] she would not permit question to be taken following my statement.

72. In his statement, Mr Matheson stated that he wished to apologise to the chamber for the cost of the roaming charges. He accepted that the charges had come about as a result of him not updating the SIM card in his iPad to that of the new contract provider. He also recognised that he should have informed the Parliament's information technology department in advance of travelling of his holiday plans and of the fact that he would be taking two devices. He said that was his responsibility and which he accepted in full.

Paragraph 72.

This does not accurately reflect that I set out in my statement that I contacted BIT the morning after I arrived (28th) to advise them that I was overseas and that I had two devices with me.

77. Mr Matheson stated that he told the First Minister on 14 November that the data had been used for non-parliamentary purposes and that on the evening of 15 November he gave the First Minister a full account of the matter and his intention to inform the Parliament the next day.

Paragraph 77.

This does not accurately reflect my statement to Parliament on the 16th of November 2023. I stated “I told the First Minister that members of my family had made use of the iPad data. Yesterday evening, I provided him with a full account of the matter and of my intention to inform the Parliament.” The key point is that I advised the First Minister that members of my family had made use of the iPad data on Tuesday 14th November 2023.

78. Acknowledging that mistakes had been made by him in how the matter was handled and investigated by himself at the time, Mr Matheson acknowledged the responsibility for the iPad was his and the responsibility for the data usage was also his, and as such, he had made the immediate decision to reimburse the full costs to the Parliament.

Paragraph 78.

This is a misrepresentation of the comments I made. I did everything I could from a technical point of view at the time. [REDACTED]. My reference to handling was in communicating the issue prior to my personal statement on the 16th of November 2023.

88. Mr Matheson’s chronology and what the IO has been advised by BIT differs around the iPad. Mr Matheson has stated in his evidence that when he initially contacted the BIT helpdesk on 28 December 2022, he informed them he had two devices with him in Morocco and while his phone was not working, his iPad was functioning. Mr Matheson further states there was nothing in the discussions he had with BIT that led him to believe there was any risk in using the iPad while in Morocco, particularly given, in his view, they were aware that he had his iPad with him and that it was operating.

Paragraph 88.

This paragraph is not accurate. There is no disputing the chronology as the emails and calls took place on the 28th of December. I recognise Help Desk have no written record of the issues we discussed during our calls, including the discussion on the iPad having data. The Help Desk record of the call hold little information beyond the web chat with Vodaphone and my email to them. However, part of the discussion was the fact that my iPad was operating while my phone was not, I was questioning why that would be the case. There would be no reason for me not to explain that I had my iPad with me, and I would have expected to have been advised of any problems using it while overseas to be explained.

94. Mr Matheson accepts that the iPad had been operating with an outdated SIM card and provided a summary in his statement of the exchanges with BIT on this matter. He notes that 13 months had elapsed since BIT first highlighted that he had an outdated SIM card.

Paragraph 94.

The paragraph is inaccurate. The iPad had an outdated SIM card. There was no contact from BIT on the SIM replacement after the 6th of December 2021.

Therefore 13 months passed with no contact from anyone at BIT regarding my iPad SIM. The SIM was eventually changed because of the roaming charges incurred rather than as a planned update. Given the significance of this the Investigating Officer provides no explanation or acknowledgement of this matter, and it does not feature in any of the evidence obtained by the Investigating Officer during her interviews of her colleagues. Strangely this issue is does not pursued by the Investigating Officer at any point, even though the Investigating Officer asked [REDACTED] to explain what the difference would be if the iPad had an up-to-date Vodafone SIM. Management of the transition from EE to Vodafone has clearly had a significant impact in this matter, how the transition is managed is a matter for BIT. However, the EE contract appeared to have no end date with it continuing to operate until February 2024, over three years since the contract was awarded. In a Freedom of Information answer dated 12th December 2023, ref: 2023-694382, it states "The EE contract will finally be closed when all numbers have been removed". It is unclear if BIT had lost track or knowledge of my outdated SIM card, however the Investigating Officer have completely overlooked the significance of this issue.

117. In the instance under investigation, the evidence from Mr Matheson, SPCB staff and the associated timeline records consistently show that Mr Matheson was aware that this was a high bill. Recognising this, he agreed to make a contribution through the Scheme towards meeting what was a significant cost for the central IT budget to meet at this late stage in the financial year.

Paragraph 117.

This paragraph does not accurately reflect the full circumstance. BIT asked if I could contribute to the bill in an email from [REDACTED] on the 7th of February 2023. I responded on the same day stating that "I recognise the significant cost attached to this" for BIT and that I would "look at using some of my office allowances to meet the cost of this data."

I had no knowledge of personal use at that time, this was entirely a decision made to assist BIT with the cost and I did so in good faith, based on my understanding of the situation at the time. I viewed it as transferring one part of my office allowance budget rather than a claim, to assist meeting a central budget cost incurred by BIT. Had the suggestion never been made by BIT I would have been unaware that any of my office allowance could be used in this way. This was a process that was initiated due to BIT's request. See paragraph 123, as the process was initiated by BIT without my knowledge.

