

10th Affidavit
Ian McGrail
18th March 2025

INQUIRY INTO THE RETIREMENT OF
THE FORMER COMMISSIONER OF POLICE

TENTH AFFIDAVIT OF IAN McGRAIL

I, IAN McGRAIL of [REDACTED] MAKE OATH AND SAY as follows:

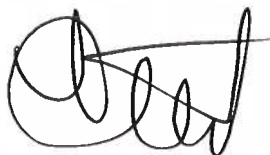
1. I make this Affidavit to assist the Inquiry on matters disclosed by the Royal Gibraltar Police ("RGP") which have led to the reconvening of oral hearings. The matters which I touch upon in this Affidavit refer to the use of my work/personal phone which became my mobile phone and my fraught transition to the new Samsung work mobile phone issued to me.
2. The contents of this Affidavit are true to the best of my knowledge information and belief.
3. I have read the 6th Statement of AC Yeats together with the exhibits, in particular those pertaining to the use of personal and work issued mobile phones as covered in Exhibits CYWS6/2-5. I have also re-acquainted myself with the RGP Mobile Devices policy which was ratified on 30th October 2019 Whereas in my 9th Affidavit dated 2nd December 2024 I stated that my recollection was that I had been issued the new work Samsung mobile phone in early 2020, I now note that the date of issue appears to have been end of October 2019. The discrepancy in dates arises from the fact that I did not have access to the relevant documents until now and had based

the information stated in my 9th Affidavit from my own incomplete memory recollection.

4. The Force Orders exhibited in CYWS6/2-4 are signed by Mr Richard Ullger probably because I was away from the office at the time but the contents would have been discussed with me and approved at the time.
5. Whilst the RGP's Mobile Devices Policy came into effect on the 30th October 2019, I underestimated the personal challenge which I faced in transitioning from my iPhone 4 operating system to the Android 9.0 "Pie" operating system used by the new RGP work issued mobile phones. I did not find it user friendly at all and struggled heavily with it. I was conscious of the need to transition to the new devices and I was determined to discontinue the use of my old work iPhone 4 (which by then had become my personal phone) but regrettably it was not straightforward, and it took longer than I would have wished - I did manage to use the Samsung phone for email and some text messages.
6. My recollection is that the RGP's Mobile Devices policy was particularly aimed at preventing the use of personal devices to capture any data of evidential value given the recent experience (at the time) the organisation had had with an officer using his personal device to record an incident from a CCTV screen facility. It was therefore designed to significantly reduce the use of personal devices and safeguard any personal data from somehow ending up being leaked or shared in error / inadvertently.
7. The fact that I continued to communicate with my colleagues, senior government officials and the then interim Governor using my own personal iPhone device is purely down to my inability to swiftly transition to the new RGP Samsung Android mobile phone and nothing more. I fully accept that this does not represent best practice as was intended by the Force Order and policy, On the other hand, I am very grateful that the data recovered from my old iPhone is available to the Inquiry, , whereas the Samsung was wiped after I handed it back to the RGP when I retired.

8. In so far as the emails that I sent to myself on the 12th and 13th May 2020 are concerned I would like to offer the following points; (i) the RGP have with certainty confirmed via their forensic examinations that the said emails were indeed sent by me to myself at the times and dates stipulated, and (ii) I would like to offer a plausible theory on why the RGP have not been able to retrieve the notes. Having read of the RGP's unsuccessful efforts to forensically retrieve any draft of the notes of the 12th May 2020, it occurs to me that I may have drafted the said notes as a "draft" email (not as a Word document as I had previously thought) hence, the notes would not appear as a saved Ms. Word document. In my first Affidavit, at paragraph 48 I stated that I recalled not saving the said notes on the intranet (i.e. my RGP folders /documents). Though I am not a technical person at all to be able to confirm this, it is my belief that a draft email would not save itself into a documents folder. If indeed I typed out my notes in a draft email and later sent the email to myself (as I did), this may provide an explanation as to why the RGP have not located the said notes on the laptop or office PC where I wrote the email from. In any event, the authenticity of both said emails and the date/time they were sent, has, as mentioned previously, been confirmed.

SWORN by the abovenamed Ian McGrail
This 18th day of MARCH 2025
at 68 CATHEDRAL SQUARE
GIBRALTAR
Before me



A Commissioner for Oaths

Leanne Turnbull LL.B. (Hons)
Commissioner for Oaths
68 Cathedral Square
Gibraltar

Presented by Charles Gomez & Co, of 5 Secretary's Lane, Gibraltar, solicitors for Ian McGrail