

PRIVATE AND CONFIDENTIAL

PCC PAPER NO: 4614

PCC report on phone message tapping allegations

1. We probably now have enough information for Commissioners to take a preliminary view about how to respond to the phone message tapping allegations. I have attached all the relevant information – including the transcripts of the oral hearings at the Select Committee. The key allegations are spelled out on pages 16-18 of the *Guardian* evidence by Nick Davies. The other transcripts are included so that you have all the evidence, but I have summarised the key bits in the attached narrative. We are awaiting a couple of bits of information – a reply from the *News of the World* on two small points; the final replies from the industry at large to the chairman's letter finding out what controls are currently in place; and the transcript of Les Hinton's oral evidence to the Select Committee.
2. You will recall that, in light of the *Guardian's* stories, we announced that we would investigate whether the Commission was misled by the *News of the World* during our 2007 inquiry. We also said that we would investigate 'without delay' any evidence that there had been further episodes of phone message hacking since 2007 – the year in which we published 6 recommendations to the industry with the aim of minimising the risk of repetition.
3. I have drafted the first part of a possible report which explains the background; what the current allegations are; what new evidence has arisen during the Select Committee inquiry; and what evidence we have sought. A set of conclusions can be included once the Commission has met to discuss the matter, and in particular whether the Commission itself was misled. The timing of publication of the report will also be important – the Select Committee has now finished taking evidence, and if there is any chance that our findings might be helpful to theirs, it might be preferable to publish our report first.

4. Although it is a matter for the Commission to decide on the way ahead, it may be helpful to set out some observations. The most striking fact is that there is no evidence whatsoever that there have been further instances of phone message hacking since 2007. The lack of dates in the original *Guardian* coverage – and the way in which the story was presented, for instance by casting doubt on the effectiveness of the PCC – may have led some people to believe that the behaviour was ongoing. The fact that it is not – or does not seem to be – should arguably be a cause for congratulation so far as the PCC is concerned, showing as it does the robustness of the 2007 recommendations. The responses from the industry about current practice (we are still awaiting one or two replies) are positive. It is also noteworthy that the Information Commissioner's Office has said that the situation has improved, and that the PCC can take its share of the credit for this.
5. The argument that the Commission was misled in 2007 seems to rest on the allegation that there was, in fact, a conspiracy at the *News of the World* involving people other than Clive Goodman and Glenn Mulcaire to hack into phone messages, and that their behaviour was not therefore 'aberrational'. The *Guardian* stories referred to allegations that 'thousands' of mobile phones were hacked into – and this is a figure that was subsequently repeated elsewhere in the media and seems to have taken root in the popular imagination. The only on the record corroboration for this came when Gordon Taylor's lawyer gave evidence to the Select Committee. He said that – at a court hearing at which they were trying to discover documents – he had had a conversation with a policeman called Mark Mabeley who said, possibly as an 'aside', that 6000 people were involved. On the other hand, all the people from the police who had direct knowledge of the case – including Andy Hayman and John Yates – have said that only a handful of people seemed to have been victims of this practice, and that there was no evidence that anyone other than Clive Goodman and Glenn Mulcaire was involved.
6. Much has also been made (during the Select Committee hearings in particular) of three other points. First, Nick Davies produced an e-mail containing a transcript of a hacked message sent from a *News of the World* junior reporter to Glenn Mulcaire, which said 'hello, this is for Neville' at the top. It was assumed that this referred to

[redacted] [redacted] at the *News of the World*, and that [redacted] must therefore have been aware of the phone message hacking. Second, [redacted] has repeatedly suggested that a story about [redacted] and Clive Goodman – can only have been obtained as a result of hacking. We have asked Colin Myler for his comments on this point, and you will see his reply. Third, it has been stated that many of the victims were nothing to do with the Royal Family, and yet Clive Goodman was the royal editor of the *News of the World*. Given this, and the fact that the judge in the Mulcaire/Goodman trial sentenced Mulcaire to a lengthier prison sentence as he had dealt with people other than Goodman at the newspaper, it is suggested that there must have been a broader conspiracy among *News of the World* journalists.

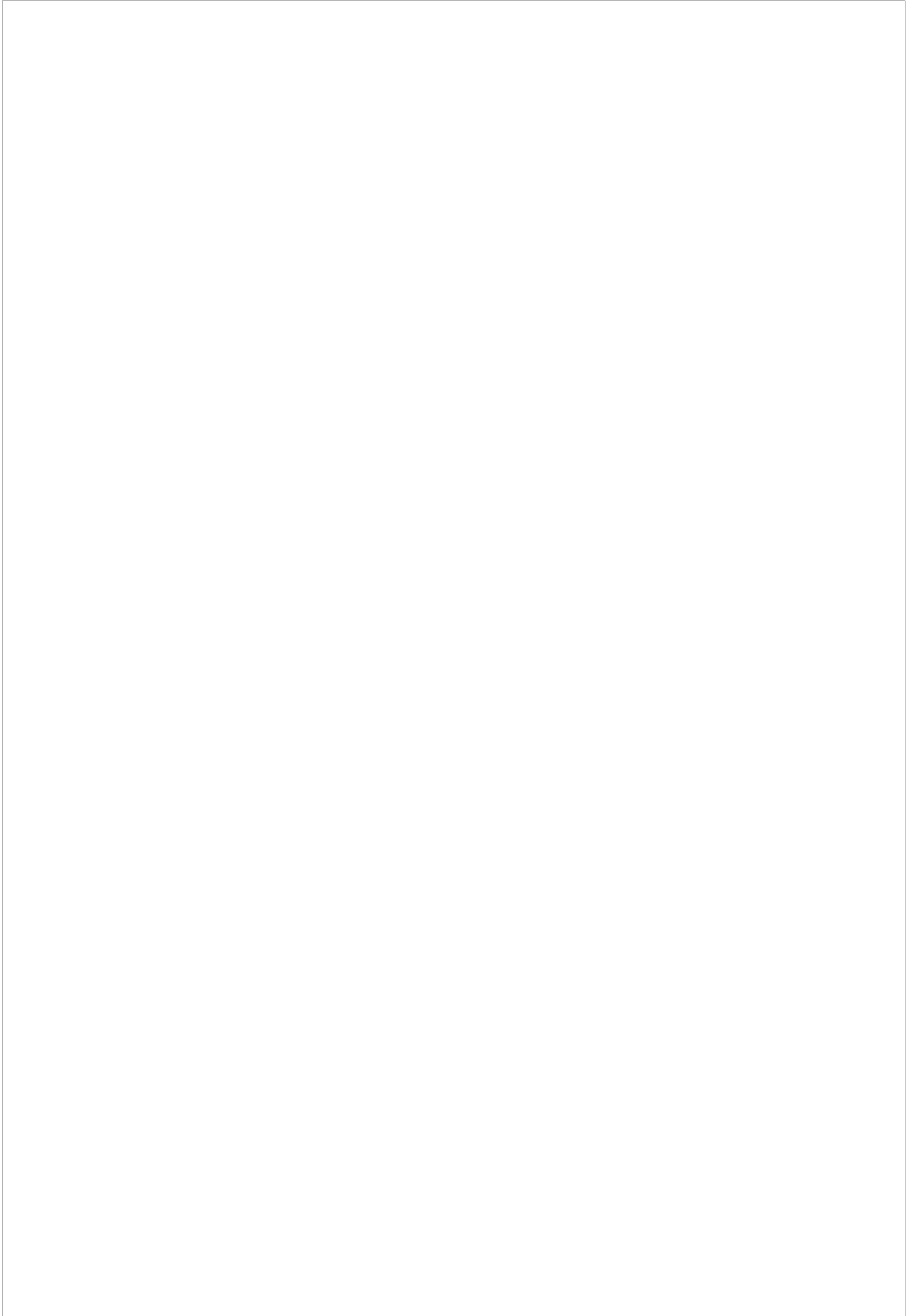
7. The problem with this information is that it is all rooted in the activities of Clive Goodman and Glenn Mulcaire, which we already knew were illegal, and does not take us into the territory of a wider conspiracy. [redacted] was not himself the recipient of the allegedly incriminating e-mail, and there could be any number of reasons for the 'for Neville' message. The judge's comments seem to be a red herring given that he did not say that the others with whom Mulcaire dealt knew about how the material was obtained – and indeed the police have said that there was no particular evidence that anyone else did. The fact that Mulcaire dealt with other journalists in researching stories was known to us at the time of the 2007 inquiry. This in itself proves nothing. The important point is whether the people he dealt with were part of the conspiracy to break the law. Perhaps they were – but there is no evidence that this was the case. In light of Mulcaire's more general role at the newspaper, which brought him into contact with other journalists legitimately, it might be that the argument about Clive Goodman's job description is also irrelevant as there was no particular reason for Mulcaire also to confine himself only to researching royal stories. We are awaiting some further information from Colin Myler on this point.
8. On the face of it, there does not seem to be any compelling evidence that the PCC was materially misled at the time of the 2007 inquiry. It might be argued that the newspaper should have alerted us to the Gordon Taylor settlement which unearthed the 'for Neville' e-mail and evidence of other victims of phone message hacking. Then again, the Taylor case did not throw up any evidence (so far as we can see) of

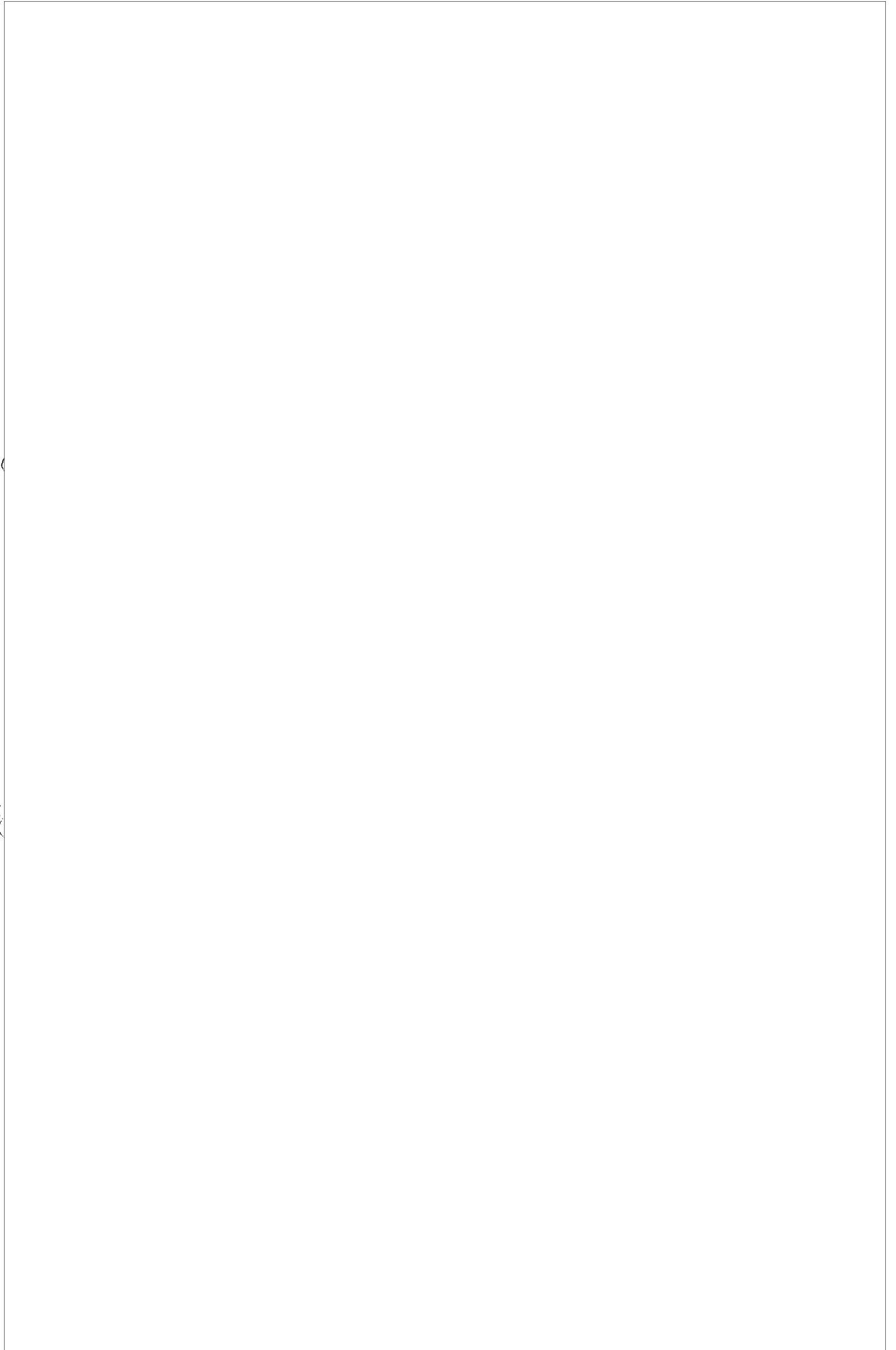
anyone other than Goodman being involved at the *News of the World*.
And it was in any case subject to a confidentiality agreement.

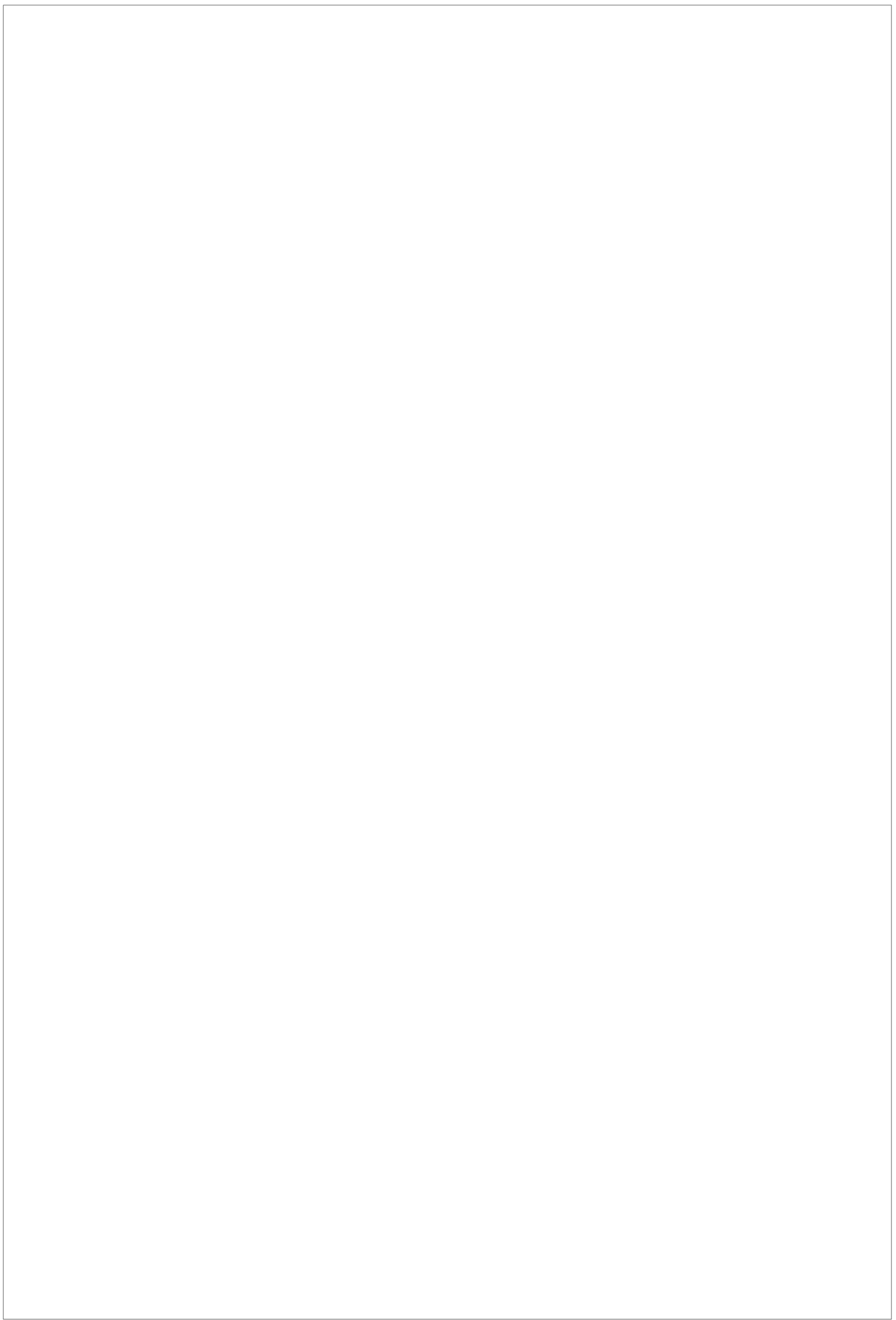
9. If the Commission agrees a way ahead then there is a chance that we can publish the report below, along with some conclusions, before the November Commission meeting. I look forward to hearing your views next week.