119. In [redacted] evidence [redacted] explained that the Scheme allocations are a maximum annual limit rather than a budget; ultimately it is for the Member to determine how much is spent and on what, provided it relates to parliamentary duties and is permitted within the Scheme rules and Scheme Principles. Any parliamentary costs paid/offset through the Scheme is considered a “claim” under the Scheme, although this may not necessarily be a personal reimbursement of costs to the individual.

Paragraph 119.

[redacted] states that any cost paid or offset through the scheme is considered a “claim,” no real explanation is provided. I cannot see how this could be considered a claim essentially initiated and claimed by me, given that the recommendation came from BIT and the process was started by BIT without my knowledge.

123. In making his claim under the Scheme, Mr Matheson spoke with Allowances to check that he could transfer funds from his Office Cost Provision to the BIT cost centre to meet part of the bill. As part of this he was asked and provided written assurance that the costs related to parliamentary business usage. He checked what was left in his Scheme provision and authorised £2000 from his engagement provision to be vired to his Office Cost Provision [as allowed under the Scheme rules]. He then authorised payment of the £3000 to the relevant account codes provided by BIT.

Paragraph 123.

The process of contributing from my office allowance was initiated by BIT. As set out in the evidence at Annex M, evidence associated with billing discussions and decisions, BIT contacted the Allowances Office on the 6th of February 2023 in order to “seek advice on meeting costs from within the Reimbursement of Members Expenses Scheme. This was followed by a meeting to discuss the way forward and actions to be taken.” I was unaware of this discussion on the use of the Reimbursement of Members Expenses Scheme between BIT and the Allowances Office. Given that I was clear at that time I had only used data for parliamentary purposes, the Investigating Officer provides no explanation as to why it was appropriate for BIT to approach the Allowances Office to seek a contribution from my office allowance provision.

I was then contacted on the 7th of February 2023 and asked if I could make a contribution from my allowances, which I agreed to do and is set out in my email exchange with [redacted] on the 7th of February 2023. This paragraph fails to set this out accurately as I was unaware of any discussion taking place between BIT and the Allowances Office on the 6th of February 2023 to obtain a contribution through my office allowances.

My iPad is provided through the Parliaments central contract and its cost are met through central funding. In the evidence at Annex C [redacted] confirms “there is a small number of Members who have their mobile costs met through the office

costs provision, although the majority are met through the central budget.” It would appear from the information recently published by Parliament this only relates to a small number of MSP’s who will be using their own phones and are reclaiming the costs for Parliamentary usage.

The process of contributing from my office allowances was initiated by BIT and the process for doing so confirmed by the Allowances Office. I acted in good faith following their advice in transferring the funding. Given that I had no knowledge or evidence of personal usage at that time this advice was incorrect, and the cost should have been met centrally. The Investigating Officer fails to consider this significant point despite the evidence presented.

Based on the knowledge and advice I was given at the time this paragraph also omits to confirming that the transfer of £3000 was consistent with the advice I was given on being able to make a transfer of allowances to assist BIT in meeting the high costs. I had at the time no knowledge of any personal usage, as set out in my personal statement to parliament. As soon as I became aware of personal usage, I immediately acted by reimbursing the full costs.

131. Section 10.1 of the Scheme provides that an “improper claim” means a claim in respect of expenses or costs which have either (a) not in fact been incurred or (b) have not been incurred for a purpose permitted by the Scheme. An “improper claim” is one outside the Scheme rules in either of these two respects. The use of the word improper does not convey any requirement to establish intention. The motivation of the person making a claim is not relevant to evaluating whether either test is met.

Paragraph 131.

The Investigating Officer has chosen to interpret the definition of ‘improper’ as not requiring to convey any requirement to establish intention. While it provides a definition, as set out in section 10, motivation of the person is relevant to the investigation. At the time of the allowance transfer I had no knowledge of any personal usage, and the Investigating Officer present no evidence to demonstrate that I should have. I checked all matters I could at the time as I was advised to. I then acted immediately by reimbursing the full amount when it became known some personal usage had taken place. There would appear to be no expressed provision in section 10 that states the SPCB cannot consider the motivation of the person at the time.

140. Evidence from EE shows that on 28 December 2022 EE sent two messages to Mr Matheson’s iPad in quick succession, which alerted the user that their SIM was roaming, noted the charges for data use in Morocco and advised that this was not capped. EE provided evidence the messages were received on the device, but Mr Matheson states that he does not recall seeing these and therefore the first he became aware of the fact that a high level of charges was accruing on his iPad was on 9 January 2023 when he was contacted by [REDACTED]. [REDACTED] was seeking to clarify that he was still in possession of his iPad, having been alerted by

the EE Fraud Team to the “very significant” roaming charges “originating from Morocco”.

Paragraph 140.

