

ANNEX B

Changes to the Criminal Justice and Immigration Bill - Sequence of events in 2008

- January 18 – I was asked to attend a meeting with Maria Eagle MP, Minister at Ministry of Justice, at which press representatives argued against the clause, mainly claiming that it would inhibit investigative journalism and freedom of expression. I responded that this was already a criminal offence and that there was a public interest defence covering legitimate press activity.
- February 11 - I was telephoned by the new Lord Chancellor (Jack Straw) who warned me that it was likely that clause 129 would be withdrawn from the Bill. The reason given was the need to make provision for an impending prison officers' strike. I recall registering strong dismay at such a prospect, saying or implying that the real reason was media pressure.
- February 21 – I met Jack Straw in his room at the House of Commons (also attended by others, including Maria Eagle MP and MoJ officials.) We discussed the issues and I came away believing that the clause was still hanging in the balance, but likely to remain.
- March 3 - I was telephoned again by Jack Straw to tell me that he had decided to withdraw the clause, but would re-introduce it on a future occasion. I can recall making a forceful protest.
- March 4 – Letter to Jack Straw objecting to possible withdrawal of clause 129 and indicating that I would need to lay a 3rd report before Parliament
- March 5 – I was asked to meet the Prime Minister (Gordon Brown) and Cabinet Secretary (Sir Gus O'Donnell) that afternoon. The Prime Minister agreed that the illegal trade in personal information was entirely unacceptable, but wished to strike the right balance with protecting freedom of the press. He said that the clause would have to be withdrawn unless a compromise between the two sides could be achieved.
- March 5 – Later that day, Lord Hunt (government minister) told the Lords at the Committee stage of the Bill (Col 1115) that: "*I want to give notice that we intend to withdraw this clause on Report unless a satisfactory solution balancing these objectives can be identified by all the parties involved*".

- March 7 – I wrote to the Prime Minister to record what I had said to him. I pointed out this is a pernicious, and largely hidden, illegal market, which damages individuals, organisations and society. I argued that withdrawal of the clause would be highly damaging symbolically and substantively.
- Between March 11 and April 2 – I attended three meetings with Sir Suma Chakrabarti to explore the scope for a compromise. I understood that Paul Dacre, Chairman of the Editors Code Committee, was attending alternate meetings, but we did not meet face to face at this time. At the last meeting I was told that it had been decided to keep the clause, but make two changes:
 - The custodial sentence would require consultation and a Ministerial Order before being activated;
 - The public interest defence would be modified into a subjective (“reasonable belief”) test. (This was something I had suggested at an earlier stage in a bid to keep the clause.)
- April 3 2008 – An amendment to this effect was tabled in the House of Lords and was adopted, after some debate but without a vote, at Report Stage on April 23.
- May 8 2008 - The Criminal Justice and Immigration Act 2008 received Royal Assent. The relevant provision is now section 77.