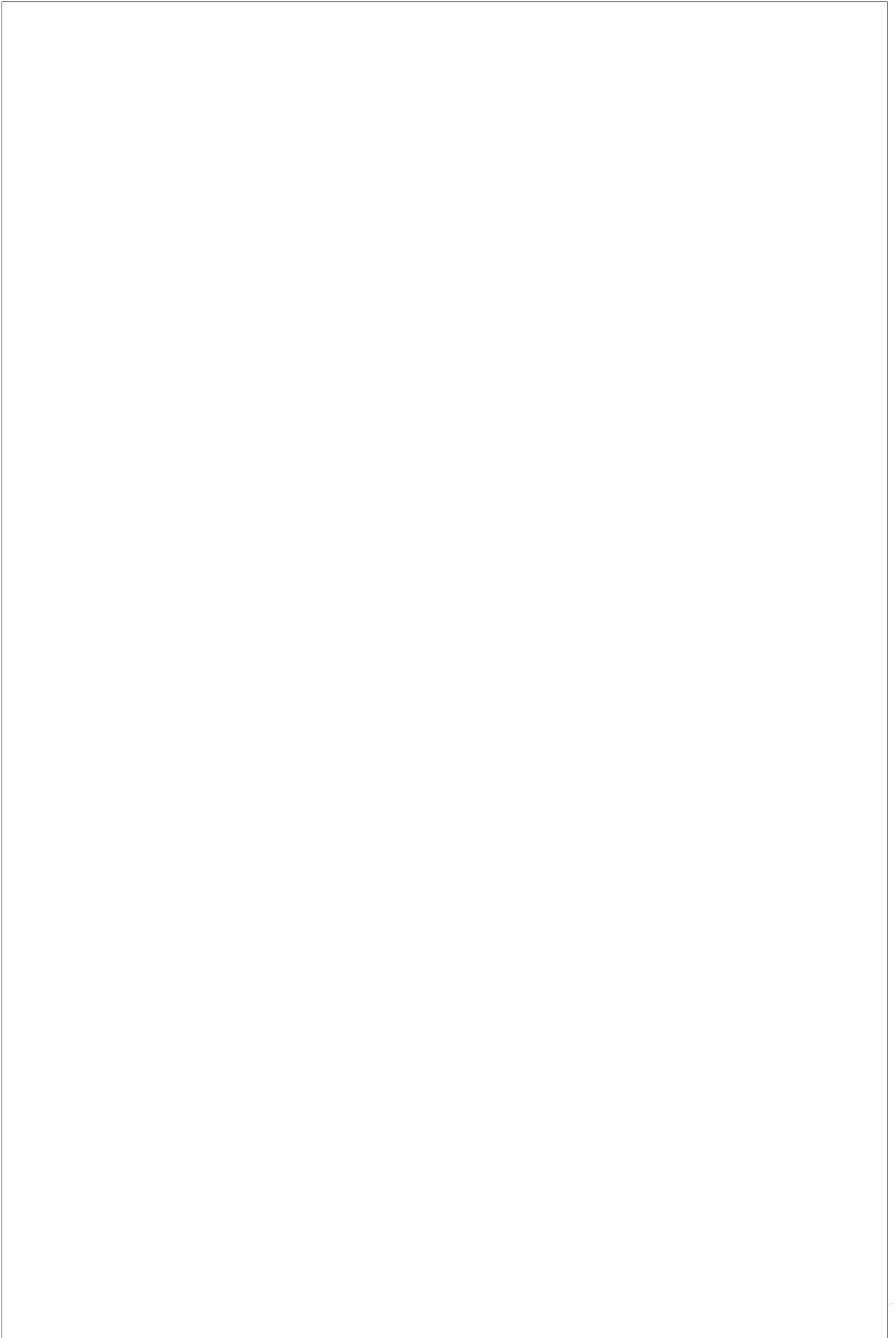
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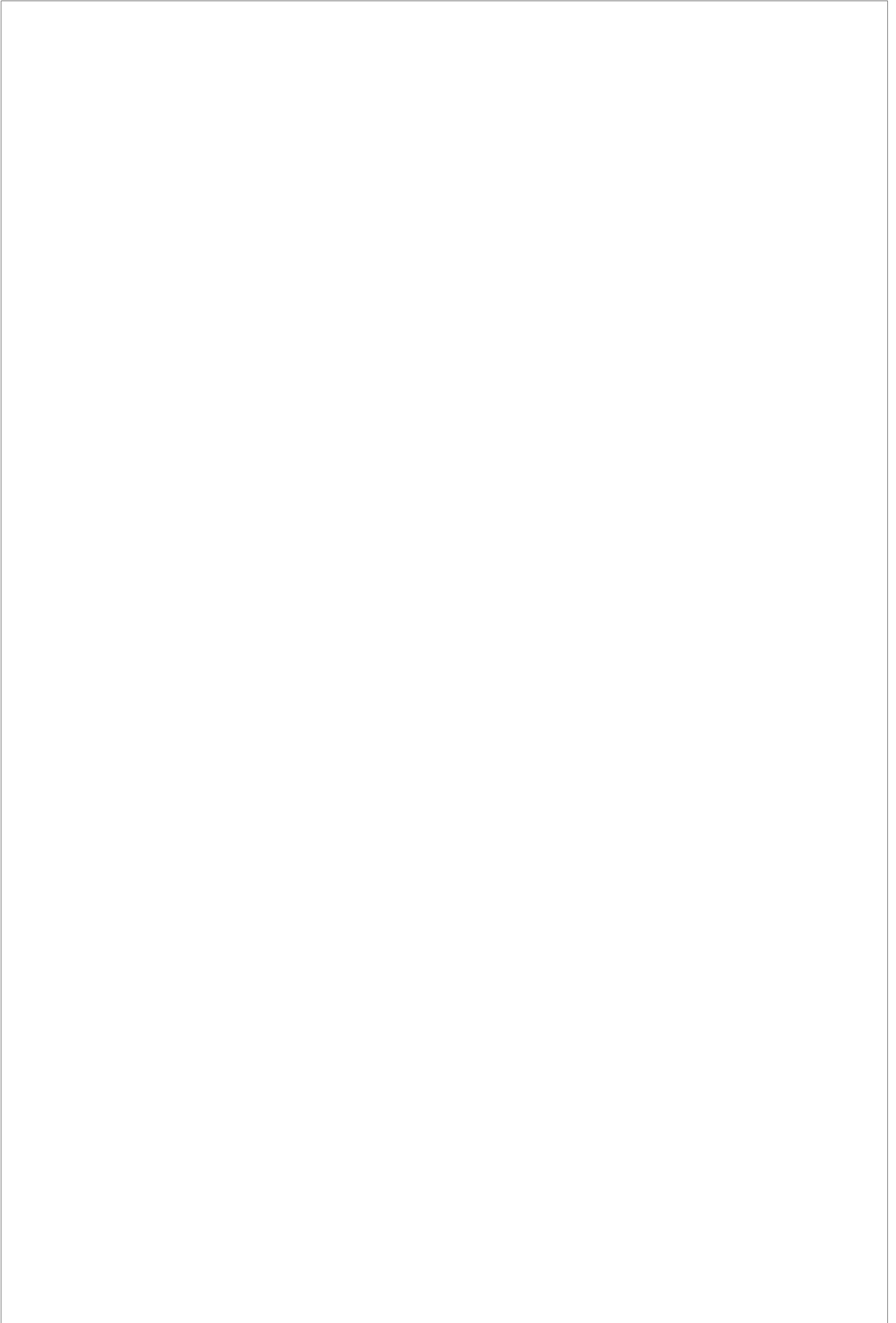
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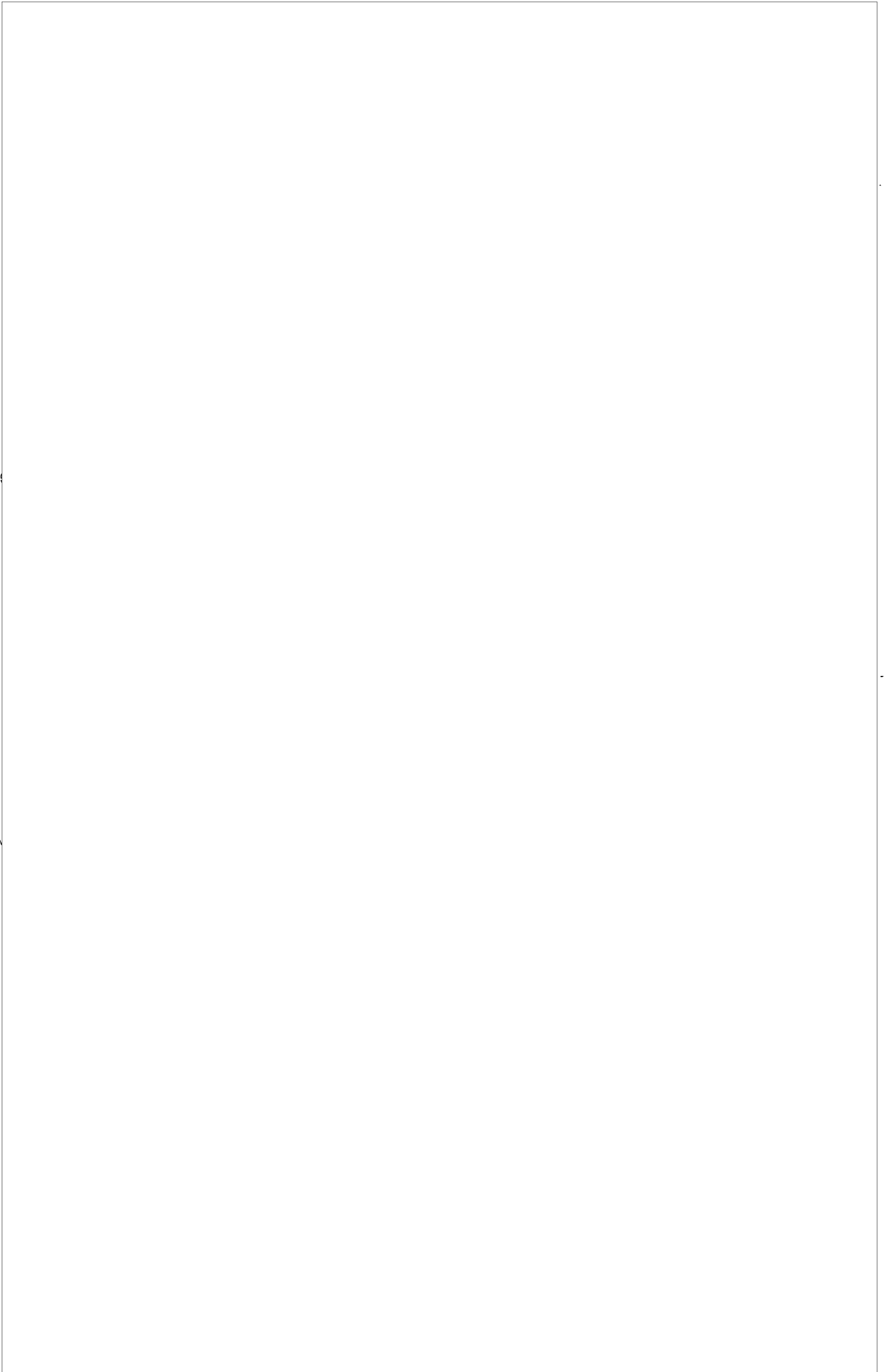




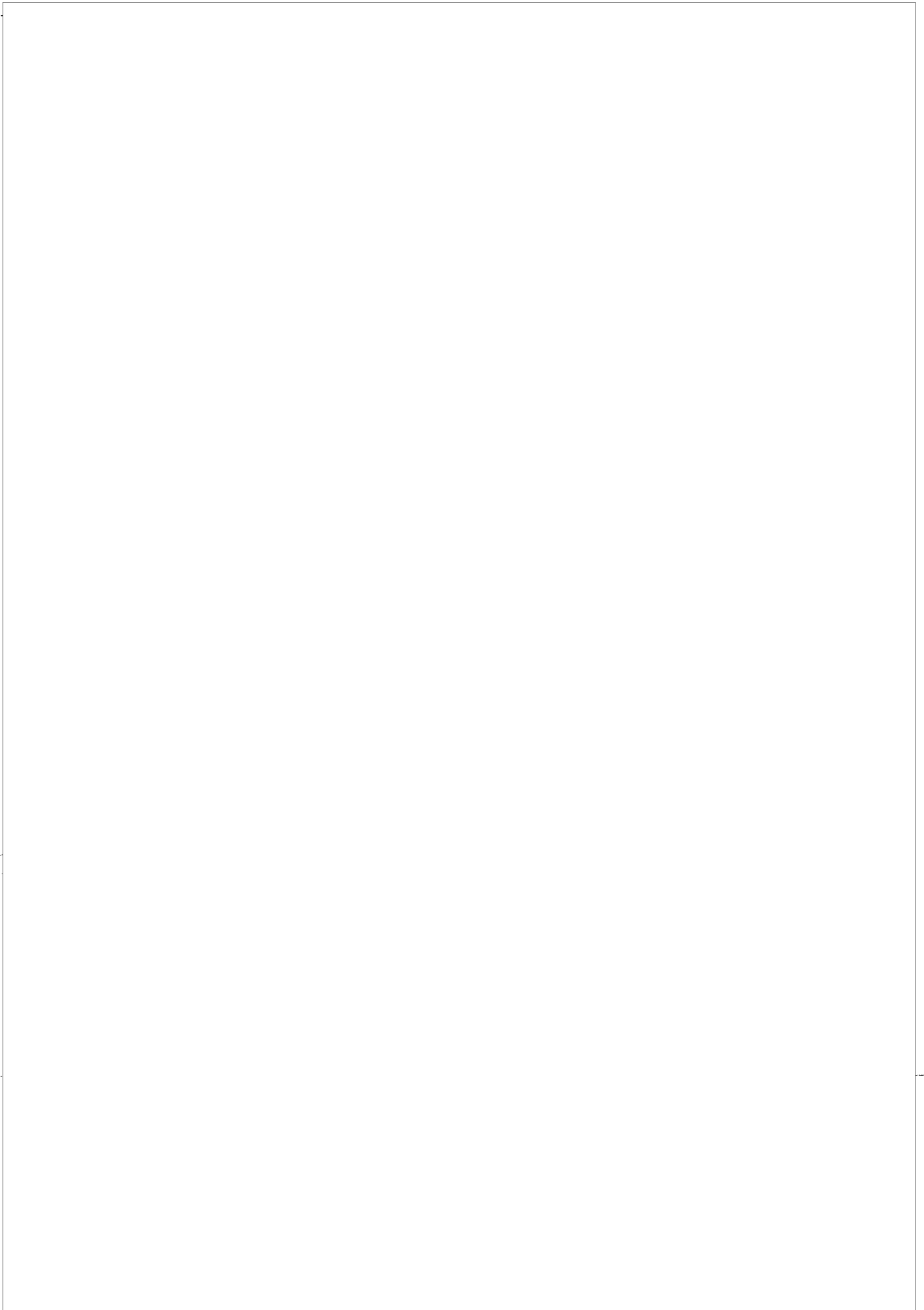










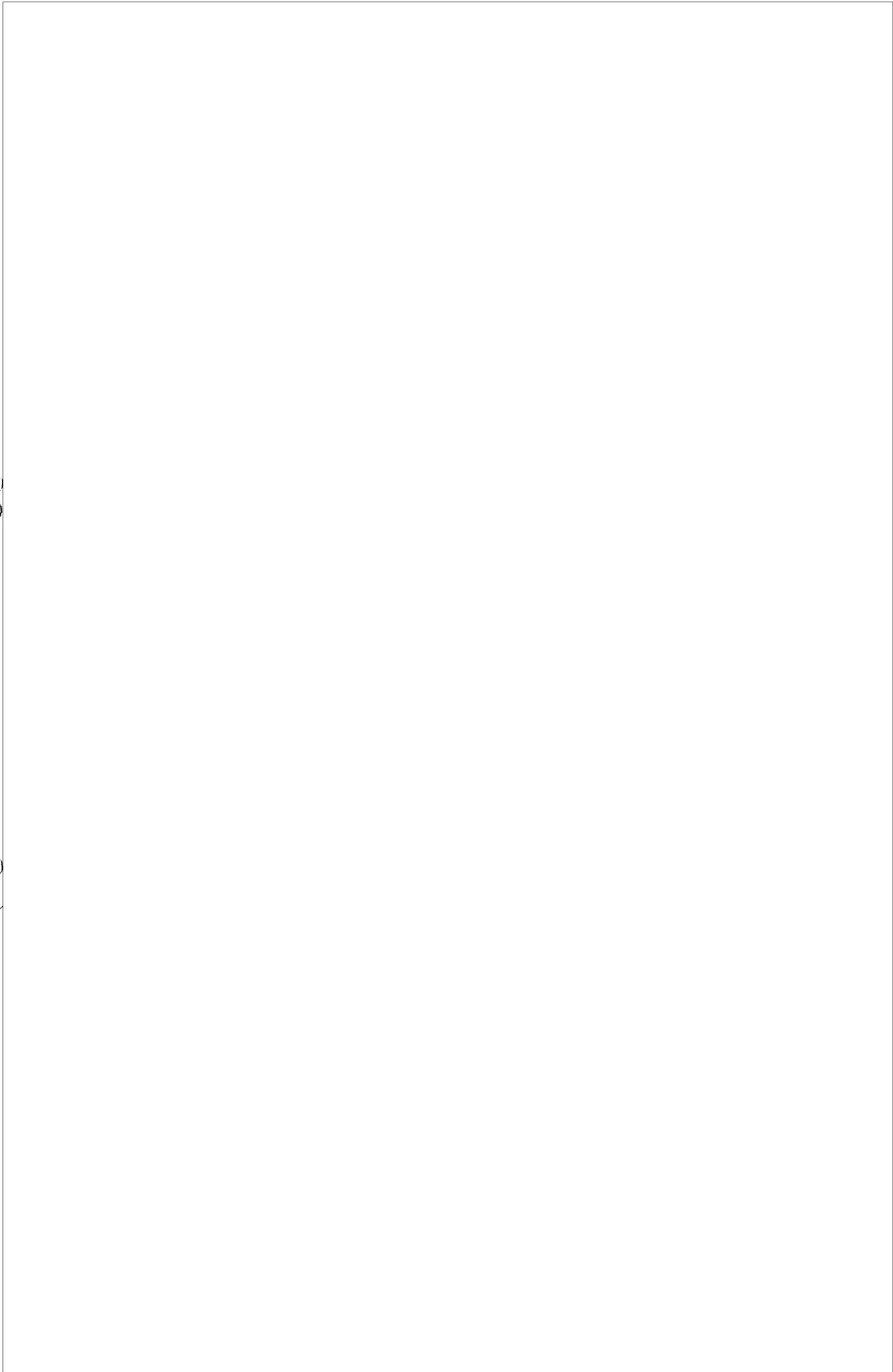


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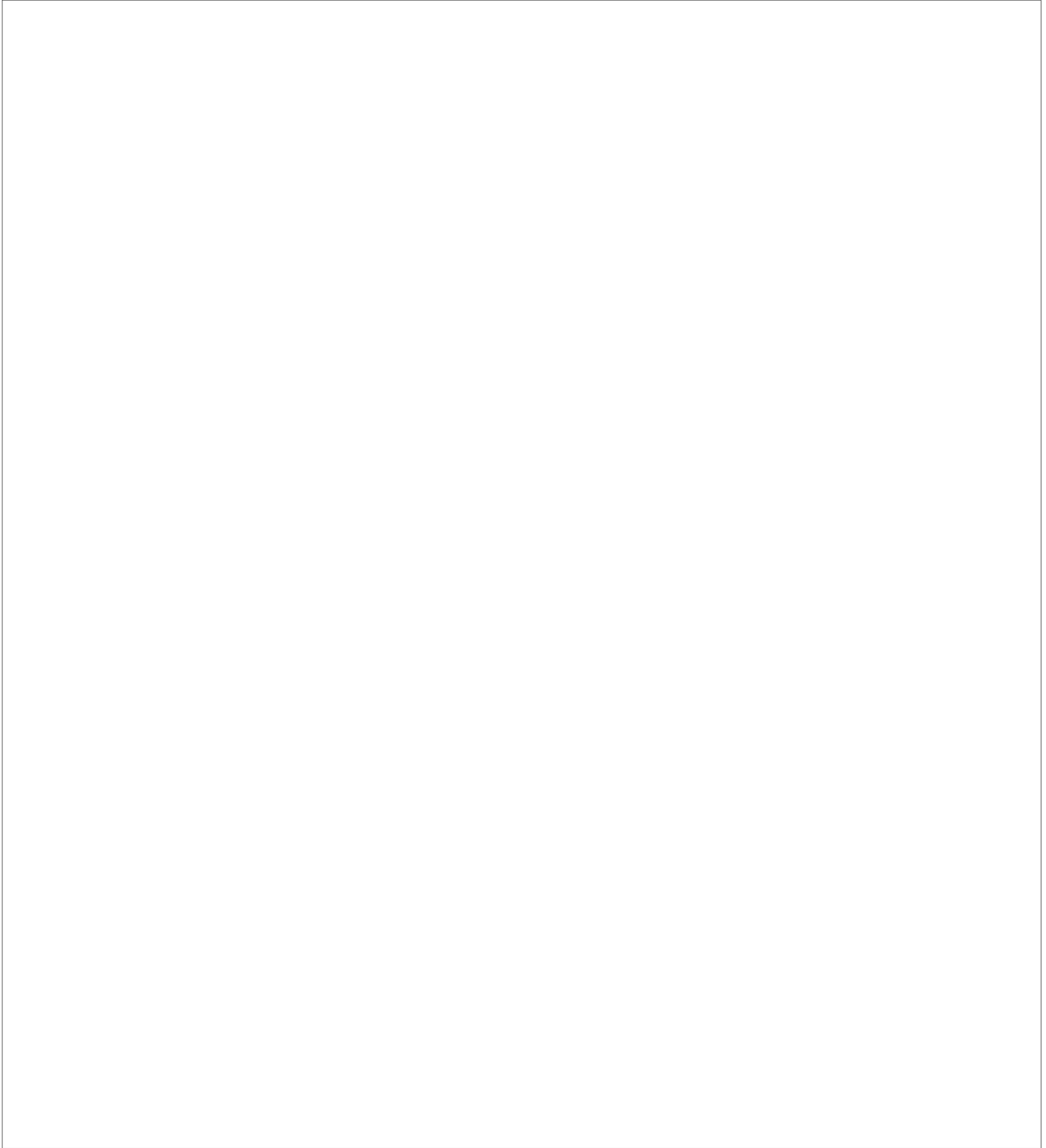
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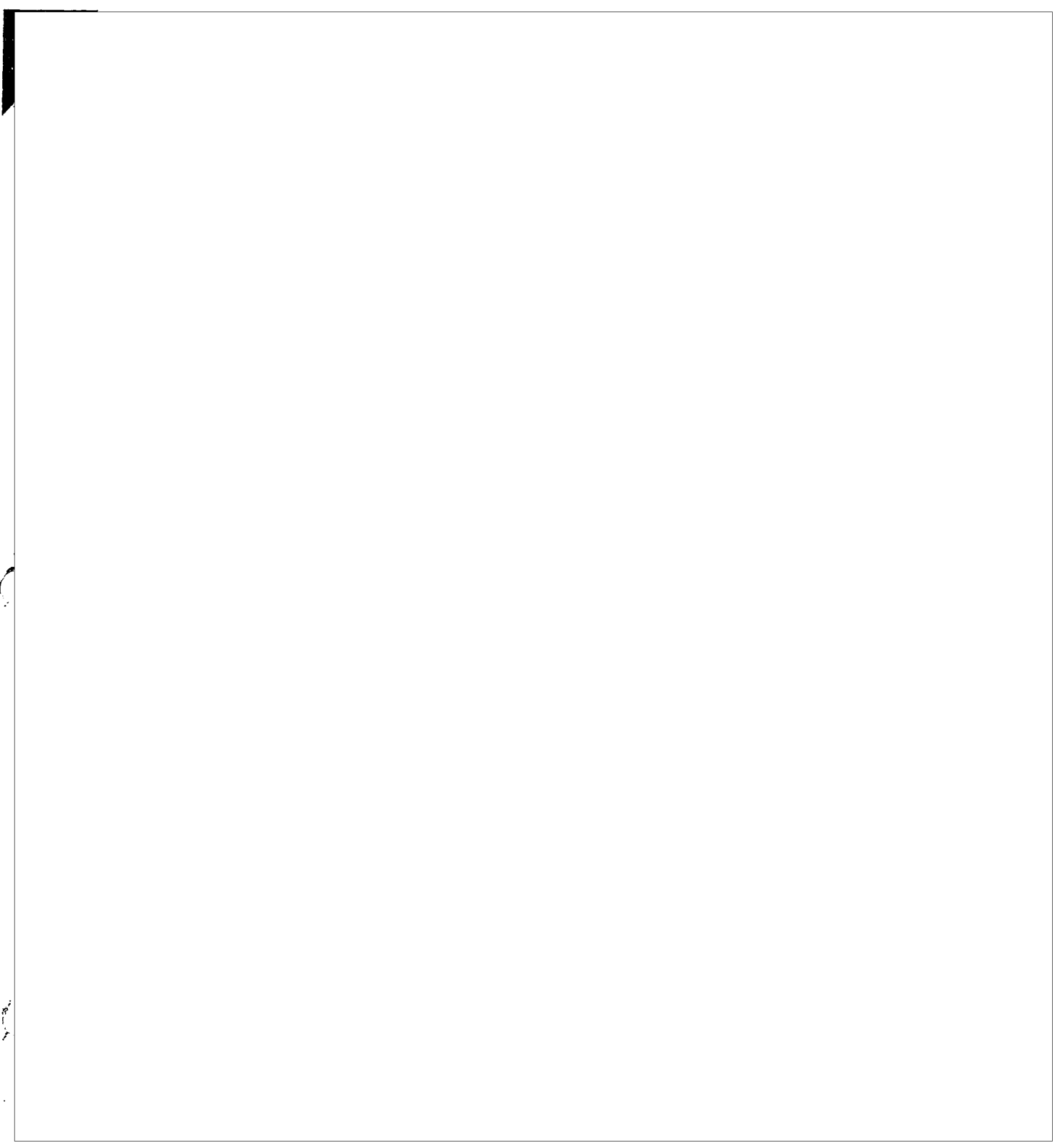