Contains inaccuracies. It states, “which alerted the user that their SIM was roaming,” as set out in the evidence when these were highlighted by BIT the message app on the iPad was checked and no record of the messages are on the iPad. Additionally, the message app is not used on the iPad. The evidence from [REDACTED] confirms that there is no evidence to support that they were read. Additionally, the paragraph misunderstands the text messages as they do not inform you about the amount of data roaming charges being incurred and how much data roaming you are using. In the evidence at Annex E provided by EE they confirm that texts are only “Welcome SMS” indicating the cost of roaming charges, they do not inform you about the amount you are incurring for roaming charges. Based on the evidence from EE and the configuration of the iPad these messages would have gone to a message app on the iPad. This app is not used on the iPad and as stated in my own evidence I do not recall receiving or seeing them. However, when this was highlighted to me by BIT on the 25th of January 2023 the message app was checked and the messages are not there.

The Investigating Officer in the evidence at annex E also asked EE for the frequency of notification of data roaming charges. EE confirm that only two “Welcome SMS” had been issued. The evidence from EE confirms that no notifications were issued warning of the amount of data roaming charges being incurred or the amount of data being used. As I have stated to BIT and throughout this process, I had no knowledge of data roaming charges being incurred. Beyond the two ‘Welcome SMS’s’ no warnings or notifications of incurring any roaming charges were issued. It would be inaccurate to interpret the text as informing of the amount of data being used and the cost being incurred for data used.

I presume these text messages are standard for the industry, what they do not alert you to is the costs of any data roaming you have or are incurring.

It is very concerning that the draft report appears to reflect these conclusions without the supporting evidence. This clearly requires to be amended.

141. The evidence shows that when advised of it Mr Matheson was surprised at the cost of the bill and that he stated he couldn’t understand how the costs could be so high. He has stated in his submission to the investigation that the cost incurred “were clearly well beyond the normal pattern of usage”. This is consistent with Mr Matheson’s evidence to the investigation that he was using the iPad hotspot to support routine business activities on his parliamentary phone such as checking emails, social media and media news sites whilst away from the hotel Wi-Fi.

Paragraph 141.

The evidence at annex C from [REDACTED] confirms that I am not a high user of data, “Mr Matheson was not a particularly high user or someone

who regularly went over their pre-arranged data usage level.” However, [REDACTED] [REDACTED] advised in January 2023 that my data use was high. The level of data I have used during the relevant period is not different to my use at other times and less than that used by other MSP’s devices, as confirmed by the recent Freedom of Information publication on data use.

142. *Mr Matheson has stated that he queried the charges. BIT staff had already obtained confirmation from EE that the billing was correct and also [REDACTED] [REDACTED] checked the iPad and confirmed that it was working correctly, [i.e. checking the settings that can be used to minimise data usage].*

Paragraph 142.

The Investigating Officer provides no explanation of why BIT did not pursue obtaining a breakdown of the data from EE. Given the evidence from EE it does not feature in the discussion between the Investigating Officer and [REDACTED]. I also raised the possibility of my iPad having been hacked, this was raised with [REDACTED] [REDACTED] when my iPad was being checked at the engagement desk. I point also highlighted in my communication with [REDACTED]. However, I was also advised that without a breakdown of the data this could not be established. Obtaining this information could only be taken forward by the contract holder, Parliament.

143. *There is evidence that in his exchanges with BIT staff about the bill [10 January 23] Mr Matheson was also advised by officials that the level of data usage was more consistent with streaming. BIT staff asked whether anyone else had used data from the device to test whether SPCB policies had been followed. In his submission to the Investigation Mr Matheson stated that he discussed the matter with his family, but they gave no indication of how it had happened. He has accepted in his submission that he should have been more thorough in his enquiries.*

Paragraph 143.

This paragraph does not set out that in my personal statement I accepted the assurances given to me at the time. As a result, I had no knowledge of personal usage at the time.

144. *Throughout the process Mr Matheson made various statements in correspondence with the SPCB and publicly that the high level of the data roaming bill was due to his “outdated SIM” in his iPad.*

Paragraph 144.

This paragraph does not accurately reflect the full implications of having an old EE SIM card. The evidence at annex C from [REDACTED] confirms that the primary cause of the excessive cost is associated with the old SIM and the tariff it had for roaming data. [REDACTED] explains that the EE mobile contract had an automatic roaming data package in place for the ‘Rest of the World’ tariff that was applied to my data usage. However, the new Vodafone contract has a range of roaming data packages, which will obviously provide members with better protection.

The evidence states, "I sought clarification from [REDACTED] about what difference it made with Mr Matheson being on the old contract with EE. I was advised that there was a cap on domestic usage and a range of roaming packages available through the new Vodafone contract, whereas with the EE contract there was an automatic roaming data package in place (Rest of the World) which was sufficient for most users. This had been in place for the whole term of the EE contract." The evidence goes on to state that had the SIM card been replaced to the new Vodafone contract "a roaming data package which would have included a cap would have been applied."

The evidence from [REDACTED] clearly demonstrates that the old SIM card played an incredibly significant role in the level of charges being incurred and a new Vodafone SIM card would have prevented this from happening due to a data roaming cap being in place.

