

4 The results of the third party disclosures have been very damaging to NGN. It seems clear that Mr Mulcaire was specifically asked to look into certain activities by Mr Taylor, in particular, whether

There is a document dated 4 February 2005 and signed by Mr Miskin on behalf of the News of the World, agreeing to pay Paul Williams £7000 on publication of a story concerning based on information provided by Mr Williams. Paul Williams is known to be an alias used by Mr Mulcaire. There are transcripts of a number of Mr Taylor's voicemails and also of voicemails made, or at least collated into an e-mail, by Mr Hindley. There is a draft article (which may have been written by under a pseudonym although I understand disputes this) based upon the contents of these voicemail messages disclosing both of whom are identified by aliases.

5 As an aside, the information obtained by Mr Mulcaire, establishes to a high degree of likelihood that This, however, is irrelevant there is no public interest (as opposed to exposure. In particular, there is no overriding interest in its disclosure which could possibly justify the use of unlawful means to obtain information about it.

6 In the light of these facts, it seems to me, as it seems to both my instructing solicitors and junior counsel, that NGN's prospects of avoiding liability for the claims of breach of confidence and invasion of privacy made by Mr Taylor are slim to the extent of being non-existent. NGN must be vicariously liable for the conduct of its employees unless they were acting on a frolic of their own. The latter claim appears on the information now available to be impossible to establish. There is overwhelming evidence of the involvement of a number of senior NGN journalists in the illegal enquiries into In addition there is substantial surrounding material about the extent of NGN journalists' attempts to obtain access to information illegally in relation to other individuals. In the light of these facts there is a powerful case that there is (or was) a culture of illegal information access used at NGN in order to produce stories for publication. Not only does this mean that NGN is virtually certain to be held liable to Mr Taylor, to have this paraded at a public trial would, I imagine, be extremely damaging to NGN's public reputation.

7 I should at this point mention that when Mr Mulcaire was sentenced for the offences noted above, it seems to have been accepted by the prosecution and the court that his contract with NGN to provide research services was for legitimate activities and a confiscation order was made only in relation to additional cash payments made to him by Mr Goodman for the particular activities relating to the members of the Royal Household. The recently disclosed information seems to

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