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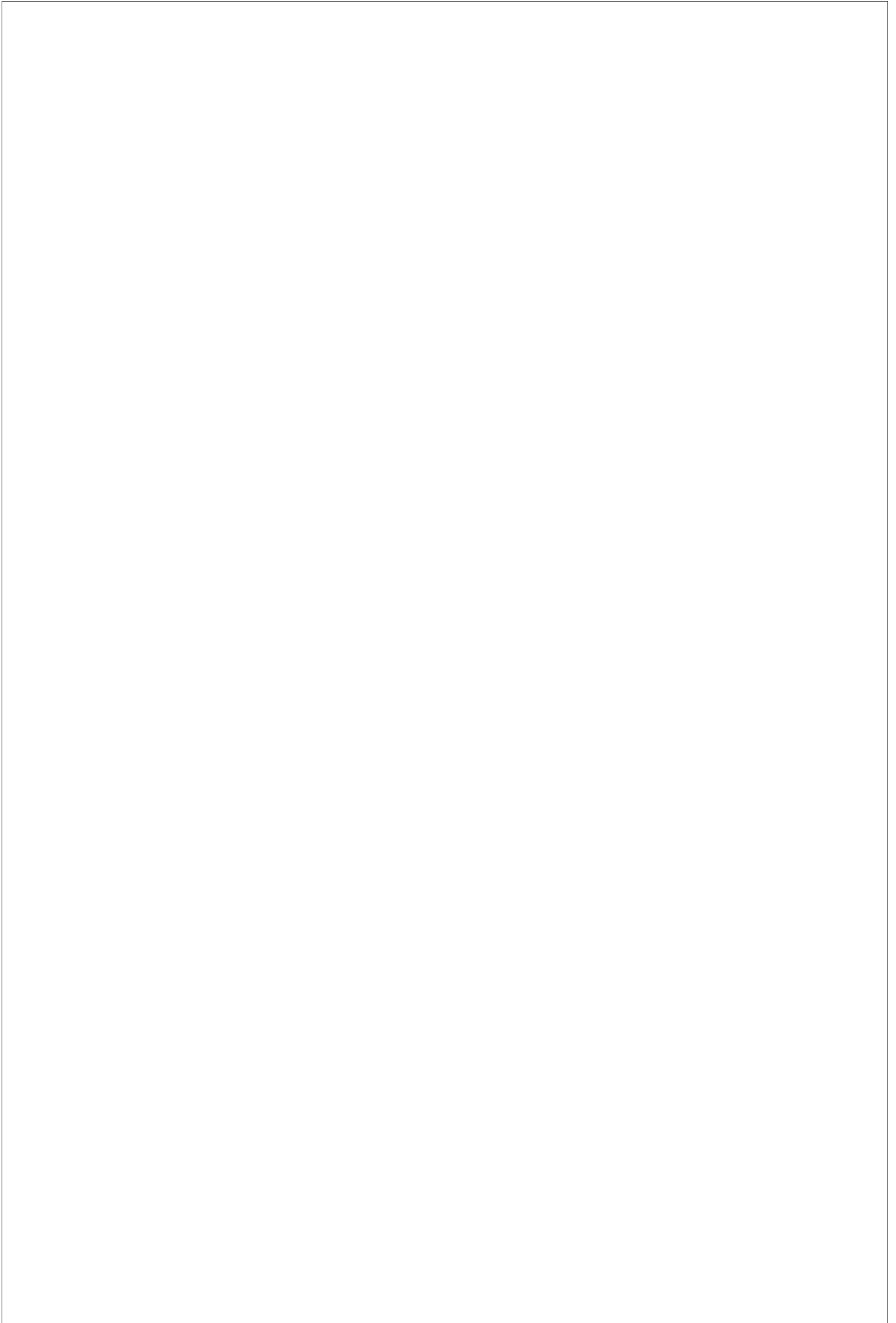
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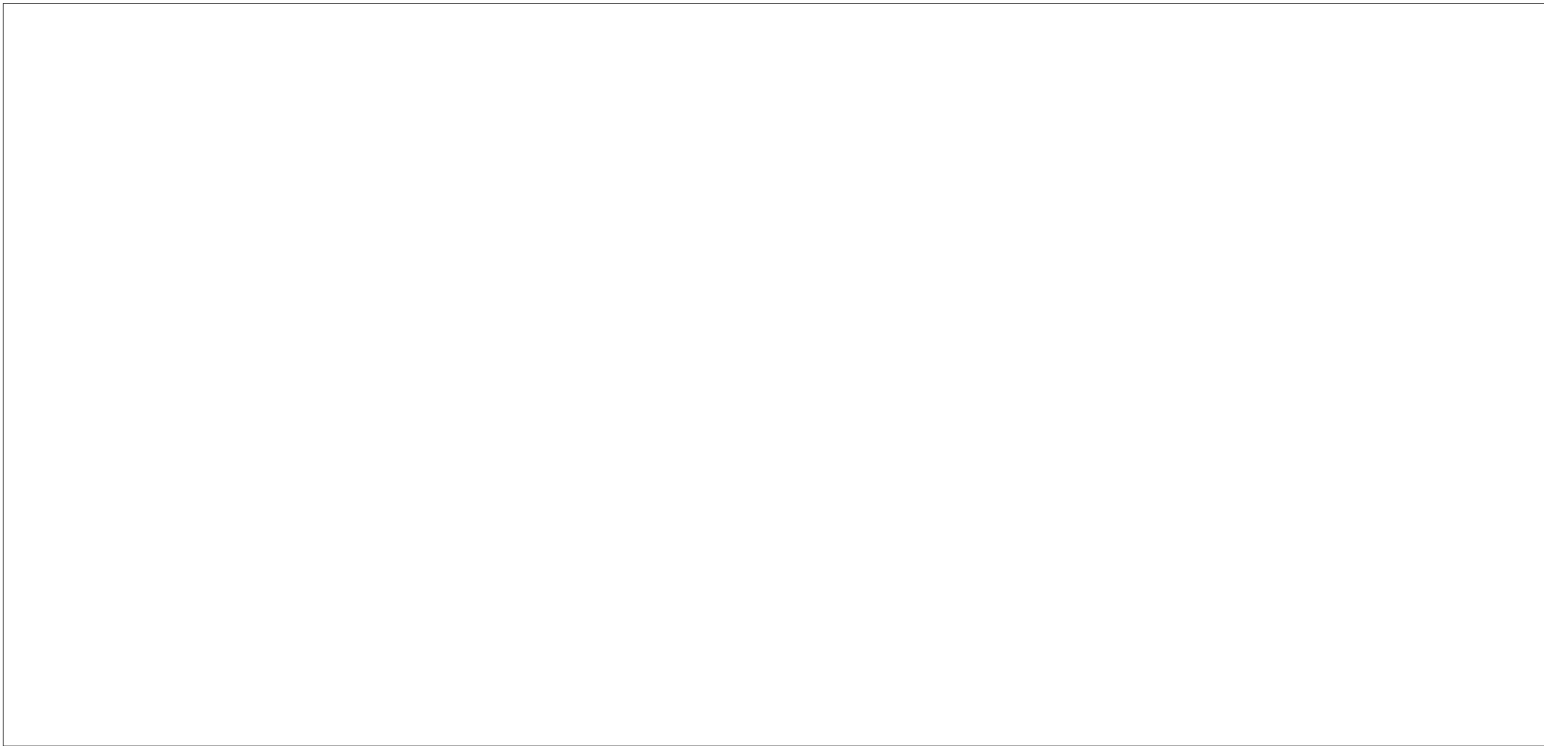
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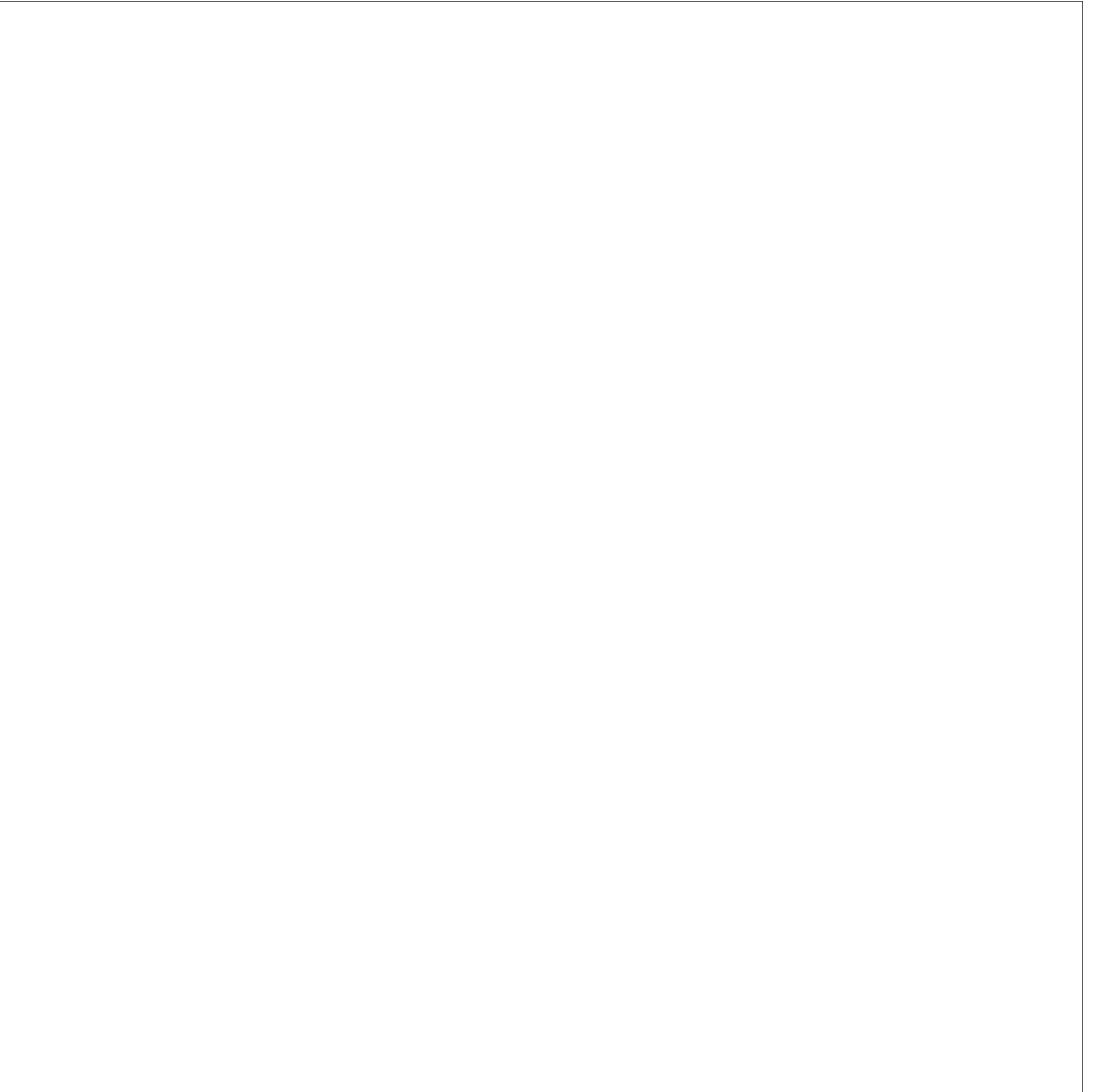