EE have confirmed that they were continuing to charge the Parliament in accordance with the pricing agreed under the legacy contract for my iPad. The charges under investigation are "out of bundle" charges that are charged in accordance with EE's price list for roaming abroad. This charging is consistent with the contract that the parliament had EE as the evidence in annex C from [REDACTED] confirmed that the EE contract had automatic roaming package in place for the 'Rest of the World.'

145. Mr Matheson accepts he should have taken steps to replace the SIM in response to the requests issued and before he took his device abroad.

Paragraphs 143, 144, 145 and 146.

The Investigating Officer has omitted to make clear that all the responses made to BIT at the time are consistent with my knowledge at the time, no personal usage had taken place and that I had only used the data for work purposes. There is no evidence to suggest that I knew otherwise. As soon as I became aware of personal usage, I arranged for the full amount to be reimbursed.

The evidence also clearly demonstrates that the old SIM card was an incredibly significant factor in the cost incurred due to it not having a cap in the tariff. Given the evidence in annex C from [REDACTED] on the significant part the old Sim card had, the Investigating Officer ignores the significance of the part it played. Even though the Investigating Officer ask [REDACTED] to set out the difference the new Vodafone SIM would have made. It is also worth recalling that for 13 months no one from BIT contacted me to have the SIM card updated. The Investigating Officer claims at paragraph 30 of the draft report that the packages are closely monitored. However, that is not consistent with BIT taking no action for 13 months to have the SIM card updated.

150. Mr Matheson's failure to update the EE SIM to Vodafone was a factor which contributed to the level of the charges. But the level of charges is not the main issue in answering the substance of the complaint, which is whether Mr Matheson's claim in

respect of part of the charges was an improper claim within the meaning of the Scheme. The main issue to be examined is that roaming charges were, as a matter of undisputed fact, incurred as a result of another device using the parliamentary iPad hotspot, for which Mr Matheson was responsible, to stream football matches.

Paragraph 150.

This paragraph is factually incorrect. The evidence from BIT demonstrates clearly that the old SIM card was an incredibly significant factor. Annex C of the evidence from [REDACTED] states that had “the SIM would have been replaced to put him on the new Vodafone contract and a roaming data package which would have included a cap would have been applied.” In effect, had the SIM card been replaced, the cap would have prevented these charges from being incurred.

This paragraph is misleading as the only reason the issue was ever highlighted was due to the cost associated with data roaming charges. The level of data used during the relevant period is not dissimilar to the level of data used in general and is exceeded by a number of other MSP’s as evidenced in the Freedom of Information requests published on the 22nd of December 2023, reference numbers 2023-694464 and 2023-694360.

The evidence at annex C from [REDACTED] also explains that the EE mobile contract had an automatic roaming data package in place for the ‘Rest of the World’ tariff that was applied to my data usage. The new Vodafone contract has a range of roaming data packages, which will obviously provide members with better protection. The evidence states, “I sought clarification from [REDACTED] about what difference it made with Mr Matheson being on the old contract with EE. I was advised that there was a cap on domestic usage and a range of roaming packages available through the new Vodafone contract, whereas with the EE contract there was an automatic roaming data package in place (Rest of the World) which was sufficient for most users. This had been in place for the whole term of the EE contract.”

152. The level of contribution, made from Mr Matheson’s Office Costs Provision in his claim under the Scheme, was an arbitrary figure. The evidence shows it represented what the Member had available to contribute, within the Scheme rules, at that point in the year. Evidence shows that Mr Matheson gave a written assurance that the charges the claim related to was attributable to parliamentary duties.

Paragraph 152.

This paragraph lacks accuracy as it does not mention that I was asked by BIT to contribute through my allowances and based on the knowledge I had at the time of no personal use being made of the iPad, I agreed to contribute through the appropriate mechanism set out by [REDACTED].

153. Mr Matheson was made aware of over £7k of charges accruing to his iPad on 9th January and he was provided with the final, checked itemised bill on 7th February. Over a period of 4 months [9 January - 16 May 2023] the evidence shows that BIT and

Allowances Office staff asked Mr Matheson in calls, meetings and via email to provide assurances that he was satisfied that the data usage was entirely for parliamentary business purposes [email records 9 January; 10 January; 25 January; 7 February; 2 March; 28 March; 16 May at Annex Q].

Paragraph 153.

Lacks accuracy, as I have stated throughout this process, I had no knowledge of any personal usage until the 9th of November 2023, as soon as this became known I took immediate action to reimburse the full cost. Additionally, no evidence is presented to suggest I had knowledge of personal usage at the time. This was set out in my personal statement to parliament. To present this as seeking repeated assurance is in my view deliberately misleading and an attempt to twist assurances that I gave based on the knowledge I had at the time.

154. The evidence shows that Mr Matheson confirmed that he was using the data for parliamentary business purposes [email records; 25 January; 7 February; 16 May]. He has given evidence in his personal statement to the Parliament (Annex A) and in his submission to the investigation (Annex L) that he believed he had incurred data roaming for parliamentary business purposes.

