

PRIVATE AND CONFIDENTIAL

PCC PAPER NO: 4647

PCC report on phone message tapping allegations

1. Please find attached for your consideration a draft final report on the phone message hacking allegations.
2. We have attached, as an appendix, the dossier that went to the last Commission meeting, which should contain all the information you need. Since then, the only significant development has been that – ~~despite three attempts to contact him – we have been unable to entice~~ the Metropolitan policeman Mark Maberly into talking to us. He was the man named by Gordon Taylor's lawyer as having said that 6,000 phones were hacked. Our unanswered e-mail and letter to him are attached.
3. There are also letters from Colin Myler and the editorial director of the Daily Express that were tabled last time.

TT

29.10.09

Tim Toulmin

From: Tim Toulmin
Sent: 30 September 2009 10:49
To: 'mark.maberly' [redacted]
Subject: phone message tapping

Dear Mr Maberly

I am writing to ask for your help.

You may be aware that the Press Complaints Commission is one of a number of agencies that has been looking into the allegations made in the Guardian about phone message tapping at the News of the World. During a recent appearance before the House of Commons Select Committee on Culture, Media and Sport, Gordon Taylor's lawyer - Mark Lewis - said he had bumped into you during a court hearing and that you had said that 6000 people were involved in the practice.

We also noted that John Yates and Andy Hayman have both said that only a handful of people were involved. I wonder whether you are in a position to give us any evidence about the extent of the phone message tapping - given that one of the areas we are looking at is whether the News of the World misled us during a 2007 inquiry during which they said that the activities were confined to Glenn Mulcaire and Clive Goodman.

I look forward to hearing from you.

With kind regards.

Tim Toulmin
Director

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Press Complaints Commission, Halton House, 20/23 Holborn, London EC1N 2JD Tel: 020 7831 0022 Fax: 020 7831 0025
<http://www.pcc.org.uk>

29/10/2009

PRESS COMPLAINTS COMMISSION

From the Director

DI Mark Maberly
21st Floor
Empress State Building
Lillie Road
London SW6 1TR

6th October 2009

I am just writing to see whether you received my e-mail of 30th September, a copy of which I am enclosing.

It would be very helpful to hear from you, even if it is to say that you are unable to assist with our inquiries.

With kind regards.



Tim Toulmin

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DIRECTOR
Tim Toulmin



PRIVATE AND CONFIDENTIAL

TO ALL PCC MEMBERS

Phone message tapping

1. The Commission is invited to consider its response to the allegations that have appeared in the Guardian about the criminal use of subterfuge at the News of the World.
2. This issue goes back to 2006/7, when Clive Goodman and Glenn Mulcaire (News of the World journalist and freelancer) were arrested and tried for illegally hacking into the phone messages of a number of people. A complaint from the Royal Household had prompted the investigation.
3. Commissioners will recall that, following these convictions, we asked the News of the World a number of questions to ascertain how the situation could have arisen at the paper in the first place, and what was being done to prevent repetition. We did this to complement, rather than duplicate, the criminal inquiry which had already acted on a complaint, obtained evidence, and prosecuted the individuals concerned.
4. We then widened the inquiry to make sure that safeguards were adequate at other publications, because we were concerned that the episode may have damaged public confidence in investigative journalism. We also looked at what awareness there was about the requirements of the Data Protection Act, given the Information Commissioner's campaign against 'blagging'. These two issues continue to be conflated in this latest controversy, as they were during the original coverage, but they are quite separate.
5. Although there is no suggestion in the latest Guardian allegations that such activities are ongoing – at the News of the World or anywhere else – the suggestion that the use of phone message hacking was far more

widespread than previously believed has caused considerable controversy. The main allegation – that News International paid £1m to keep further evidence of the hacking secret – stems from the private settlement of a case brought by Gordon Taylor against the News of the World. It was known at the time of the Mulcaire/Goodman trial that Gordon Taylor's phone messages had been hacked. The new information was the fact of the settlement and the amount of money involved.