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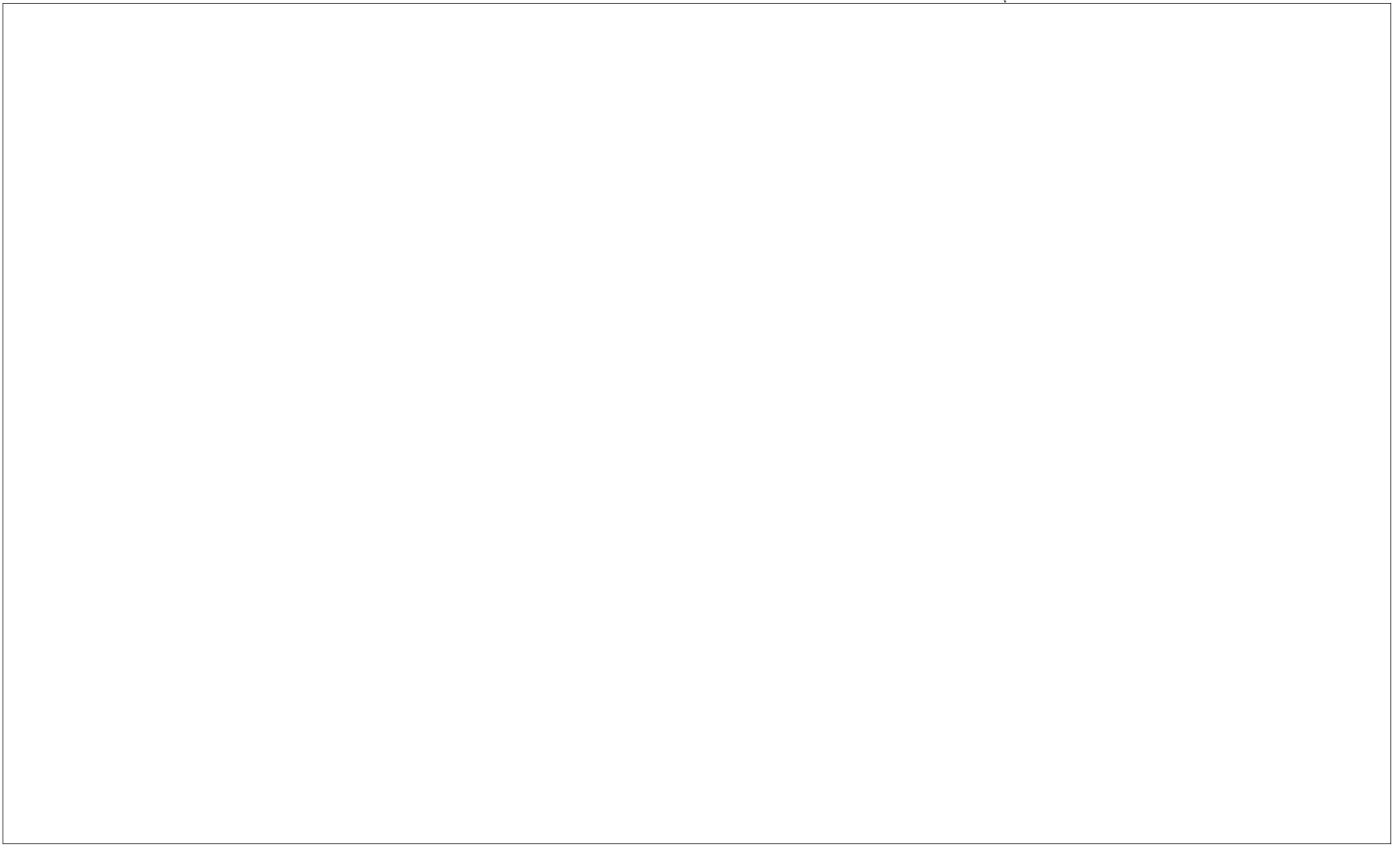
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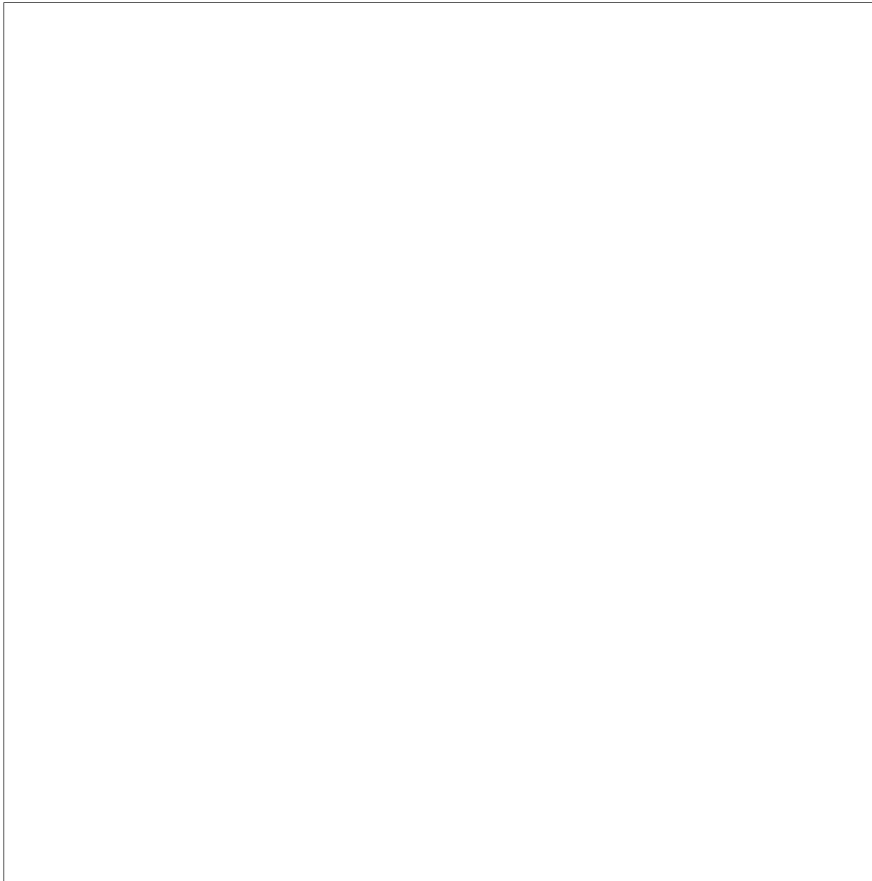
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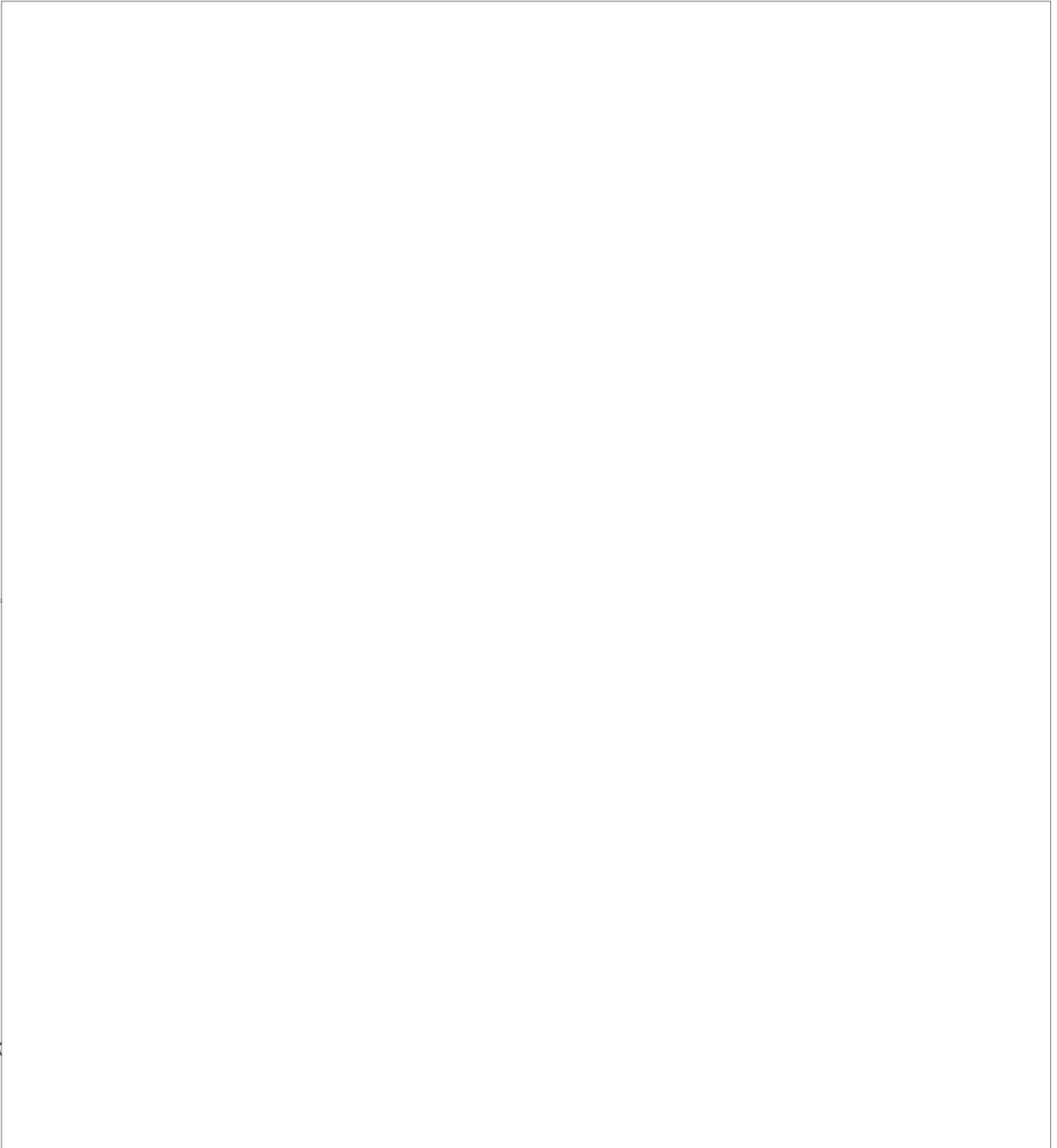
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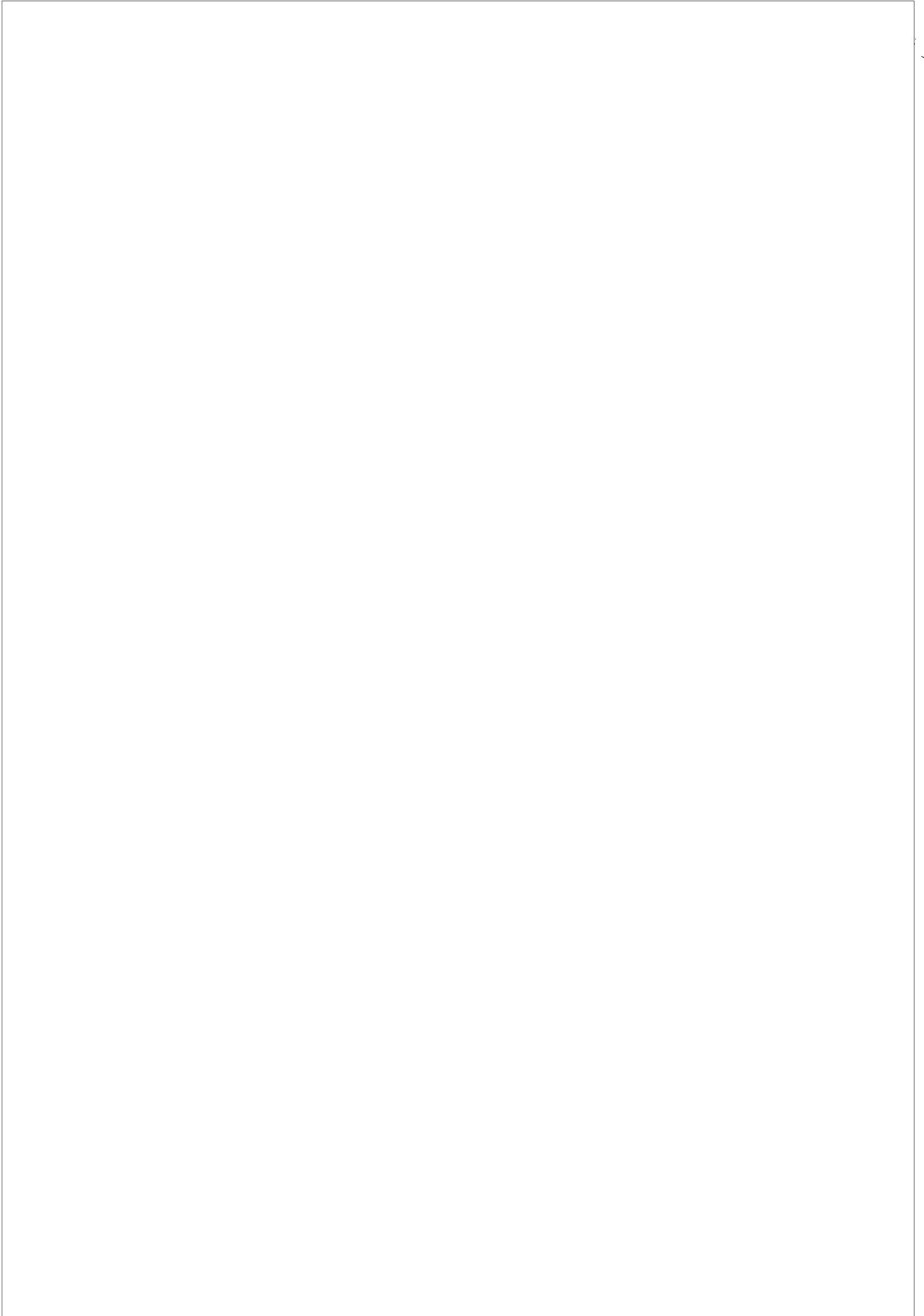
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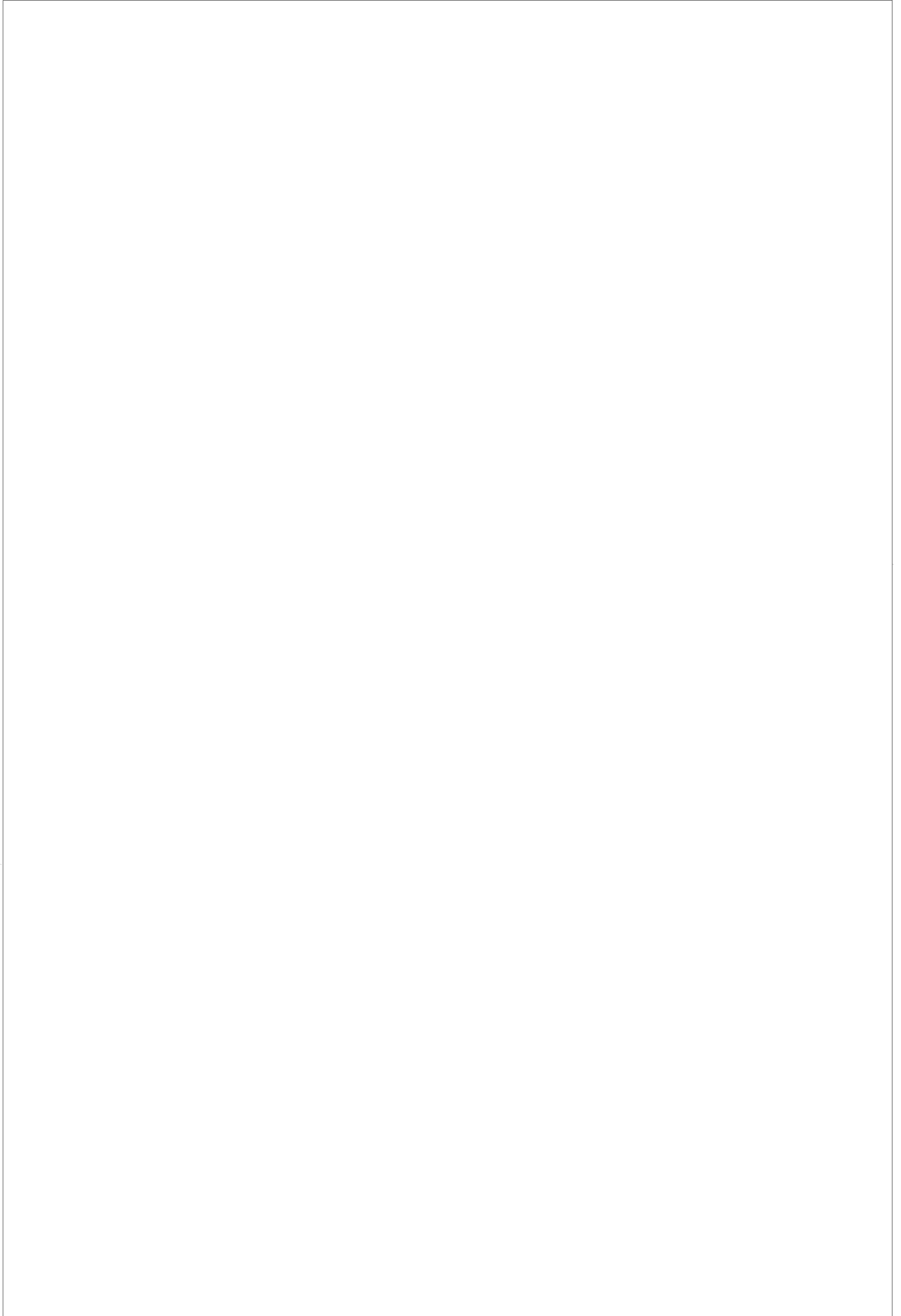






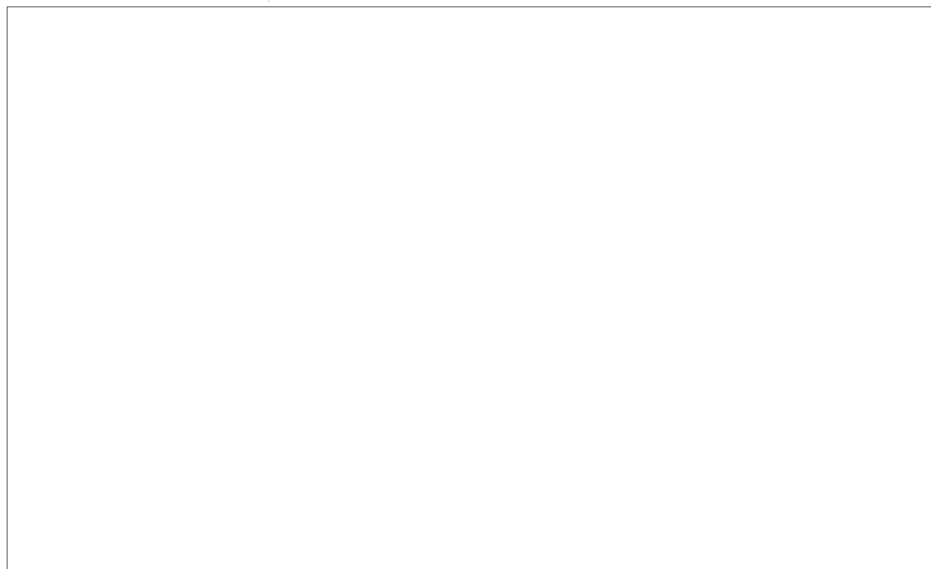






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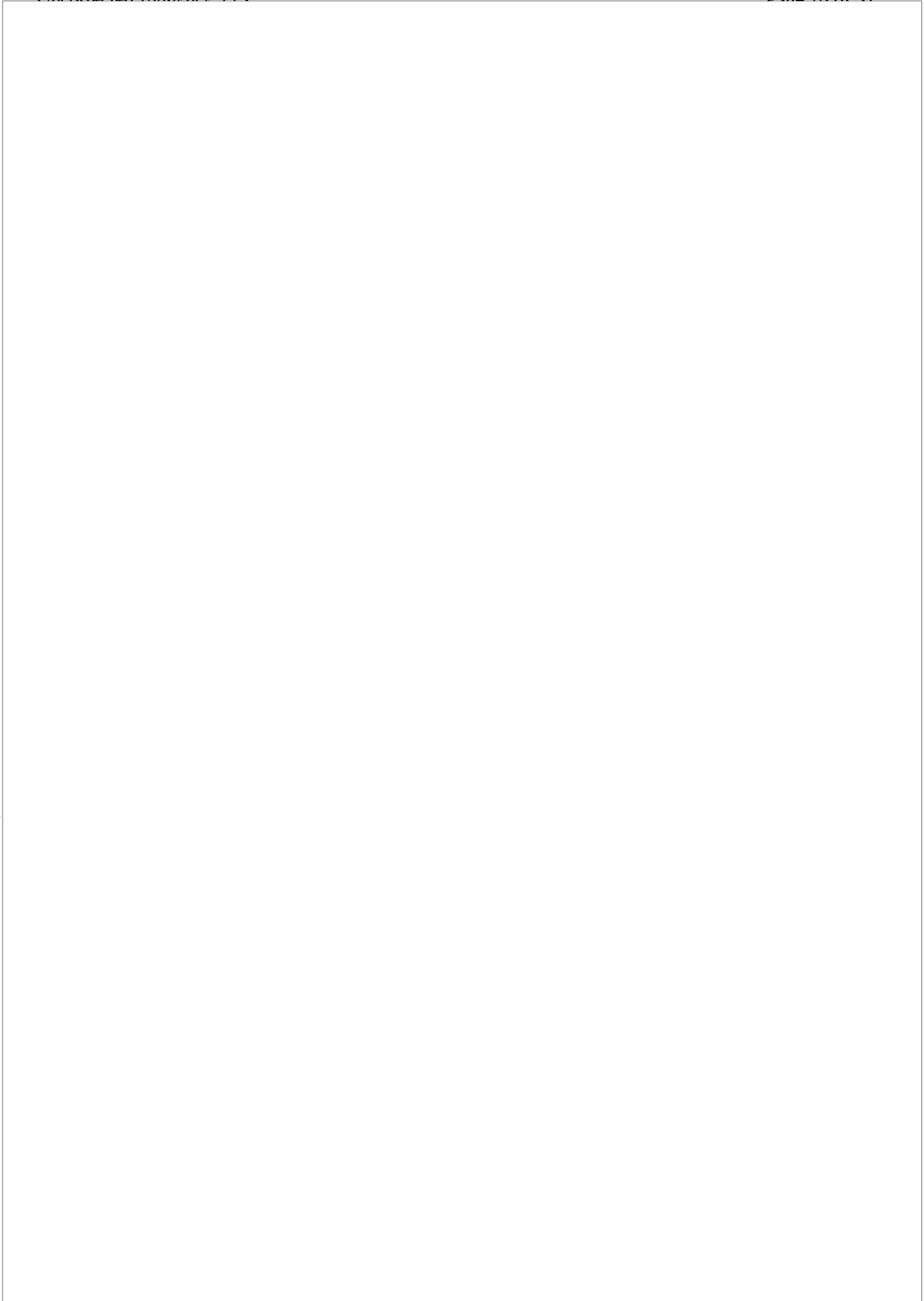
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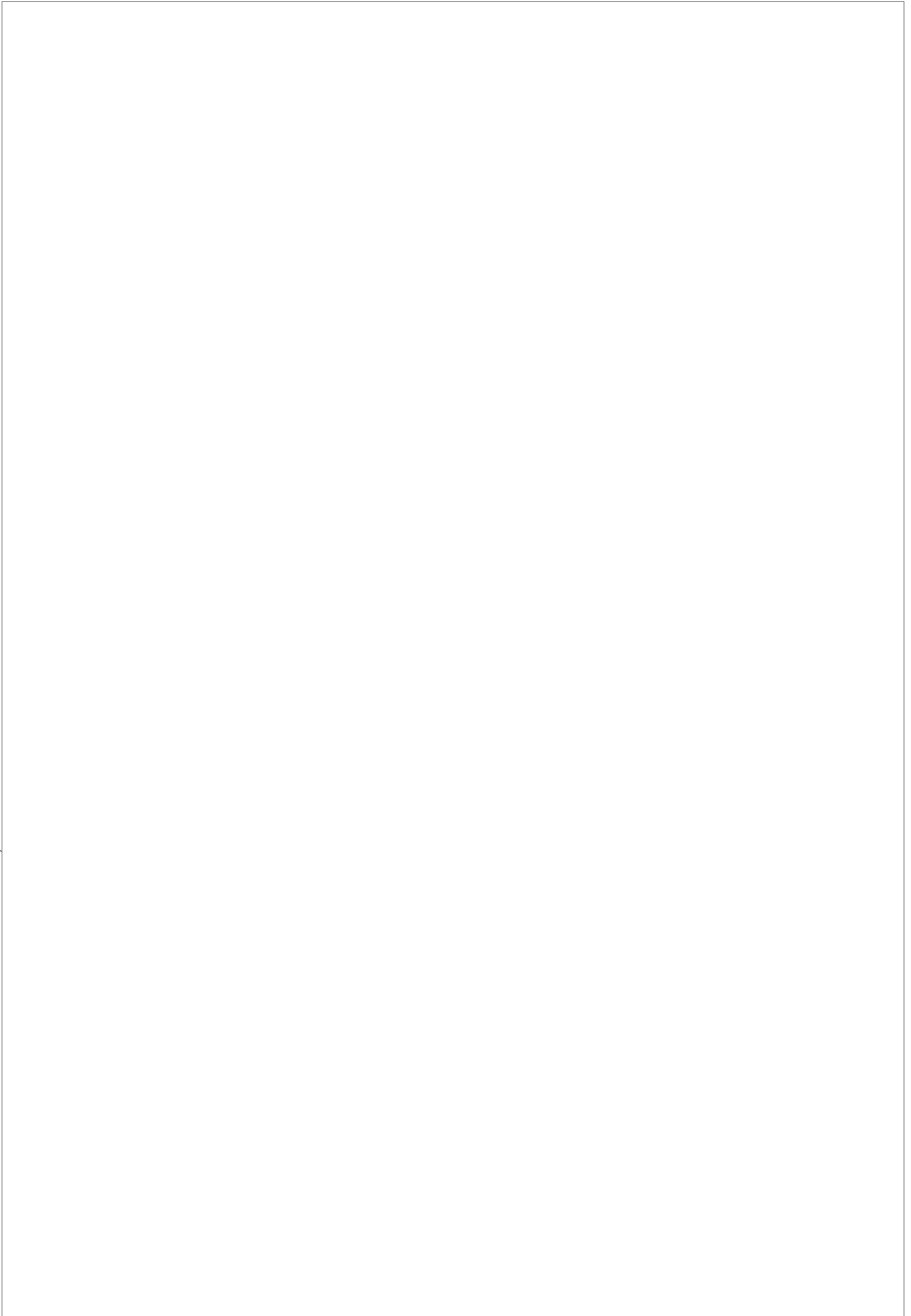