Paragraph 154. the pattern of data use out with the two football matches confirms my explanation of the use I made of the data; this reinforces yet again that the claim was made in good faith at the time. The transferring of the £3000 office allowances can only reasonably be judged on the knowledge I had at the time, and I acted in acted in good faith when making the transfer. As soon as I became aware of personal usage, I reimbursed the parliament for the full cost.

155. In his statement to the Parliament on 16 November Mr Matheson said that he first became aware that a family member had used data to stream football matches on Thursday 9 November. He issued a media statement on Friday 10 November [Annex A], stating that he would repay the bill in full because he had not replaced the outdated SIM.

Paragraph 155.

I am dismayed at what appears to me to be the Investigating Officer's dismissive approach to the

. This had become an incredibly significant political and media story. The context of the situation is especially important, I am dismayed that the Investigating Officer would ignore the political and media intrusion associated this this issue. When you have

This is a point that I have made on a number of occasions, including in my personal statement, it would appear to be a matter of little concern or interest to the Investigating Officer.

[REDACTED]. This was an issue of concern that I had raised with the Chief Executive and Presiding Officer in my meeting with them, welfare of members and their family when they are impacted.

158. The IO has sought to establish whether there is any other reasonably available evidence that could establish how the iPad was used.

159. EE was asked whether it holds data which can evidence how Mr Matheson's iPad was being used in the relevant period so as to establish the extent to which it was used for non-parliamentary duties. EE advises that it cannot confirm if any iPad usage was for parliamentary or personal use. EE explains that it no longer has access to information about the nature of the activities which incurred the roaming data charges, as roaming networks only hold such information for four months from the time of the activity. The external technical advisor was also asked for their advice and responded that there was no other evidence that the IO could reasonably consider seeking at this stage that would materially assist the SPCB in considering whether the non-parliamentary use was significant.

Paragraph 158 and 159.

This paragraph omits important evidence from January 2023 on obtaining data from EE. Para 159 provides no explanation as to what other reasonable action I could have taken at the time or and provides no explanation as to why this request for data from BIT was not pursued more vigorously at the time.

161. Matheson confirmed that the two football matches were streamed on 28 December 2022 and 2 January 2023, and this is consistent with the billing data which shows high levels of data usage and costs on those dates. The technical advisor's assessment shows that routine parliamentary duties as described by Mr Matheson would account for 40 – 80MB of data per hour of roaming. Streaming of a football match would be in the range of 400 MB – 3GB for two hours of coverage.

Paragraphs 161, 162, 163 and 164.

These paragraphs omit to state they are consistent with my explanation throughout, I acted in good faith, acting on the knowledge I had at the time, explaining what I had used my phone for and that the non-parliamentary use only became known to me on the 9th of November 2023.

Further, the issue of the amount of data used was presented to me as being high. In the email dated 9th January 2023, [REDACTED] stated, "EE are also doing some investigations in how the usage could be so high". I just accepted that to be the case as I had no relevant knowledge as to whether this was a high use of data or not. However, the evidence at annex C from [REDACTED] confirms that "Mr Matheson was not a particularly high user or someone who regularly went over their pre-arranged data usage level." This is further reinforced by the recent information published by the Parliaments under FOI, reference 2023-694464 and 2023-694360. The

evidence is clear that my data usage during the relevant period is not dissimilar to what is used in general and is significantly exceeded by other MSP's.

Paragraph 162.

The evidence also shows that Mr Matheson is not a high user of mobile data, and this is not recorded within the paragraph.

Paragraph 164.

Refers to "football streaming accounts for the high levels of data used." If the issue is the volume of data, the FOI released by parliament shows that my mobile data usage is not high, and other MSP's have higher levels of data usage. For the avoidance of doubt, I am not criticising my fellow members for that level of data usage, but the main issue therefore must be the cost associated with it and being used for non-parliamentary purposes. That cost has been fully reimbursed to parliament.

165. On the balance of probabilities, the facts above establish that the claim made by Mr Matheson was made for costs incurred for a purpose not permitted by the Scheme. The SPCB notes Mr Matheson's evidence that when the claim was made he genuinely believed that he had incurred the data roaming bill via parliamentary business usage and that he repaid the entire amount of the data roaming charges to the SPCB once he became aware of the use of the data to stream football matches. As explained, the SPCB is required to assess the factual circumstances of the claim at the time it was made.

Paragraph 165.

Facts are that at the time I had no knowledge of data being used by anyone else. When it became known on the 9th of November 2023 that personal use had been made of the data, I took immediate action to reimburse the full cost incurred. I now know personal use of data had taken place; however, this was not known at the time. When it became, known action was immediately taken to reimburse the full costs.

In the guidance issue by the SPCB there is no guidance for members on what could be considered significant and there are no mechanisms in place where the SPCB could flag to members that there may be an issue. This lack of guidance for members risks creating variation in defining what is viewed as significant in different cases when they arise for members.

173. There is no definition of significant extent within the policy. Taking its ordinary dictionary definition and consistent with the SPCB's statutory purposes it is taken to mean to an extent that is important or to a noticeable degree.

