

**LEGAL DEPARTMENT
ATTENDANCE NOTE**

Date: 3 October 2003

File Ref: Operation Motorman

Subject:

Attending 5 Fountains Court, Peelhouse Lane, Birmingham.

Attendees – Bernard Thorogood, Alec Owens, Roy Pollitt and Karen Nolan.

Conference to discuss Operation Motorman and the Instructions to Counsel which have been sent.

[] is Christopher Dewes manager. [] has not responded to the request for interview.

[] has been connected to Whittamore. The Met consider that there was an intermediary. They have seized [] computer equipment and they can link him directly to P.C. Alan King. They found other evidence as well which links King into the investigation being carried out by the Met. The Met are currently looking at prosecuting Whittamore, Boyall, [] and King. It appears that the charges that will follow are corruption of a public official.

Roy Pollitt spoke about the connections in relation to the telephone enquiries. In relation to the phone enquiries, it appears that two people were working for Whittamore. Much of the evidence in relation to this is in Exhibit RP13 which links Boyall, Gunning and Taff Jones.

Taff Jones

With regard to Taff Jones he obtains B.T. ex-directory telephone numbers. He explained that Taff Jones is a biker and an ex-soldier. The method he uses is by ringing from mobile phone numbers which he changes every three months or so. There is one phone number with telephone billing contacting Whittamore and billing in reverse, Whittamore to Jones.

The evidence seized at Jones' house was found on scraps of paper.

It is clear however that he uses EIN numbers (an EIN number is a number given to a B.T. employee and has an 8 as the prefix) in order to pretend to be an engineer to provide this EIN number on which there are no checks made.

Data Research Limited were the subject of the search warrant executed by Devon and Cornwall Police on which Alec attended on behalf of the Information Commissioner. As part of the documentation to which there is an assertion of privilege another document found was a "Blaggers Manual". From the Blaggers Manual the use of the EIN number as a method for obtaining information links was in it. Apparently there is no evidence to link Jones to particular mobile phones although Roy is able to say that he has phoned him on one of the numbers.

Gunning

There is very little evidence in relation to Gunning for the obtaining of phone numbers. The evidence really comes from Whittamore's book and indicates that there are telephone links between Whittamore and Gunning, and Gunning and Whittamore. Gunning is mentioned in Whittamore's book.

In the data research books there is mention that Whittamore obtained vehicle registration marks. Alec has the evidence in relation to this.

Alec and Roy both explained what an area search was, i.e. how many people with the surname Smith lived in a certain area. The price charged for an area search was £70.

In Whittamore's book seized from his address there is also a mention of blaggs that he has carried out himself and there are telephone records in support of these.

Bernard Thorogood

With regard to the prosecution of the press. Although there is evidence to support a prosecution, a prosecution would not be considered favourable because of the financial aspect. Bernard asked if there was any way in which friends and family details could be lawfully obtained, and there is not.

Alec Owens off the record he indicated that Whittamore had said that he saw an advert for tracers when he left school. He turned up with a ruler etc. He got the job as a tracer and then opened his own business a few years later.

With regard to car numbers, typical financial values involved are £150 to the nearest paper, £70 to Dewes, Lyle states he receives nothing.

Alec intends to re-interview Lyle on 10 December 2003. Bernard indicated that unless there was evidence that he had been paid for carrying out this task then it would be difficult to link Lyle and prosecute him. Both [redacted] diary throughout mentions [redacted] and [redacted] Lyle in his interview insists that he was obtaining information on the instructions of [redacted]

Bernard said how can we overcome the problem of Lyle blaming [redacted] Alec tried to persuade Bernard that there was sufficient evidence in relation to Lyle in that in the two years that he had been carrying out these duties he never mentioned it to his manager, and that [redacted] always put police in brackets.

Bernard indicated that he would be happy to defend Lyle and Bernard said that if he was Lyle he would not be leaving the records available on disk on his desk he knowing that he was committing a criminal offence.

Alec Owens referred to Pack 6 in relation to the evidence obtained regarding [redacted] He then talked Bernard though one of the evidence packs which had been obtained. There is evidence to show that [redacted] has been paid. [redacted] itemised phone billing shows that there are phone calls to Lyle and to Whittamore. The timings match up with some of the phone calls to Data Research Limited.

With regard to the charges Bernard said that per defendant we should be looking at 15-20 offences. Sufficient on the indictment to allow the Judge substantive sentencing powers and also for the TIC's to be proveable. In relation to these TIC's the prosecution should be able to produce a table for both the Judge and the Jury.

The Met have a second phase in their minds which may involve prosecuting of reporters. This would be solely in relation to the criminal record checks.

Bernard indicated that if the Met were taking a prosecution there would be public interest in also bringing in a prosecution. The only issue may be as to the admissibility of the evidence obtained at Whittamore's house although Bernard did not see any problem with facing any abuse argument on that.

Alec advised that Devon and Cornwall Police are looking at taking a case against Lawrence who is Chris Dewes' manager and Chris Dewes both of Data Research Limited.

Bernard Thorogood's initial review is that we are likely to be left with the coal faced workers, namely Jones, Gunning and [redacted] Alec once again questioned the admissibility of the evidence seized at Data Research Limited and at Whittamore's as much of the case is linked in by this evidence. Bernard is clear that he doesn't see a problem in including that evidence.

The operation of the Metropolitan Police came into being due to the information seized by the Information Commissioner.

There is similar discussion regarding the possibility of using conspiracy. Bernard's initial thoughts were on statutory conspiracy and that there would be three of them. Bernard believed that statutory conspiracy would give rise to the whole range of sentencing options. I however advised him that this would not be true and it was fine only. He agreed to this. Bernard was not keen on conspiracy to defraud. The advantage of using conspiracy as Bernard sees it is that only one

charge would be necessary rather than the 15-20 specimen counts that he had discussed earlier, a further advantage of course would be the new transfer procedure in that the case would go straight to the Crown Court by way of a Preliminary hearing. There is a discussion regarding the possibility of the Commissioner commencing proceedings for conspiracy. Bearing in mind that the Commissioner is responsible for action under the Data Protection Act I did not consider that it would be outside the Commissioner's boundaries. There was also discussion between Bernard and myself regarding commencement of conspiracy charges by way of a Summons. I indicated that I would carry out some research regarding this.

Bernard's concern with regard to bringing a conspiracy would be the scale of costs involved. Any conspiracy would be sure to induce a not guilty plea from defendants and hence the cost would be huge. Much in relation to the charges to be put would depend on the interview of Lyle and the other interviews which are forthcoming.

KN/JT
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