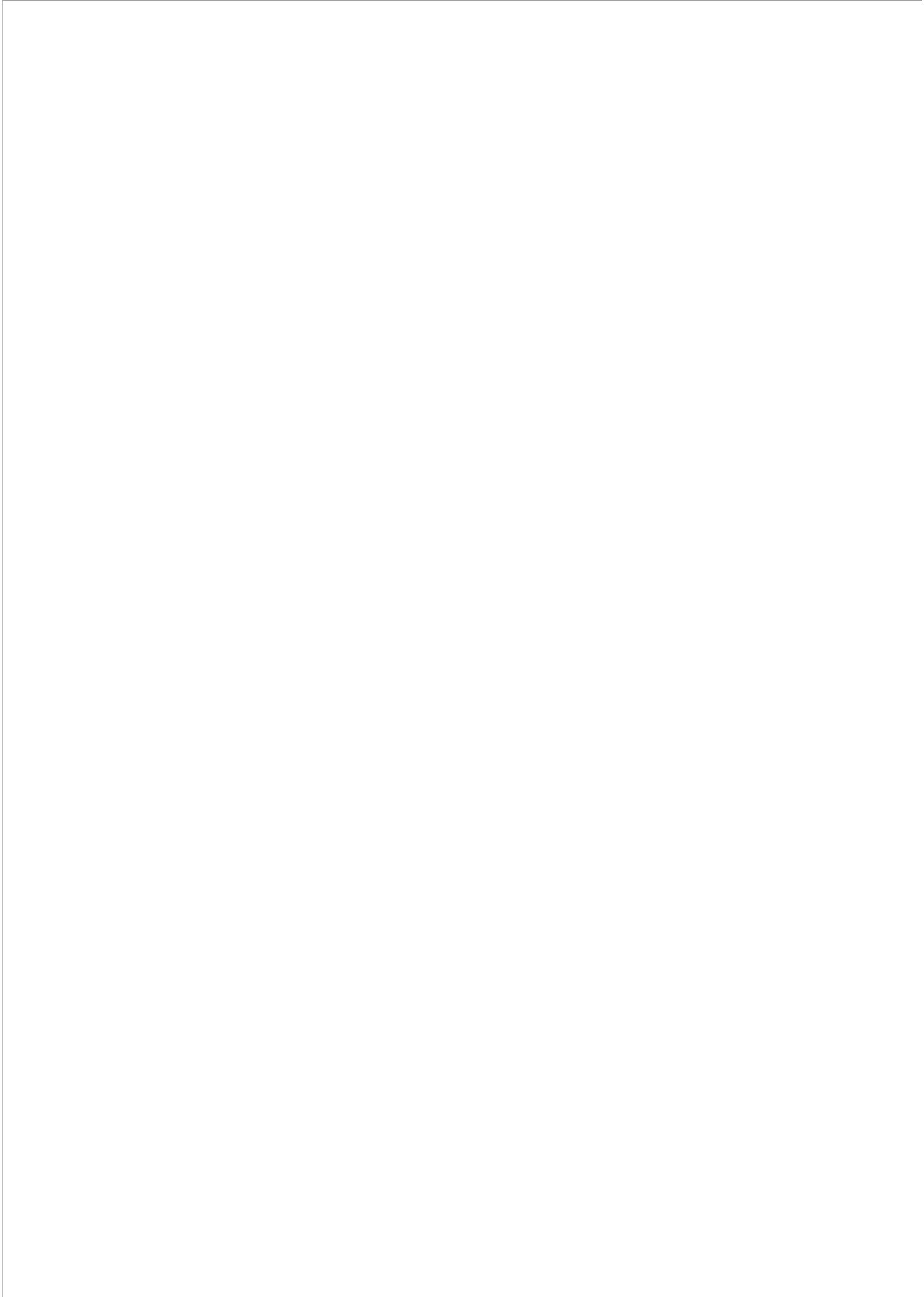
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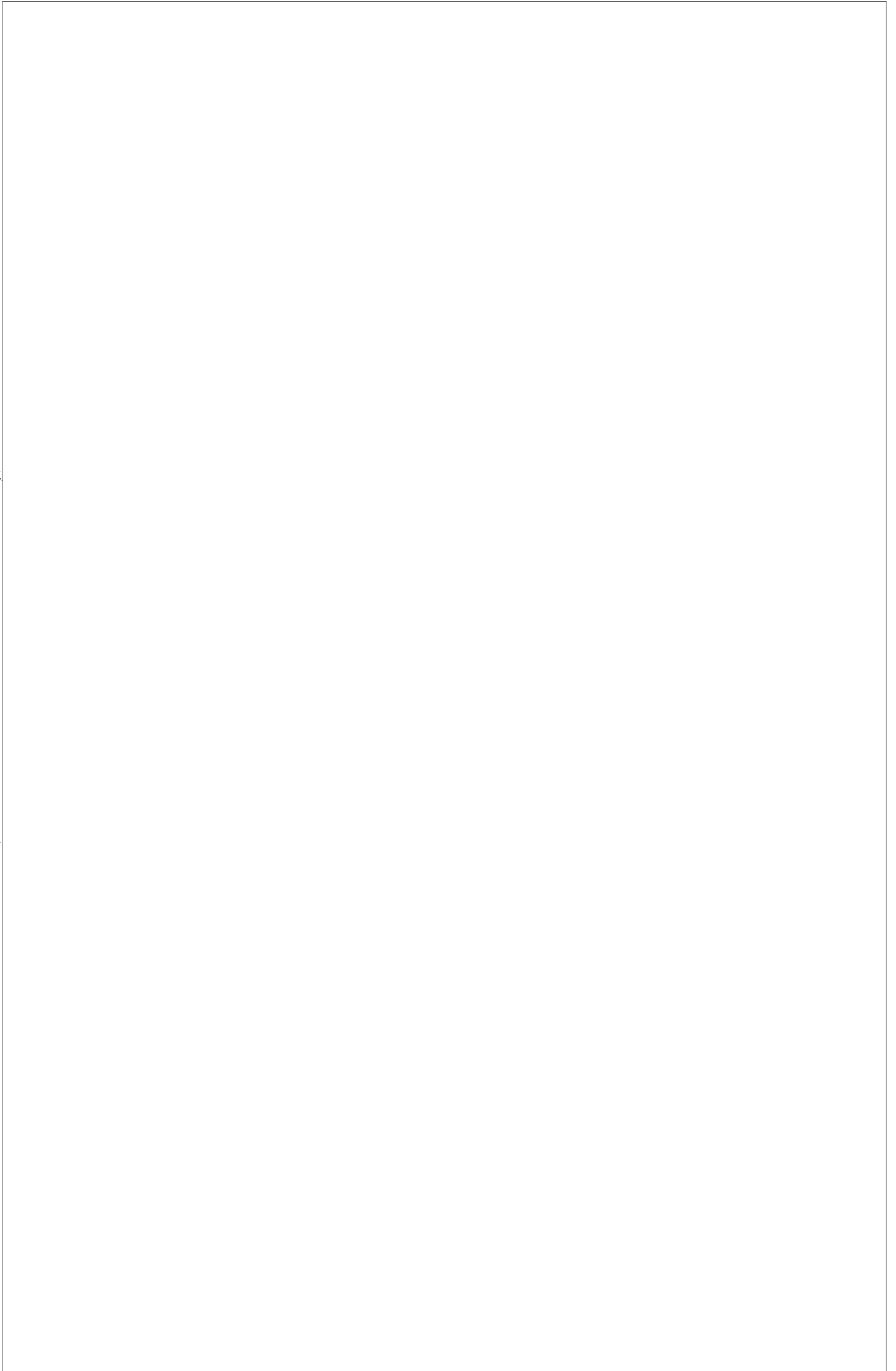


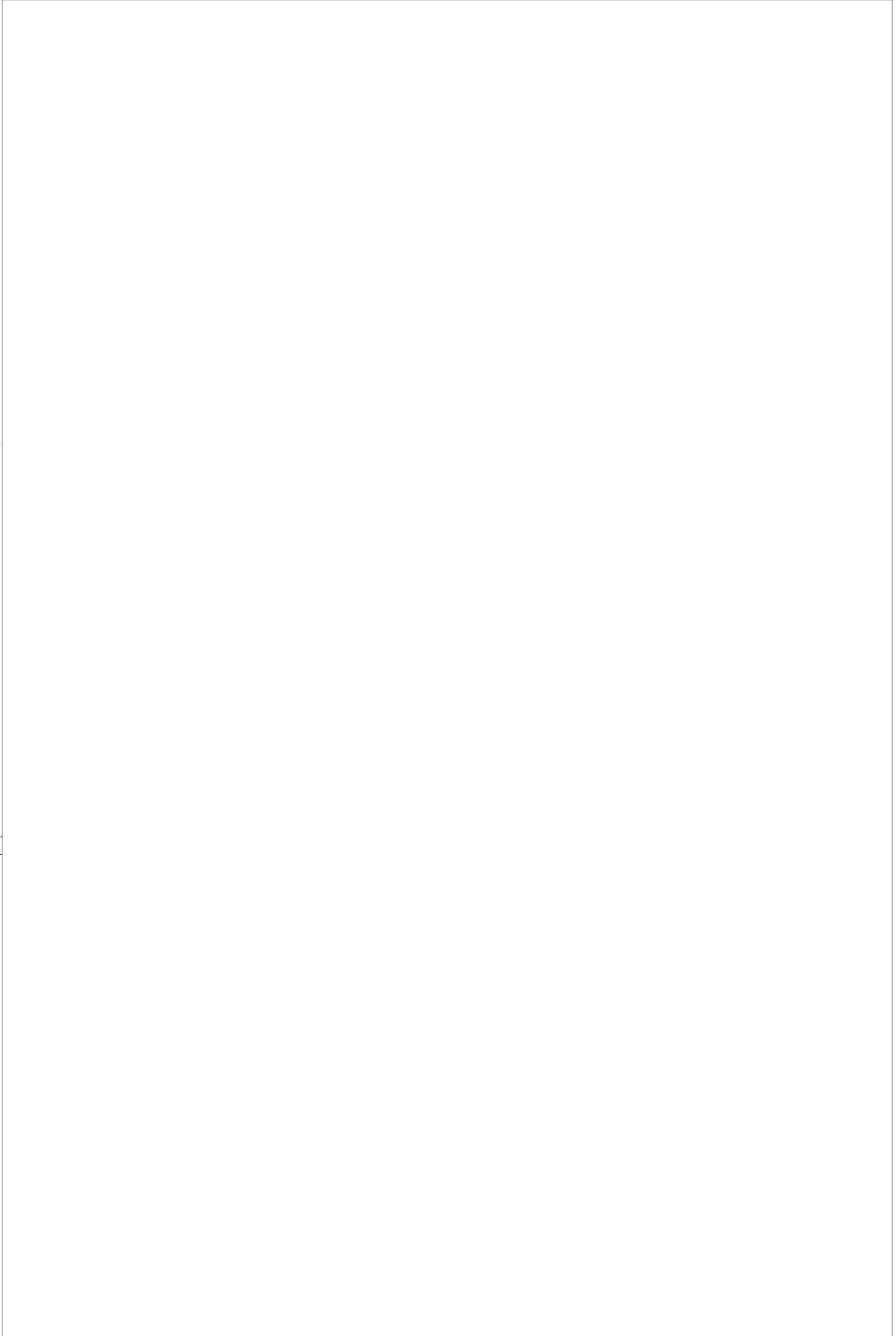








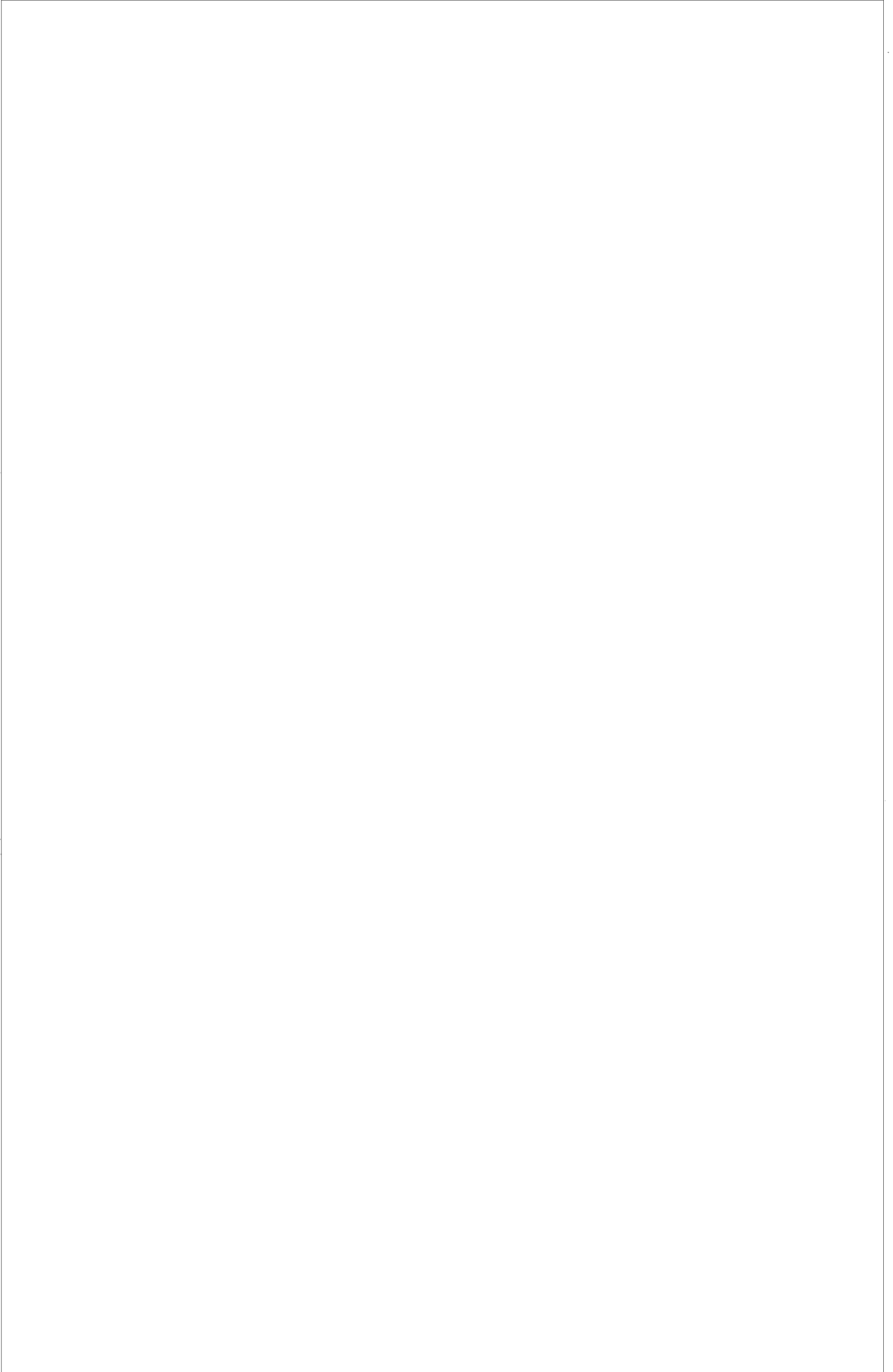


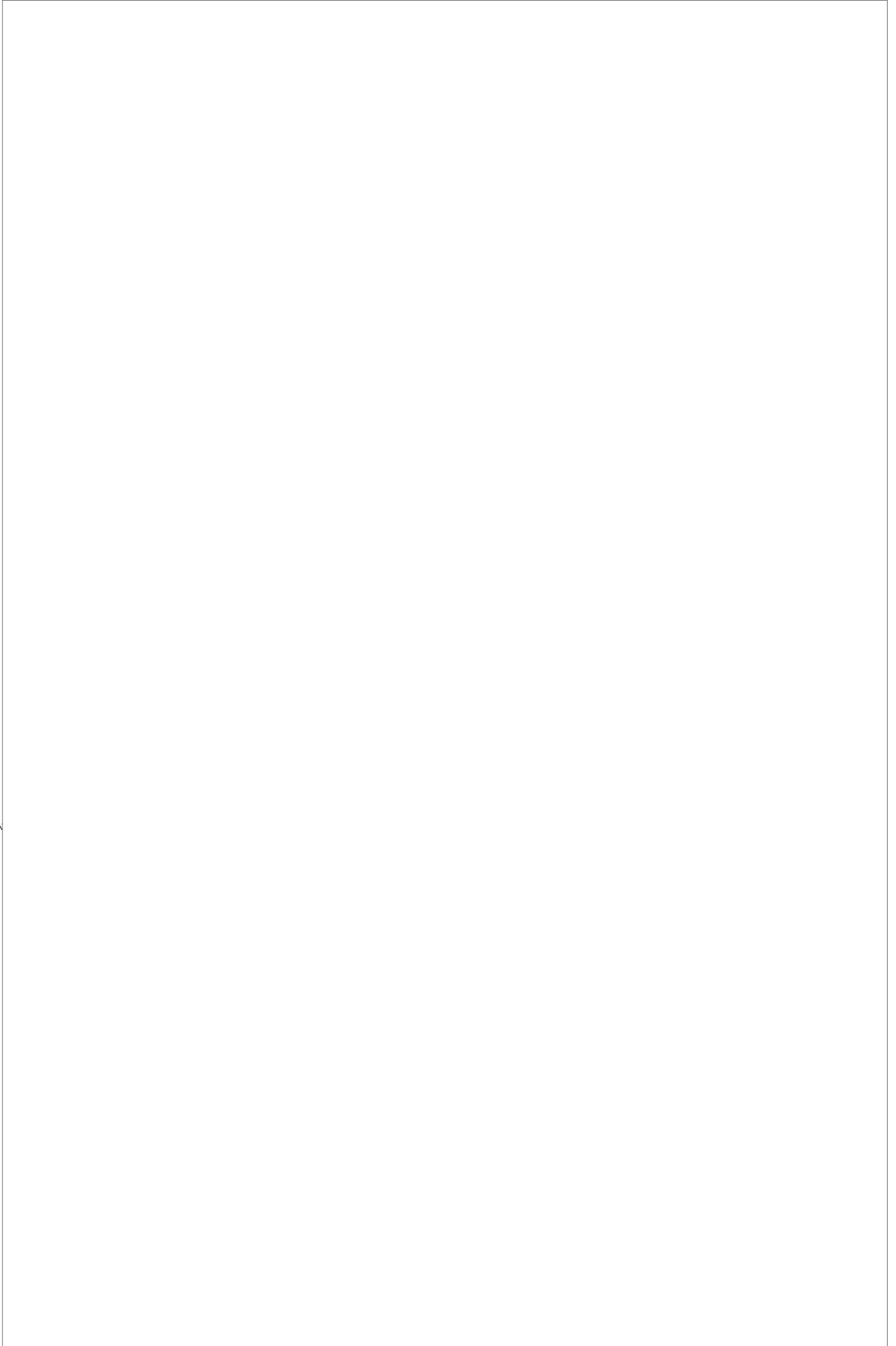


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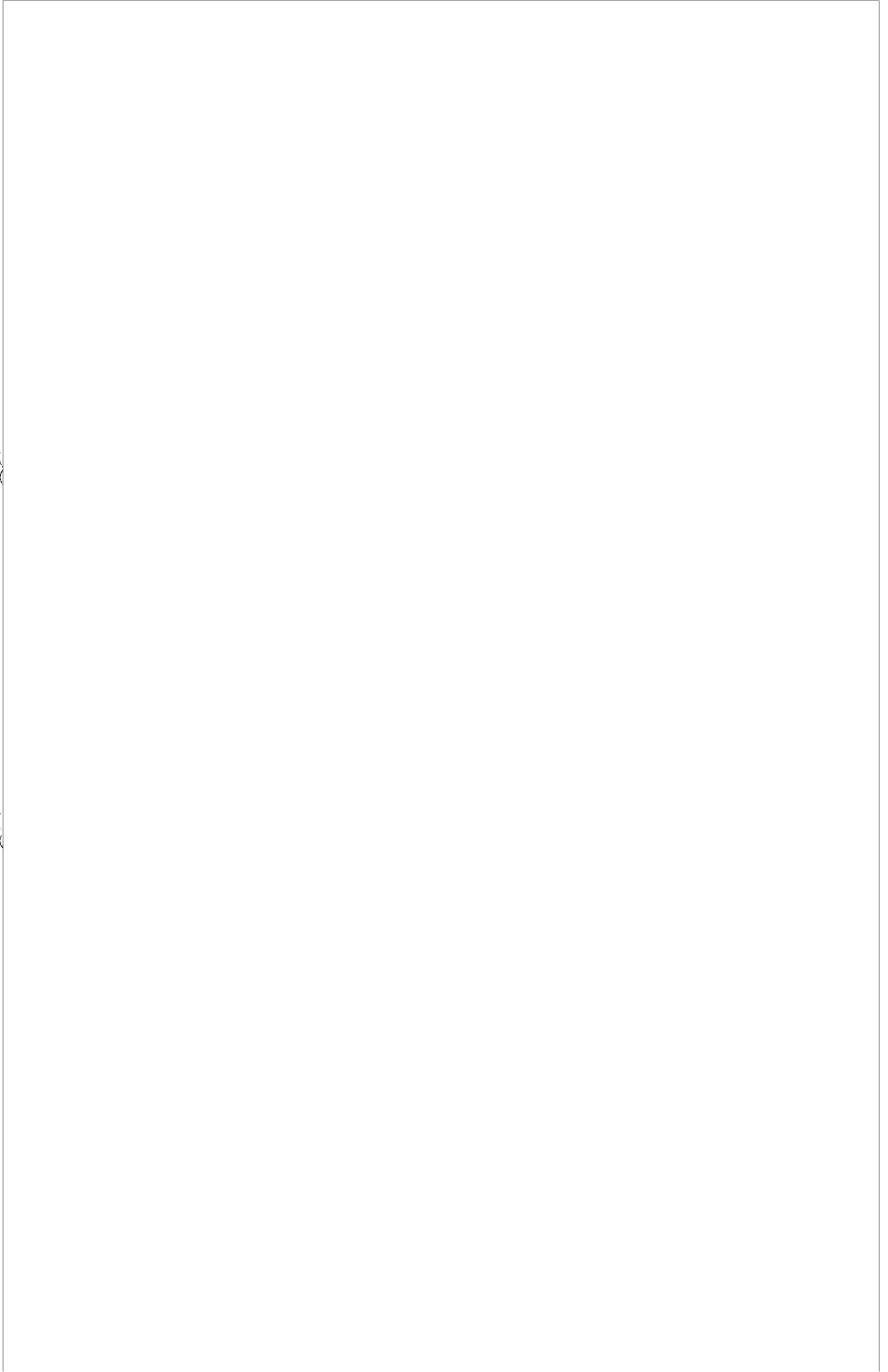