Paragraph 173.

For accuracy, this paragraph should acknowledge that no guidance is in place for members on what could be considered significant and there are no mechanisms in place where the SPCB could flag to members that there could be an issue. The lack of

recognition by the Investigating Officer on this gives the false impression that appropriate guidance is clearly needed for members.

174. The EE bill shows that the data usage contract included levels of use and charges on 28 December 2022 [1.26 GB (£2,249.17)] and 2 January 2023 [3.18 GB (£7,345.70)] in a total usage of 6.12GB and cost of £10,941.74. In his submission to the investigation Mr Matheson explains that the streaming of football matches by a non-parliamentary device hotspotting onto his parliamentary iPad occurred on these dates.

Paragraph 174.

This paragraph lacks clarity. If the issue is the level of data used, then compared to several other MSP's their data usage is significantly higher. If the issue is the cost, then this has been fully repaid.

176. The SPCB has also sought to establish any other evidence relevant to the complaint that Mr Matheson has failed to abide by the Use of Resources Policy. As noted earlier EE have been asked for and do not hold further information on the activities that would have generated data usage.

Paragraph 176.

This paragraph is misleading. Any request for accessing this information would have to have been conducted by the contract holder, Parliament. Any decision not to do so would need to be explained by BIT staff, which the Investigating Officer does not address in the report, despite its relevance. The paragraph should reflect who would have had responsibility to secure the relevant information available at the time.

Paragraph 177.

See paragraph 161 and the explanation provided of the 2nd of January 2023.

Mr Matheson did not follow the standard of care set out in the Conditions of Use for his parliamentary iPad. The iPad hotspot code was shared (either in December 22 or previously) and this enabled a non-parliamentary device to connect to the iPad hotspot and access data for non-parliamentary purposes. The extent of the nonparliamentary usage was significant and therefore Mr Matheson did not abide by the MSPs' Use of Resources Policy.

Findings at 193.

This is factually inaccurate. The Investigating Officer fails to provide any evidence to substantiate the claim that the hotspot code could have been shared prior to December 2022. I explained in my statement to parliament that the hotspot was set up on the 28th of December 2022, prior to this I had not used a hotspot.

198. The following evidence shows that officials took several steps to investigate the data usage and bill and conveyed this to Mr Matheson, and to constructively test whether SPCB policies and the Scheme had been followed.

[1] [REDACTED] investigated the usage with EE [see Annex C]. This included a review of the data volumes consumed, the daily pricing charges and the provider's application of tariffs which established they were correct. There was no inquiry from parliamentary staff into what activities had caused the data usage as [REDACTED] knew from previous experience this would not be provided.

[2] [REDACTED] investigated the device in person in the Parliament. This included checking the settings that can be used to minimise data usage, for example, ensuring that the device would prompt to join available Wi-Fi networks and that system and app updates would only be carried out when connected to a Wi-Fi network. There was nothing obvious in the configuration which would have caused high data usage without the user's knowledge.

[3]

[4] The evidence shows that Mr Matheson was made aware very soon after the charges became known, by [REDACTED], that the data usage was "more consistent with streaming media e.g. watching a film, YouTube, TikTok etc" [email 10 January, Annex Q]. On 7 February, Mr Matheson was also asked again to confirm if any of the data usage was personal, and if he therefore intended to reimburse the cost [7 February, Annex Q]. In response to these emails Mr Matheson stated, "it certainly wasn't used by me for streaming and if it has been it was without my knowledge" and latterly "the data usage to the iPad has taken place without my knowledge".

Paragraph 198 [1].

This paragraph is misleading. The request from BIT to contribute to the cost was through a transfer of allowances. As highlighted in the report BIT approached the Allowances office on the 6th of February to ask about making such an arrangement. They did so without my knowledge. I was approached by BIT on the 7th of February 2023 to see if I would agree to this. See timeline at Annex M and email at Annex Q. The paragraph also omits a key part of the sentence that stated in my email of 7th February "had I been aware of it building up I would have taken action to prevent it. Additionally, I was advised that my data usage during the relevant period was high, however that has transpired not to be correct. It was not dissimilar to my usage in general and is exceeded by other MSP's on a regular basis.

Paragraph 198.4.

This paragraph omits to record that I questioned if it was possible that the iPad had been hacked when they checked the iPad. This is also reflected in the email to [REDACTED].

199. Mr Matheson was shown the billing information on 7 February 2023, including levels of expenditure that were incurred on two days - 28 December - £2,249.17; and 2 January - £7,345.70 and £1320.71, in the context of an overall bill of £10,941.74. Mr Matheson's evidence states that during this time he conducted normal routine parliamentary business activities intermittently while on holiday.

Mr Matheson has confirmed in his personal statement to the Parliament and in his submission to the investigation that he asked his family if they had any knowledge of how the cost had been incurred. Mr Matheson has noted in his personal statement that "I should have investigated what happened more thoroughly".

Paragraph 199.

