



Department of

**Finance and
Personnel**

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Mr Daithí McKay MLA
Chairman
Finance & Personnel Committee
Room 144
Parliament Buildings
Stormont
BT4 3XX

3 August 2015

Dear Chair

In your correspondence of 7 July you outlined the Committee's intention to investigate reported allegations surrounding the 'Project Eagle' sale of NAMA assets. As you know, the Department has shared a significant volume of information with the Committee to help inform its review, and my Permanent Secretary has also provided oral evidence.

Subsequent to your initial correspondence, my Department has received a request for further information from the Committee (23 July 2015) and, I understand, you are keen to publish the information my officials have already shared.

Given that the reported allegations are subject to a police investigation, being led by the National Crime Agency, I have sought and received legal advice to ensure my Department does not take any steps which might prejudice a criminal investigation or interfere with a person's right to a fair trial.

This advice points to sharing the papers already circulated to your Committee with the NCA and taking account of that Agency's comments before the Department can reply in detail on which elements of that information pack can be made public by the Committee. Similarly, I am advised not to share further information with the Committee in response to its 23 July correspondence, at this time, prior to further engagement with the NCA to ensure the Department does nothing which might result in the type of prejudice referred to above.

On that basis, I have instructed my Permanent Secretary to await the conclusion of the NCA engagement before he would attend another evidence session by your Committee. Realistically, the NCA engagement is likely to take several weeks and hence he will not be available to attend the evidence session planned for 5 August 2015.

I appreciate this is not the outcome you would prefer at this point, however I am sure you will appreciate the position my Department is in with a formal police investigation running in parallel to your Committee's 'fact-finding' remit.

Yours sincerely

A handwritten signature in black ink that reads "Arlene Foster". The signature is written in a cursive, flowing style.

ARLENE FOSTER MLA