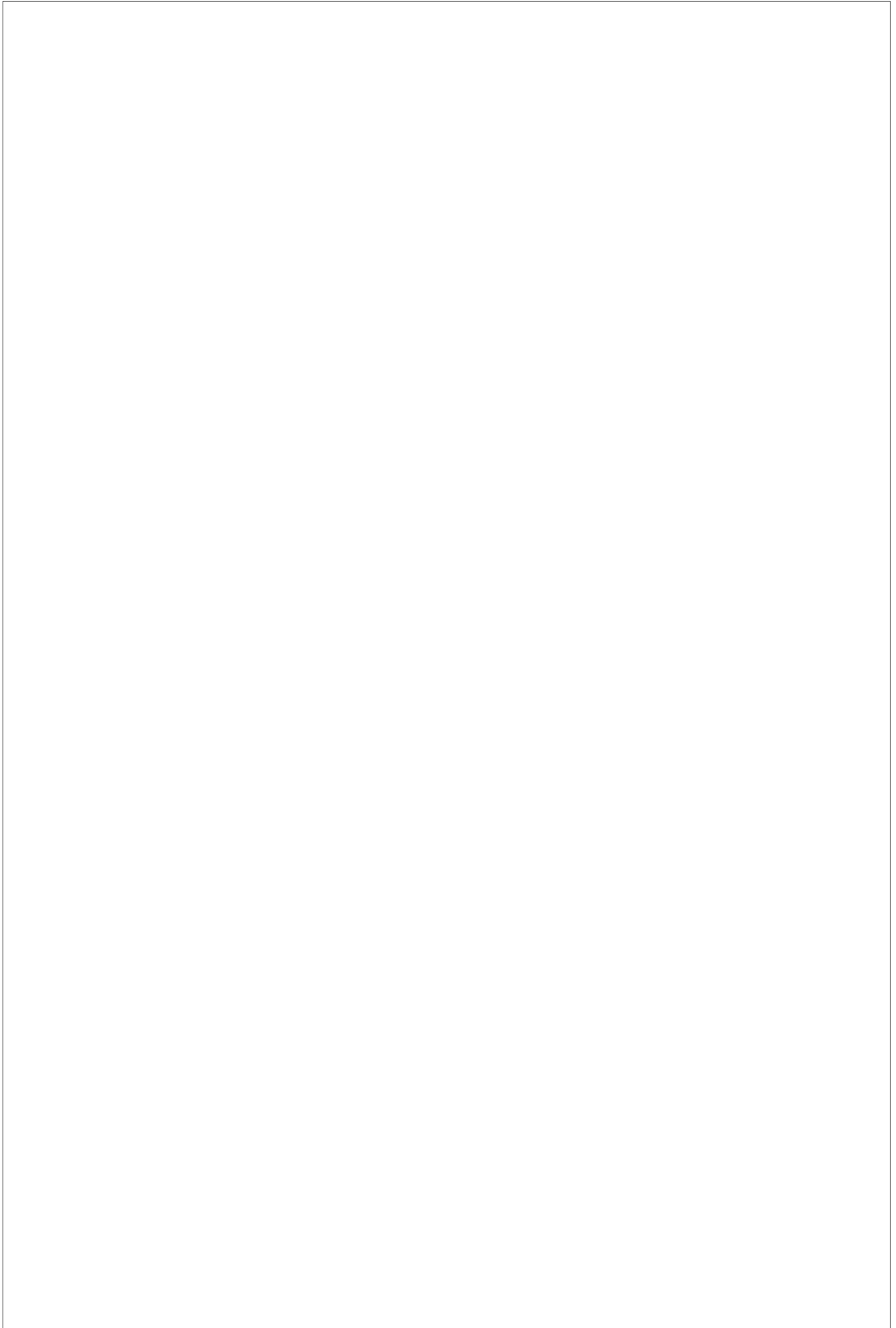


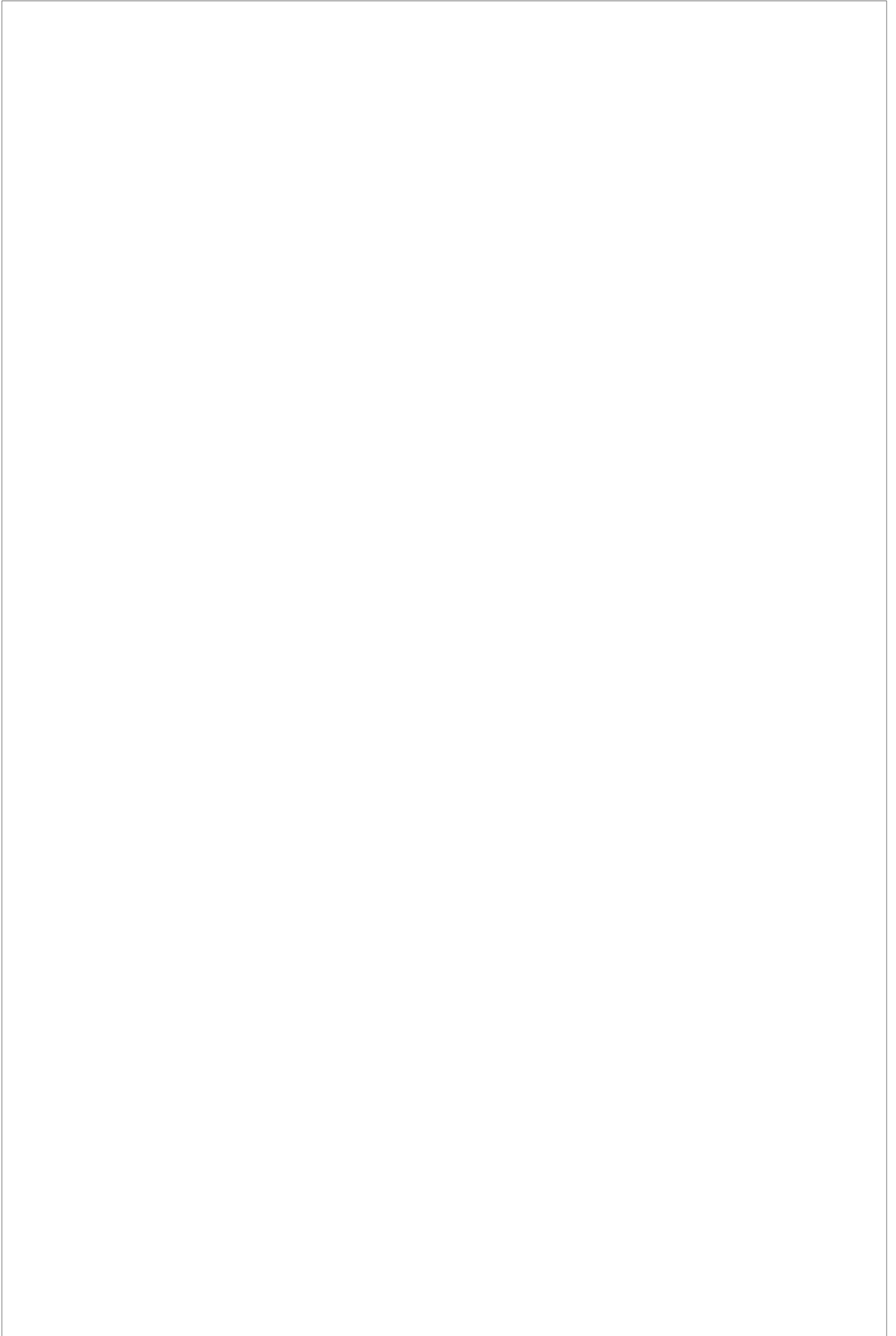


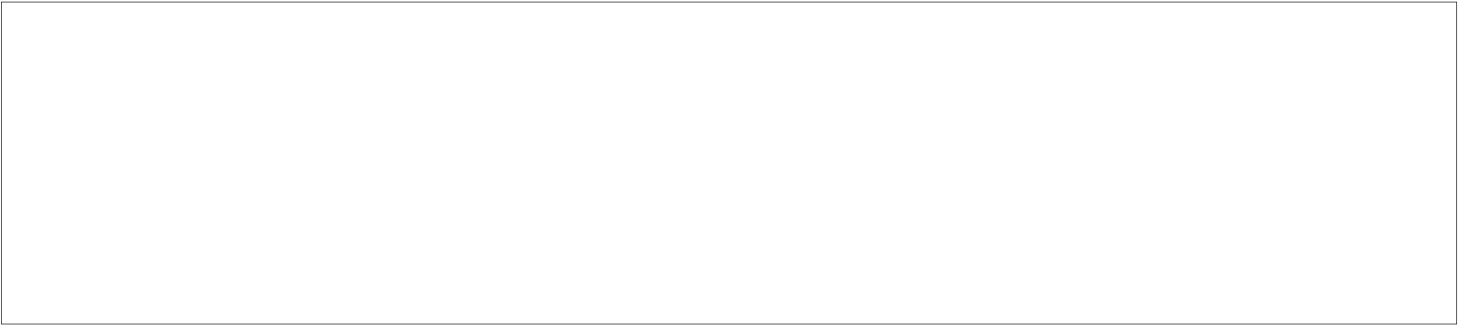
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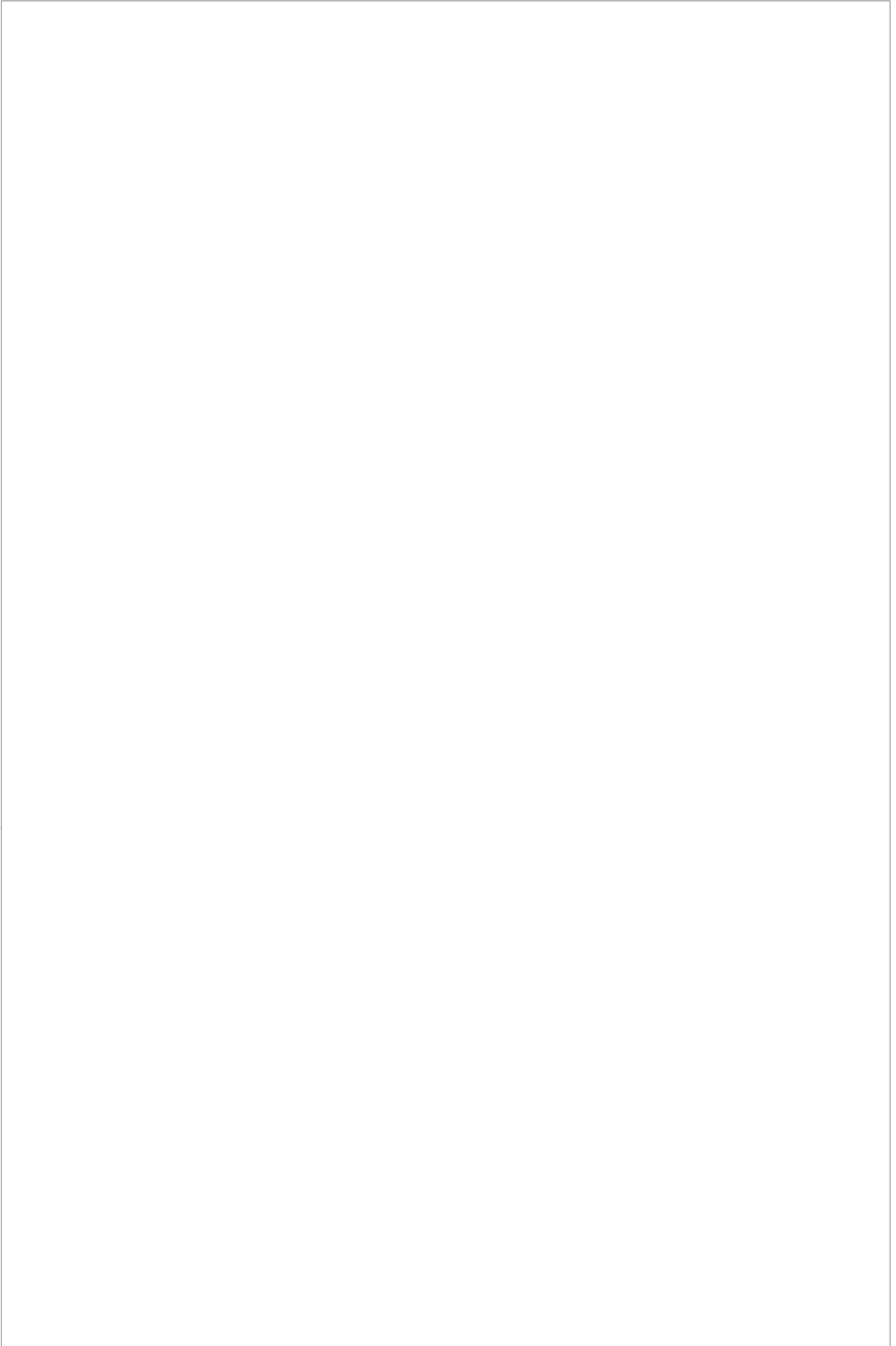


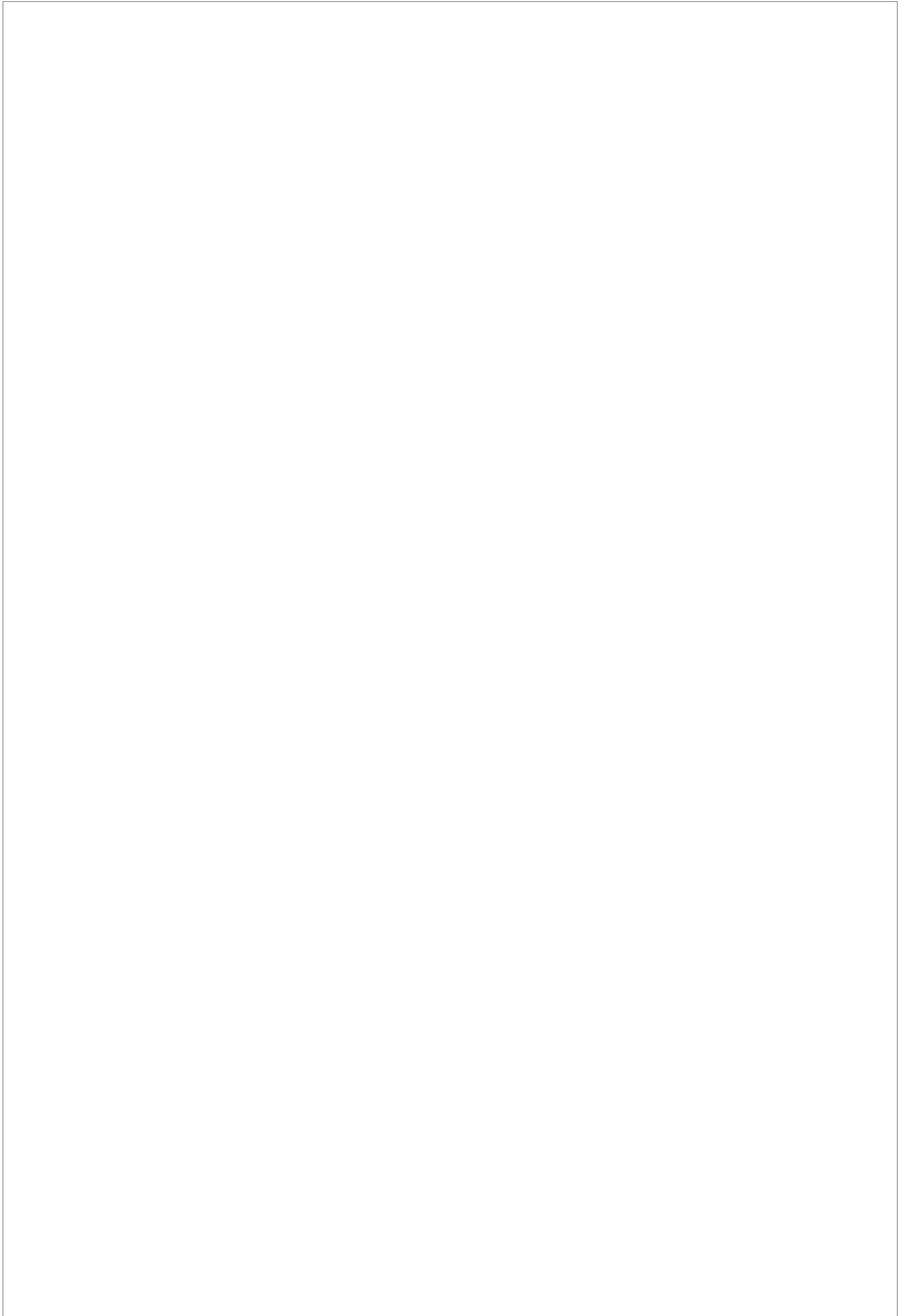
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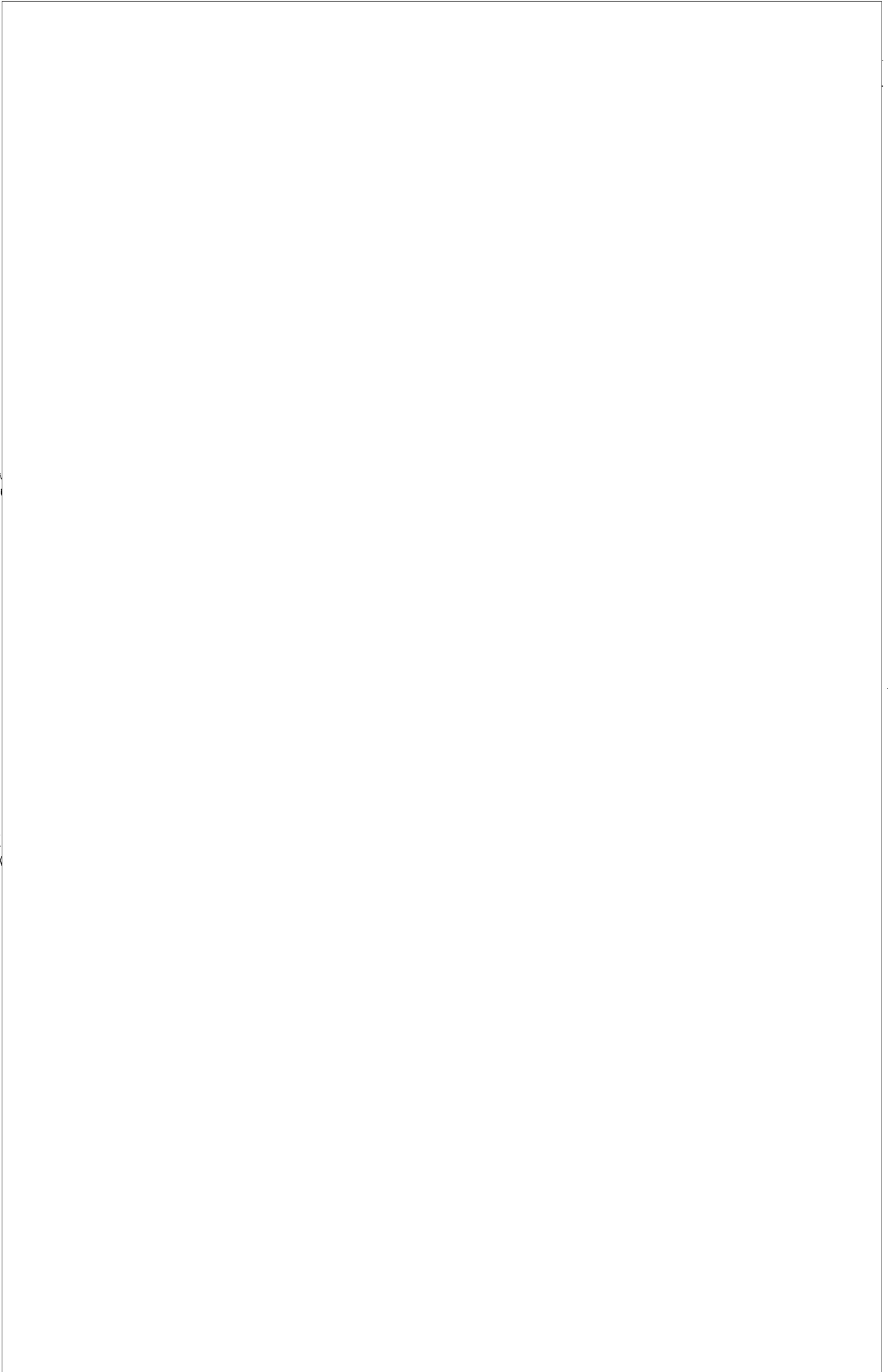