This term is from my parliamentary statement, it was in reference to my family in that I should have investigated it further. The Investigating Officer has used this out of context. Also made the point in my parliamentary statement that "I should have pressed harder; perhaps I should have been less willing to believe what I had been told." I also stated "I should have investigated what happened more thoroughly" again this was in reference to my family. To interpret it as anything else would be to misinterpret my intentions.

The Investigating Officer fails to set out any other actions I could have taken at the time in investigating the issue. No evidence is presented to establish what more I could have done based on the knowledge I had at that time. However, it is now clear that there are other actions that BIT could have undertaken. With hindsight its often easy to identify other actions that could be taken, however based on the knowledge I had at the time it demonstrates that I tried to understand what exactly had caused the data use and the cost associated with it.

Actions taken by me,

- 1) I asked BIT if a breakdown of what had caused the data usage could be provided. – see earlier evidence on this.
- 2) Parliaments BIT staff checked the devise to see if the device had caused the problem.
- 3) I asked BIT it was possible that my device had been hacked, as referenced in my discussion with [REDACTED]. Advised by BIT this would be difficult to establish without a breakdown of the data usage.
- 4) I asked my family, [REDACTED], if they knew anything that they had done that could have caused these charges and use of data, particularly streaming. They confirmed that they did not.
- 5) I reviewed my own use of the iPad, including for the two 'Welcome SMS' from EE. At no point was I asked to take any other action by BIT officials to try and identify that for which the data may have been used.

Given my own technical knowledge it is not clear to me what more I was expected to do. I accepted what reassurances I was given at the time; I had the device checked and I reviewed my own use. I have stated that with the benefit of hindsight I [REDACTED] [REDACTED], however that should not be interpreted as not having checked or tried to understand what had happened.

204. In correspondence regarding repayment Mr Matheson did not disclose to that the SPCB that he had become aware that the bill met through Parliament funds included personal streaming and that the assurances he had previously provided for the payments made centrally and through his Office Cost Provision were inaccurate. Mr Matheson also had a meeting with the Clerk/Chief Executive and Presiding Officer on 15th November which had been arranged at his request.

Paragraph 204.

This paragraph fails to accurately reflect decisions on the timing of the meeting as the timing of the meeting was not in my gift, despite being the one who pressed for an early meeting. The Investigating Officer also fails to acknowledge that there is no guidance on what a member should do when it becomes known to them that they have made an improper claim. In this instance, I took immediate action to reimburse the full costs when I was made aware of personal use. In the absence of any guidance, this was the correct course of action.

The Investigating Officer also ignores my clearly stated desire to protect my family from being part of a significant political and media story. As I have stated previously, I am dismayed at the Investigating Officer's disregard for my families welfare in this matter, which is evident in several parts of the report.

The paragraph also fails to acknowledge the significant lack of trust I had in the parliament at that time due to its handling of information and briefing of the media in a speculative way, something which the Chief Executive accepted and apologised for.

The Investigating Officer also omits to make any reference the calls I had with the Presiding Officer on the morning of the 16th where I advised the Presiding Officer of [REDACTED], during that call the Presiding Officer expressed concern that I would be making such information known in my statement and that she wished to take legal advice on whether it should be allowed. The Presiding Officer called me again and advised that while agreeing to the personal statement would not allow for questions to be taken [REDACTED]. I explained that I had been [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED], this was why I had wanted the Chief Executive to also attend. However, in the days before to the meeting the ongoing leaking of information from Parliament, speculative comments being made by the Parliaments press office, little notice of new information being published by the Parliament with little or no notice added significantly to my growing mistrust in how the Parliament would deal with the information [REDACTED]. In short, I expected the information would be leaked to the media, not by those attending the meeting, but once it became known to other Parliamentary staff. This concern was further reinforced prior to the meeting by advice I received [REDACTED] as information would be leaked in Parliament.

Sadly, my experience in November last year and in the last few weeks have reinforced my concern at information being leaked by Parliament in an ongoing basis. I therefore chose to use my personal statement to disclose the role my children had, this allowed me to control the information being placed in the public domain and allowed me the opportunity to prepare my family for that happening.

It should also be noted that following this meeting with the Presiding Officer and the Chief Executive I received a letter of apology for the speculative briefings that had taken place by the parliaments press office, which presented me in a negative light. The letter stated "In relation to what we have said to the media by way of statements issued I have taken time to review these. I accept that our use of language was not always as precise as it should have been. You raised the example of the Parliament saying a conversation was likely to have taken place. I accept this is speculative and we should have instead stuck to matters that were demonstrably factual. I apologise that this did not happen on that occasion."

206. The SPCB notes that in his statement to the Parliament Mr Matheson explains this omission arose from a desire to "protect [his] family from being part of the associated political and media scrutiny", and the admission by Mr Matheson in his personal statement that mistakes had been made by him and in the way he has handled the matter.

Paragraph 206.