6. In addition, the Guardian journalist, Nick Davies, has said that he has spoken to a source who suggested that – far from the practice being isolated – Met officers had “found evidence of News Group staff using private investigators who hacked into ‘thousands’ of mobile phones. Another source with direct knowledge of the police findings put the figure at ‘two or three thousand’ mobiles”.
7. Following the Guardian's story on 9th July, it seemed to the office that the areas of immediate concern were whether we were misled by the News of the World's statement during our 2007 inquiry that the episode involved ‘one journalist’, and whether there was any evidence that the 2007 report that we issued had been ignored (in other words, whether there was recent phone message tapping). Please see attached our press release making this clear.
8. I was also called at very short notice to appear before an emergency hearing of the Culture, Media and Sport Select Committee. I made clear to the MPs that our further inquiries were, at this stage, confined to these two areas, and that there was a division of responsibility between the PCC; criminal law; civil law; Information Commissioner; and Select Committee itself. Paul Farrelly MP asked me whether we would be asking a number of particular questions. I said that it was ultimately for the Commission to decide, but said I would draw his questions to Commissioners' attention. The extract from that exchange is attached in the bundle.
9. After I appeared, Nick Davies produced what he claimed was further evidence of a conspiracy at the newspaper to hack into phone messages. This was not evidence of recent activity, however. You will see from the e-mail that we have sent him that we have asked for this information so that we may put this allegation to the News of the World.

10. I also had a meeting with the Information Commissioner's Office. The ICO officials indicated that newspapers' compliance with the Data Protection Act had improved demonstrably over the last two years, and praised the seminars that we conducted in 2007 as being particularly useful. I urged them to make these points to the Select Committee.
11. Any further direction from the Commission about how this matter should be pursued would be welcome. A decision about whether the Commission was misled during its inquiry two years ago will obviously have to wait until we have the material from Nick Davies and from the News of the World.

TT

16.07.09

PCC action following Clive Goodman case

EMBARGO: IMMEDIATE 01.02.07

PCC action following Clive Goodman case

Sir Christopher Meyer, Chairman of the Press Complaints Commission, has announced how the PCC will address the issues raised by the conviction of Clive Goodman for phone message tapping. He said:

"I have previously made clear that I deplore the breach of the Code and the law in this case. The Commission had announced that it would make specific inquiries of the editor of the newspaper, but as he has now resigned this is no longer appropriate.

There are now various steps that need to be taken. The public has a right to know that lessons have been learned from this episode, both at the newspaper and more generally. We are therefore doing three things. First, we are writing to the new editor of the News of the World with a number of questions, including what he will be doing to ensure that the situation involving Mr Goodman and Mr Mulcaire does not recur. Second, we will be writing to the editors of national and regional newspapers and magazines, with copies to their managements, to find out the extent of internal controls aimed at preventing intrusive fishing expeditions; and what is being done to instil understanding both of the Code of Practice and the law in this area, and also of journalistic public interest exemptions. The Data Protection Act has an obvious relevance here. Third, the board of the Commission will consider these industry responses with a view to publishing a review of the current situation, with recommendations for best practice if necessary, in order to prevent a similar situation arising in the future. This is in line with its duty to promote high professional standards of journalism".

ENDS

Notes

1. The Press Complaints Commission is an independently-run self-regulatory body which administers a 16 point Code of Practice. There are 17 members of the Commission: 7 editors drawn from across the UK, and 10 lay members who have no connection with the press, including the Chairman.
2. Clause 10 of the Code of Practice says that "the press must not seek to obtain or publish material acquired... by intercepting private or mobile telephone calls, messages or e-mails" except where there is a public interest. This wording was incorporated into the Code in 2004.
3. For more information, please contact Tim Toulmin on 020 78310022 (o) or 07803 597372 (m).

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From the Director

7th February 2007

Colin Myler Esq
Editor
News of the World
1 Virginia Street
London
E98 INW

I am writing following the convictions of Clive Goodman and Glenn Mulcaire. As you may know, the board of the Press Complaints Commission has met and discussed the matter on two separate occasions. It has asked me to put a number of questions to you before launching a wider exercise aimed at ensuring that such phone message tapping does not happen again.

There are obviously several matters that are specific to the News of the World. The focus of our enquiries is on lessons to be learned. But clearly this requires some understanding of the situation which gave rise to the Goodman/Mulcaire case. It goes without saying that the Commission realises that you have no personal responsibility for what occurred.

We have been especially concerned whether the employment of Mr Mulcaire represented an attempt to circumvent the Code's provisions by sub-contracting investigative work to a third party. We recognise that there is nothing inherently wrong with using third parties. But the Code says that "editors should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists". There are therefore no loopholes.

More specifically,

1. Were Mulcaire and any other external contributors aware that when using their material the newspaper had to work within the terms of the Code and the law?

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Sir Christopher Meyer

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