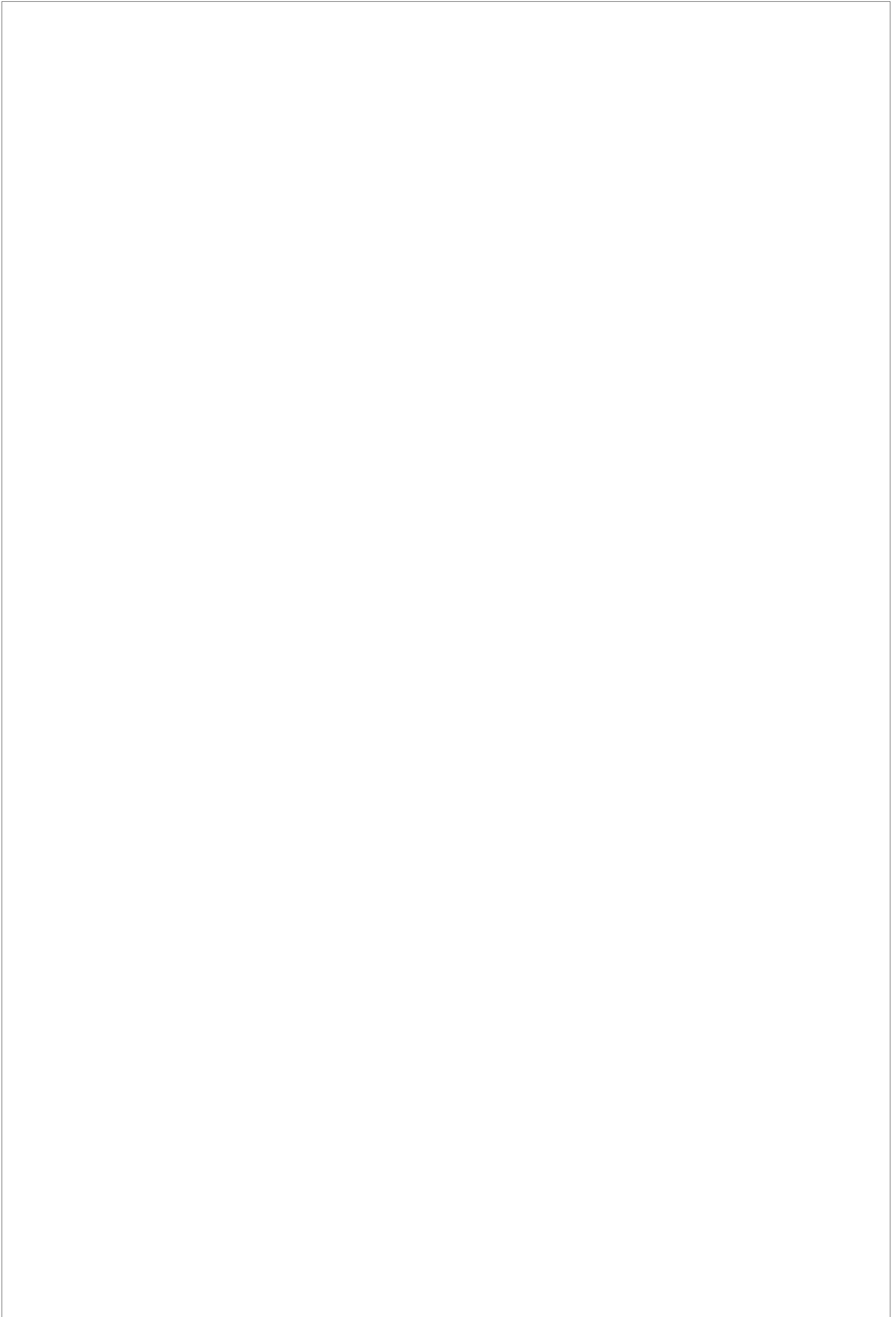


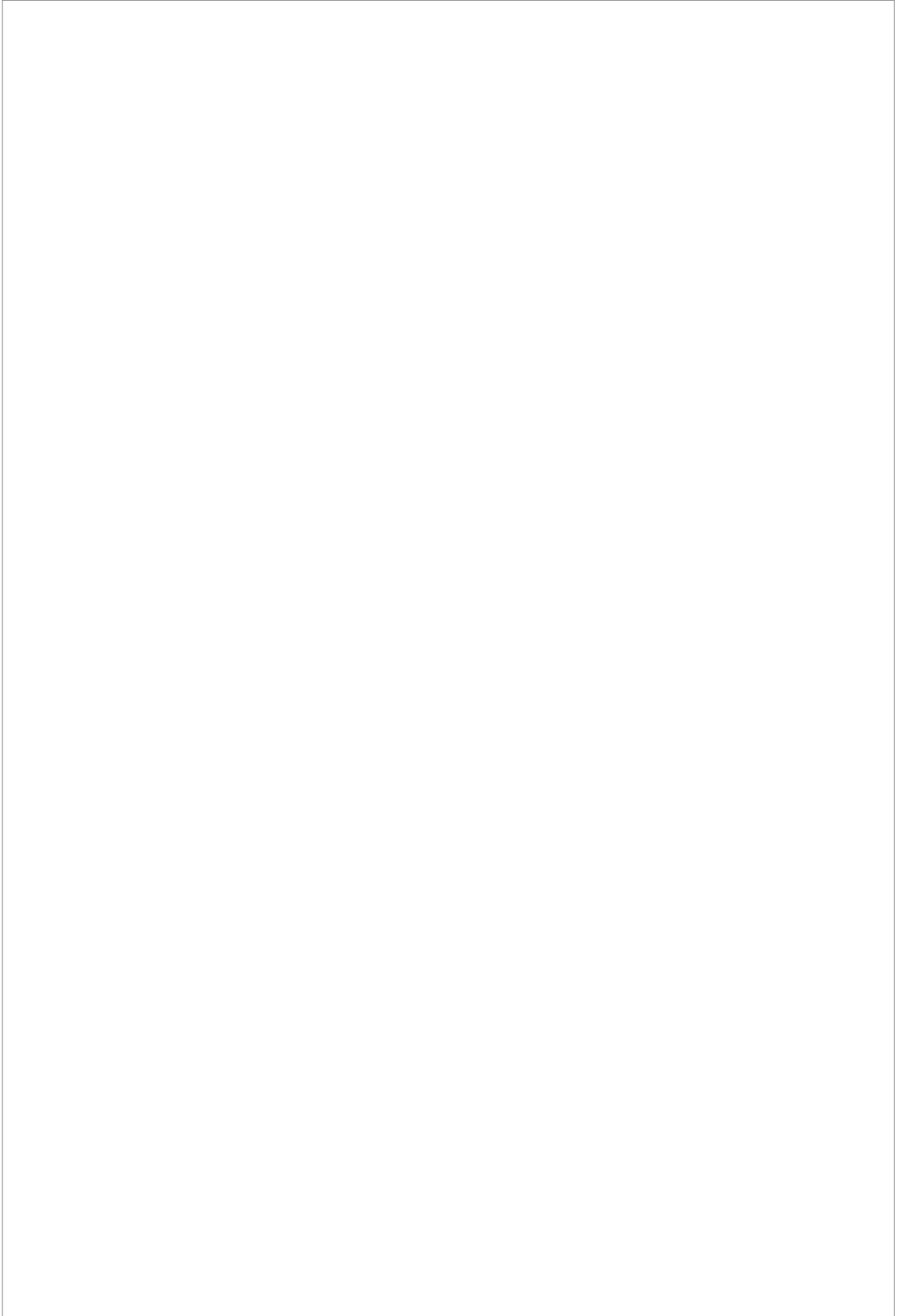


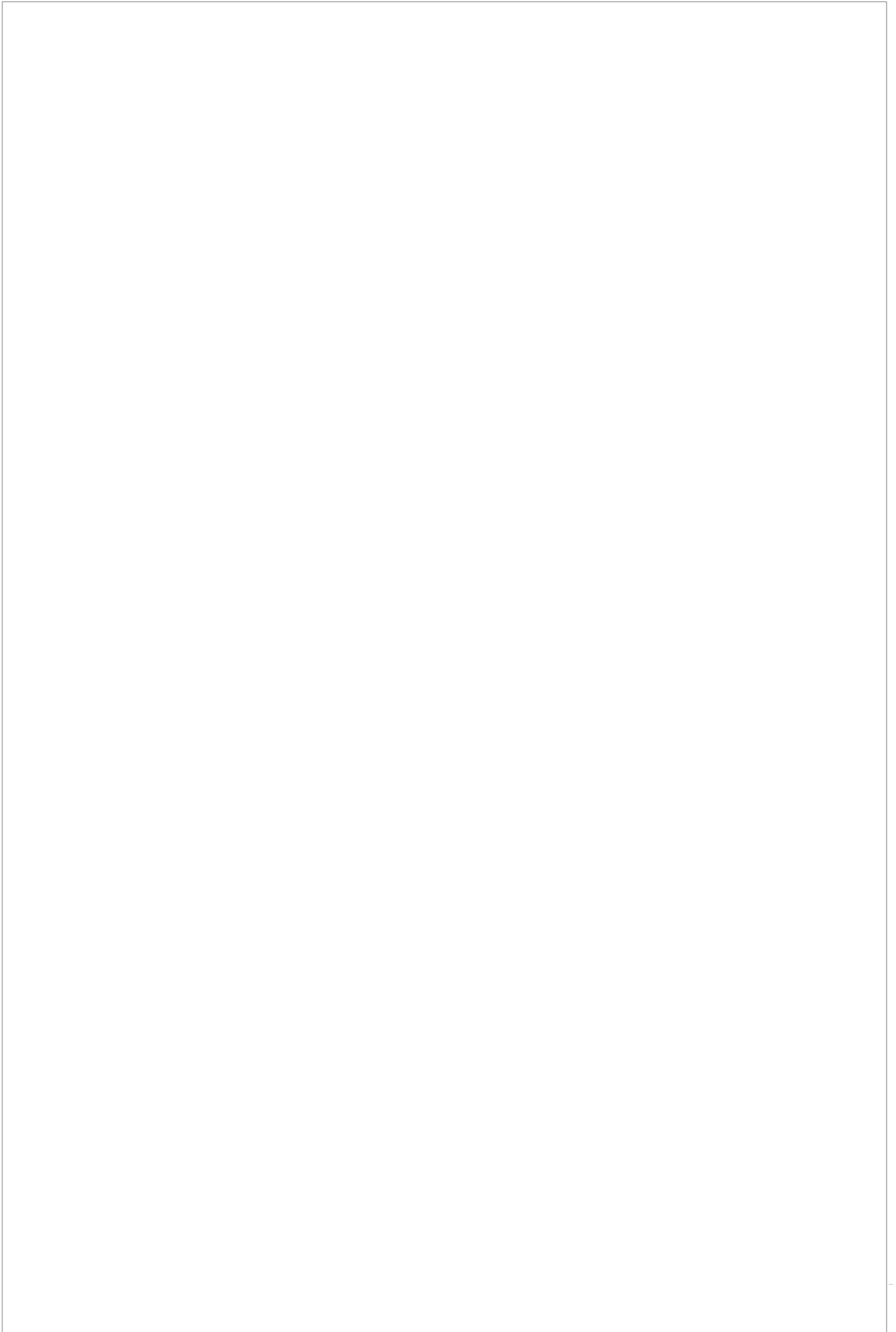


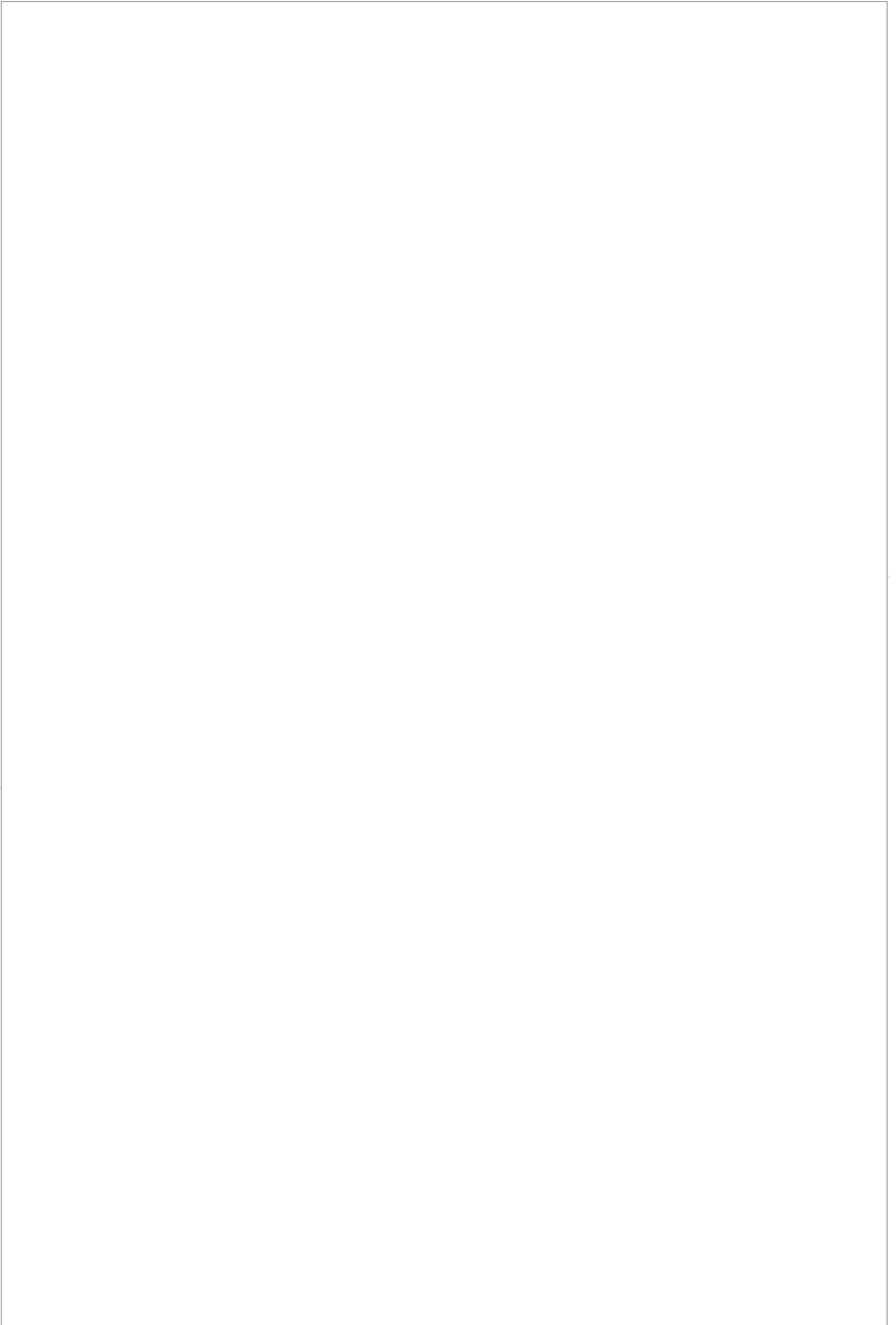


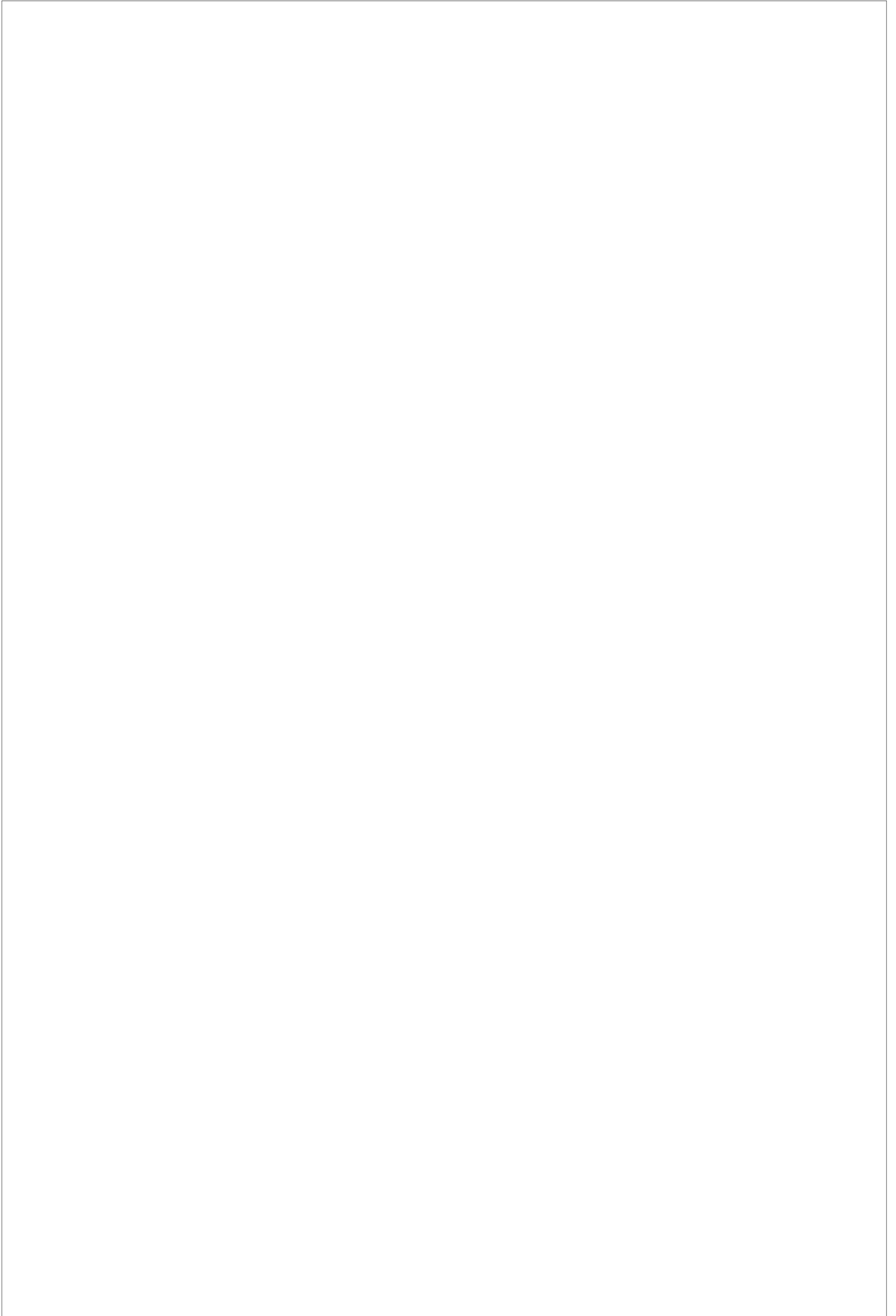


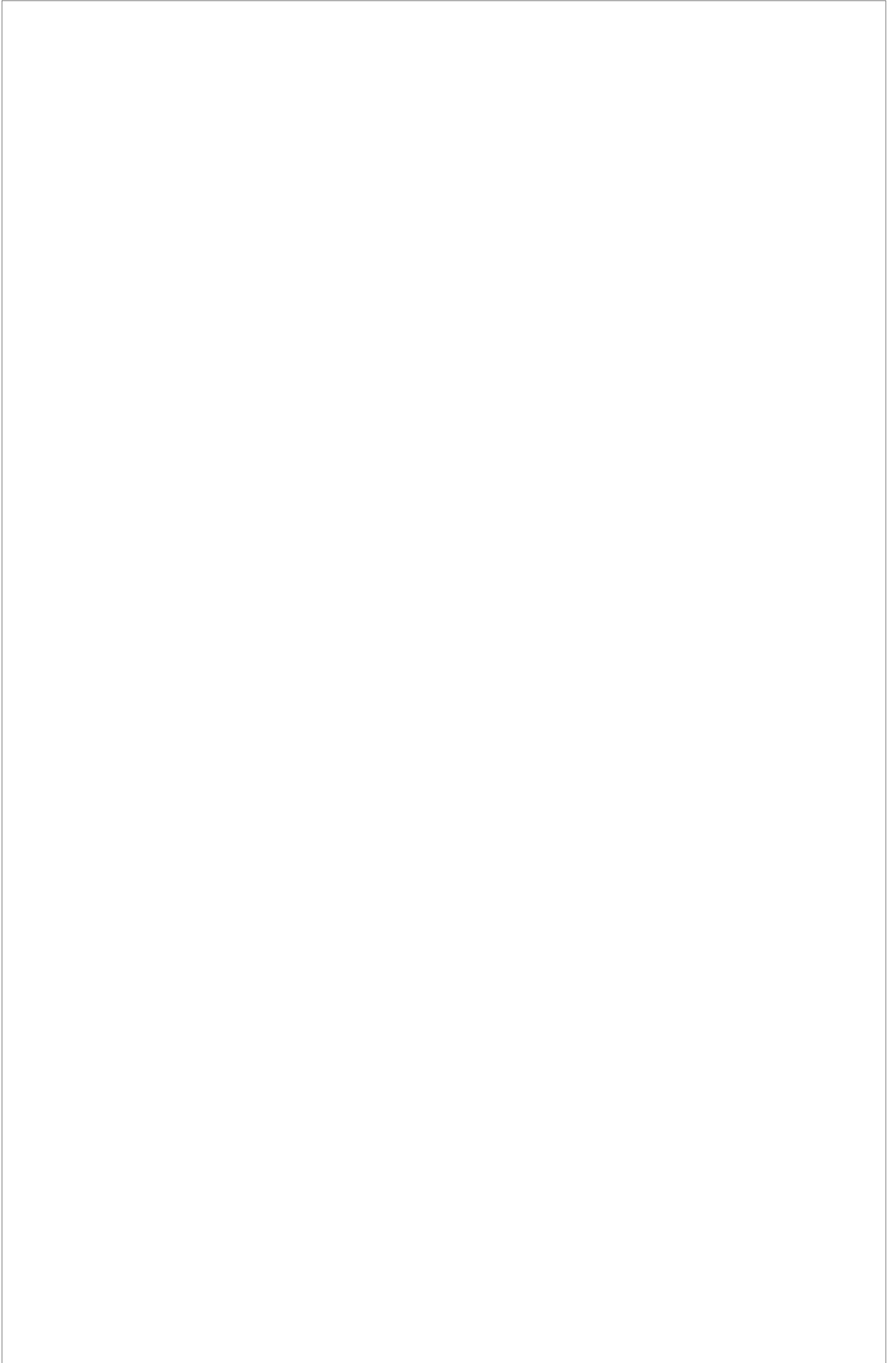