I have already highlighted the significant political and media scrutiny experienced with this, in a way that neither I nor my family have ever experienced. The media intrusion at

[REDACTED]. The parliament's press office making speculative comments about me to the press that were unhelpful and damaging to me. Information about my data use being published and not knowing when it was being published. Request to discuss not being passed on by senior parliament officials. All these factors had a direct impact on my lack of trust in the parliaments managing of the matter. While I may be a public figure my family are not. My mistrust in Parliament managing of this matter has been further reinforced by the leaking of details from their draft report, the time extension, despite assurances on confidentiality.

208. The SPCB agrees with Mr Matheson's statement that he did not undertake a sufficient level of inquiry into the data roaming bill to satisfy himself that making a claim in respect of part of it was a proper use of the Scheme. Mr Matheson's actions set out in the above findings are not consistent with the requirements of objectivity, integrity, openness and leadership as set out in the Scheme Principles.

Paragraph 208.

The Investigating Officer fails to set out any other actions I could have taken at the time in investigating the issue. No evidence is presented to establish what more I

could have done based on the knowledge I had at that time. However, it is now clear that there are other actions that BIT could have undertaken to assist me in understanding how the data had been used. With hindsight its often easy to identify other actions that could be taken, however based on the knowledge I had at the time it demonstrates that I tried to understand what exactly had caused the data use and the cost associated with it.

Actions taken by me,

- 1) I asked BIT if a breakdown of what had caused the data usage could be provided. – see earlier evidence on this.
- 2) Parliaments BIT staff checked the devise to see if the device had caused the problem.
- 3) I asked BIT it was possible that my device had been hacked, as referenced in my discussion with [REDACTED]. Advised by BIT this would be difficult to establish without the data usage being broken down.
- 4) I asked my family, [REDACTED], if they knew anything that they had done that could have caused these charges and use of data, particularly streaming. They confirmed that they did not.
- 5) I reviewed my own use of the iPad, including for the two ‘Welcome SMS’ from EE.

At no point was I asked to take any other action by BIT officials to try and identify what the data may have been used for, beyond my own knowledge at the time. Given my own technical knowledge it is not clear to me what more I was expected to do. I accepted what reassurances I was given at the time; I had the device checked and I reviewed my own use. I have stated that with the benefit of hindsight I [REDACTED], however that should not be interpreted as not having checked or tried to understand what had happened.

Finding at 208. The Investigating Officer has presented no evidence on what alternative action I should have taken to inquire into the data usage other than that taken forward at the time. I had no knowledge of personal use at the time, engaged with BIT on the technical aspects and conducted all the action they asked of me. The Investigating Officer applies a different standard of enquiry that I should have undertaken compared to that of BIT staff. The Investigating Officer has also used comments from me on investigating the matter at the time in a misrepresented way, which require to be corrected. While fully accepting errors on my part I did everything I could at the time to understand what had caused the high roaming bill and I acted on the knowledge I had at that time. I have acted in a way that I believe is consistent with the scheme when transferring a portion of my allowance to BIT, a process initiated by BIT and at their request, while acting immediately when I became aware of personal usage by reimbursing the full amount to parliament.

From: [REDACTED]
Sent: 07 March 2024 17:06
To: Matheson M (Michael), MSP [REDACTED]
Cc: Hegarty M (Michelle) [REDACTED]
Subject: Private: SPCB Investigation
Sensitivity: Private

Dear Mr Matheson

Please see the attached letter from Michelle Hegarty.

[REDACTED]

[REDACTED]
[REDACTED]

Mr Michael Matheson
By email

Dear Mr Matheson,

Representations on draft SPCB Investigation Report

Thank you for your representations which I received as requested on Monday 4 March.

You have asked to meet to give oral evidence to address issues within the draft report.

The process the SPCB is following for the investigation was set out in the attachment to David McGill's letter to you dated 5 December 2023 and is attached again for ease of reference.

It sets out that the SPCB agreed the investigation would be conducted through written submissions, with you being permitted up to two weeks in which to provide your

substantive statement of evidence. If thereafter any meetings became necessary, they would be conducted in private.

You were invited to provide a written submission to the investigation on 5 December 2023 and 2 weeks were allowed for this part of the process, as standard good practice. In addition, on 20 December 2023 you were afforded another 2 weeks to respond to follow up questions I had on your submission, which were duly considered. Following your request to the SPCB for an extension, an additional 10 days was added to the 2-week period set for representations from you on the draft investigation report. I note the comprehensive response you have submitted and which we will now consider.

As noted, as Investigating Officer I have sought to ensure a fair and due process is followed and to meet the requirement for the SPCB to deal with public complaints timeously.

It is clear from your request that any meeting in person would be to raise issues you have already put forward to me in your current submission and as such I do not judge that such a meeting is necessary, as per the process established above by the SPCB.

I have today discussed your request with the SPCB which is committed to the process as set out. While I do not accept your request for a meeting, I can assure you that your written representations will receive every consideration. The SPCB has fully endorsed my decision. The SPCB will consider all the material, including the representations on the draft report which you have provided this week, before concluding its investigation.

You will be advised of the final report in advance of any next steps the SPCB determines.

Kind regards

Michelle Hegarty
Deputy Chief Executive