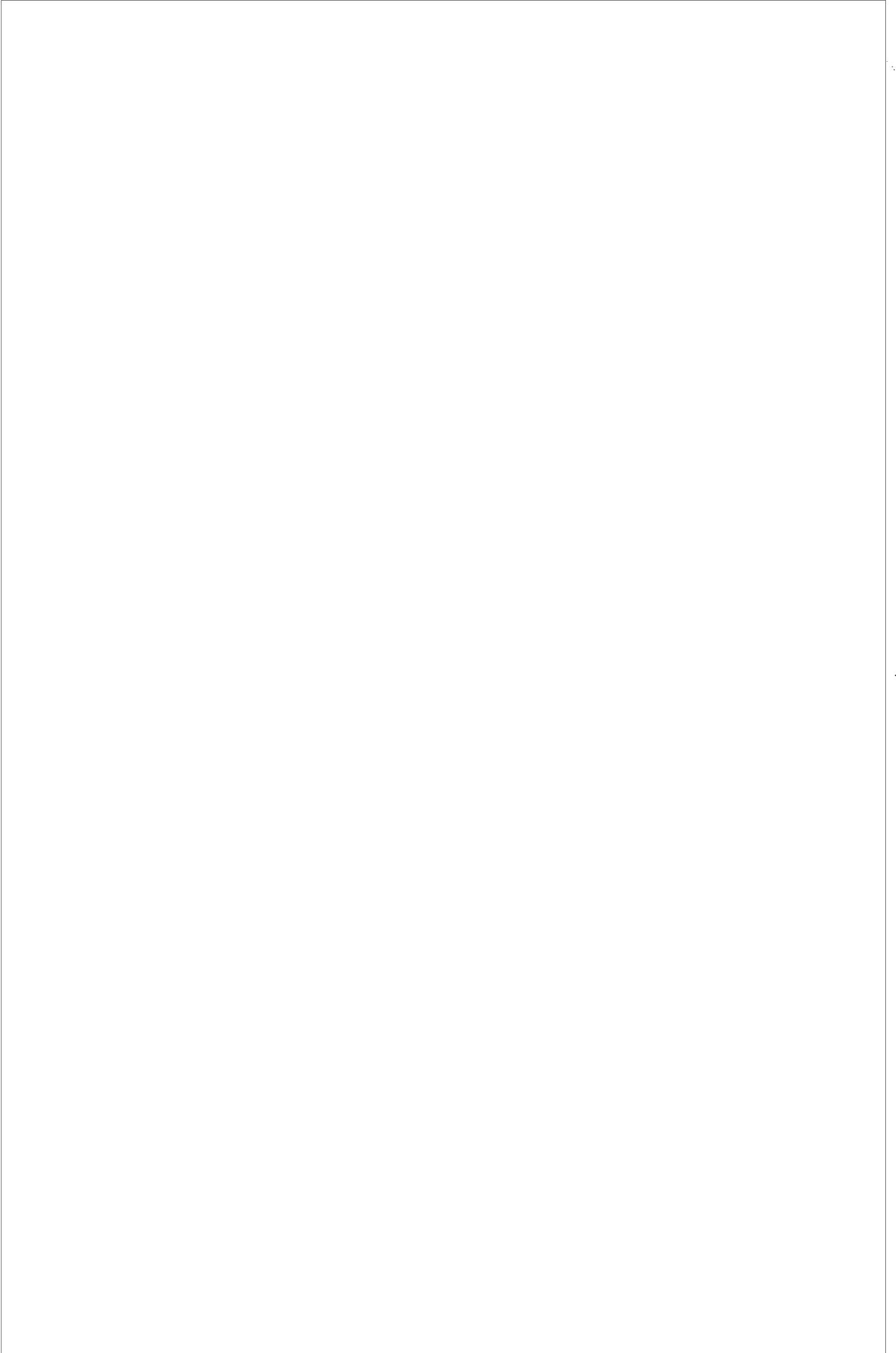


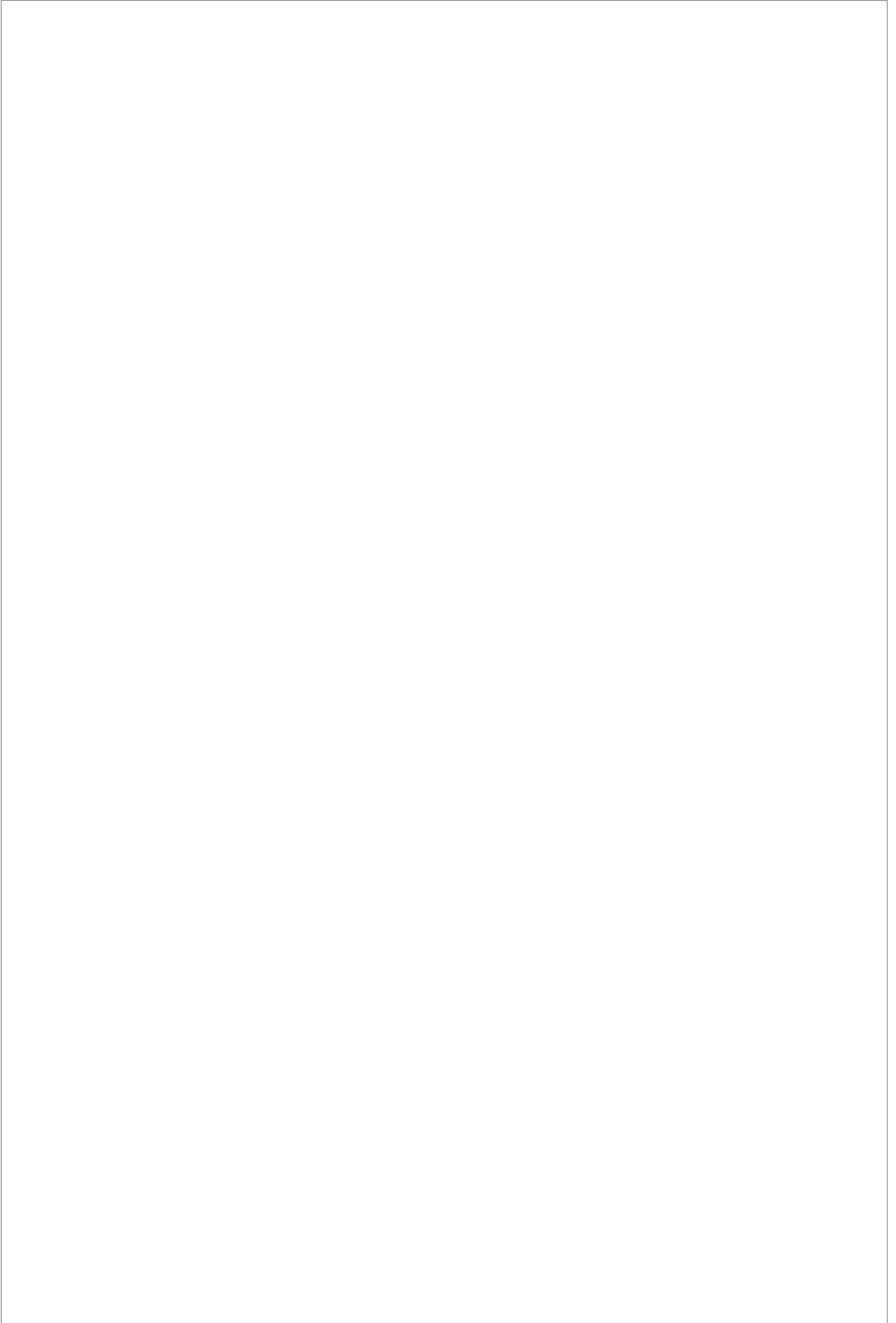








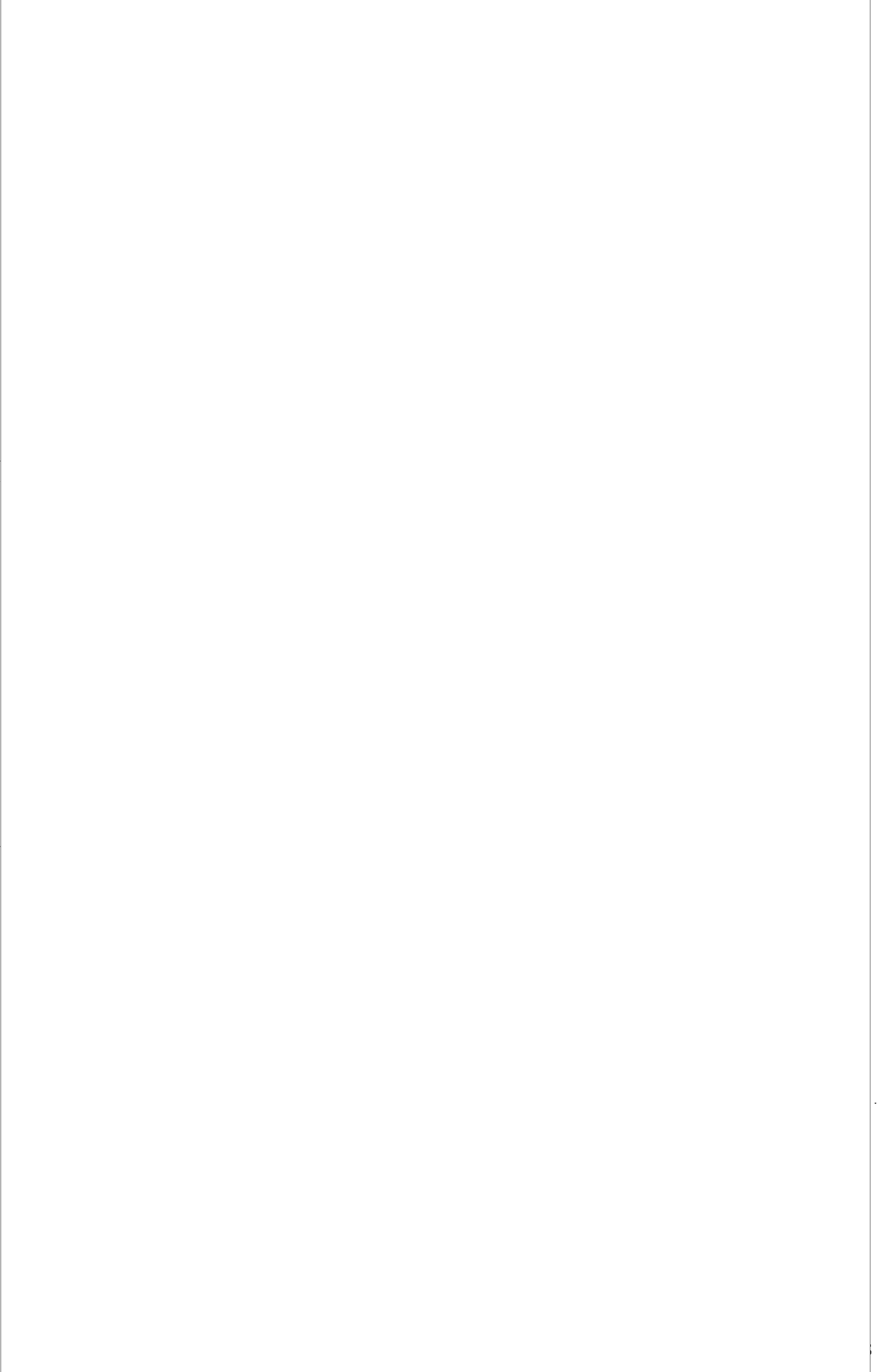




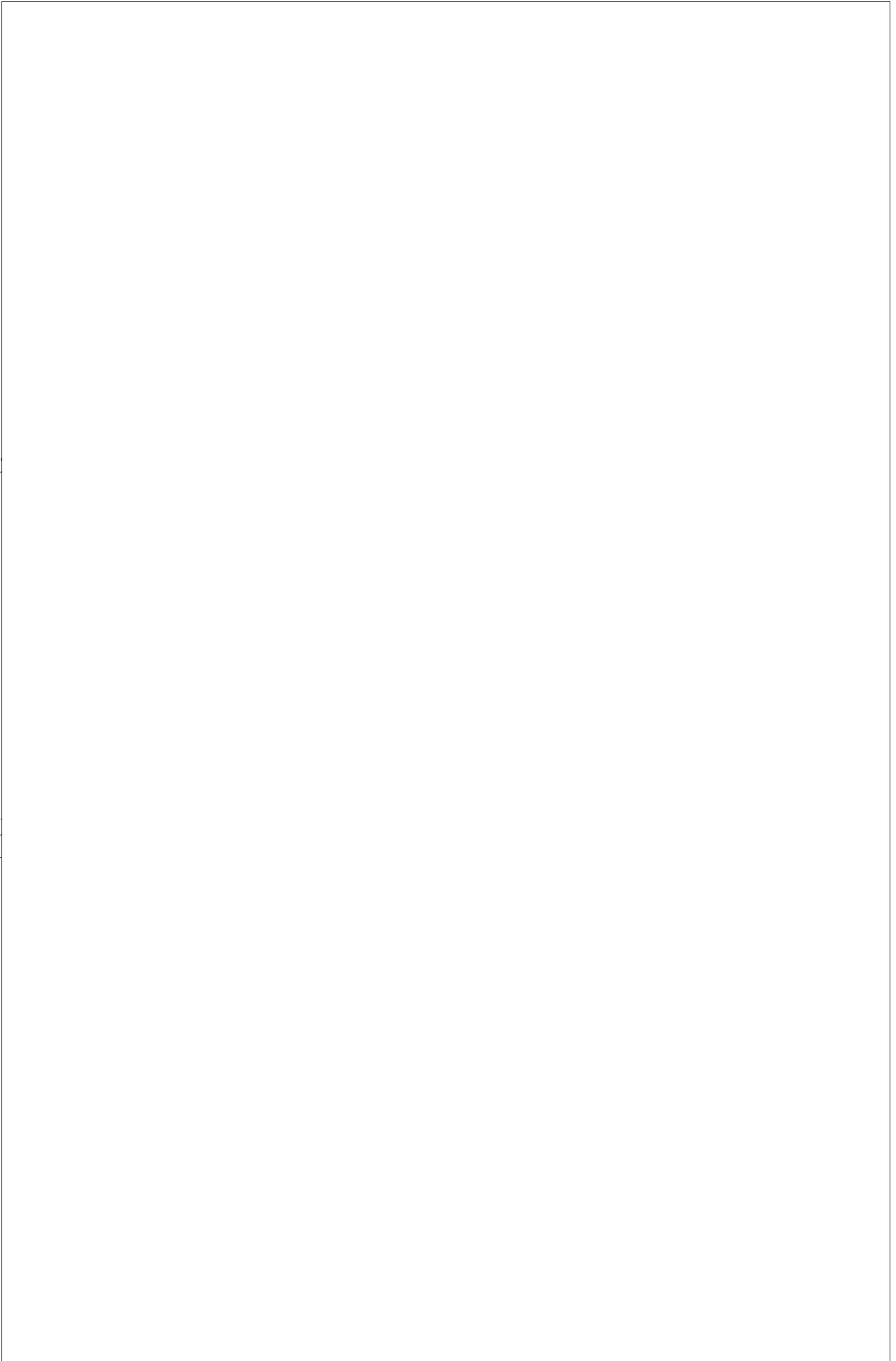


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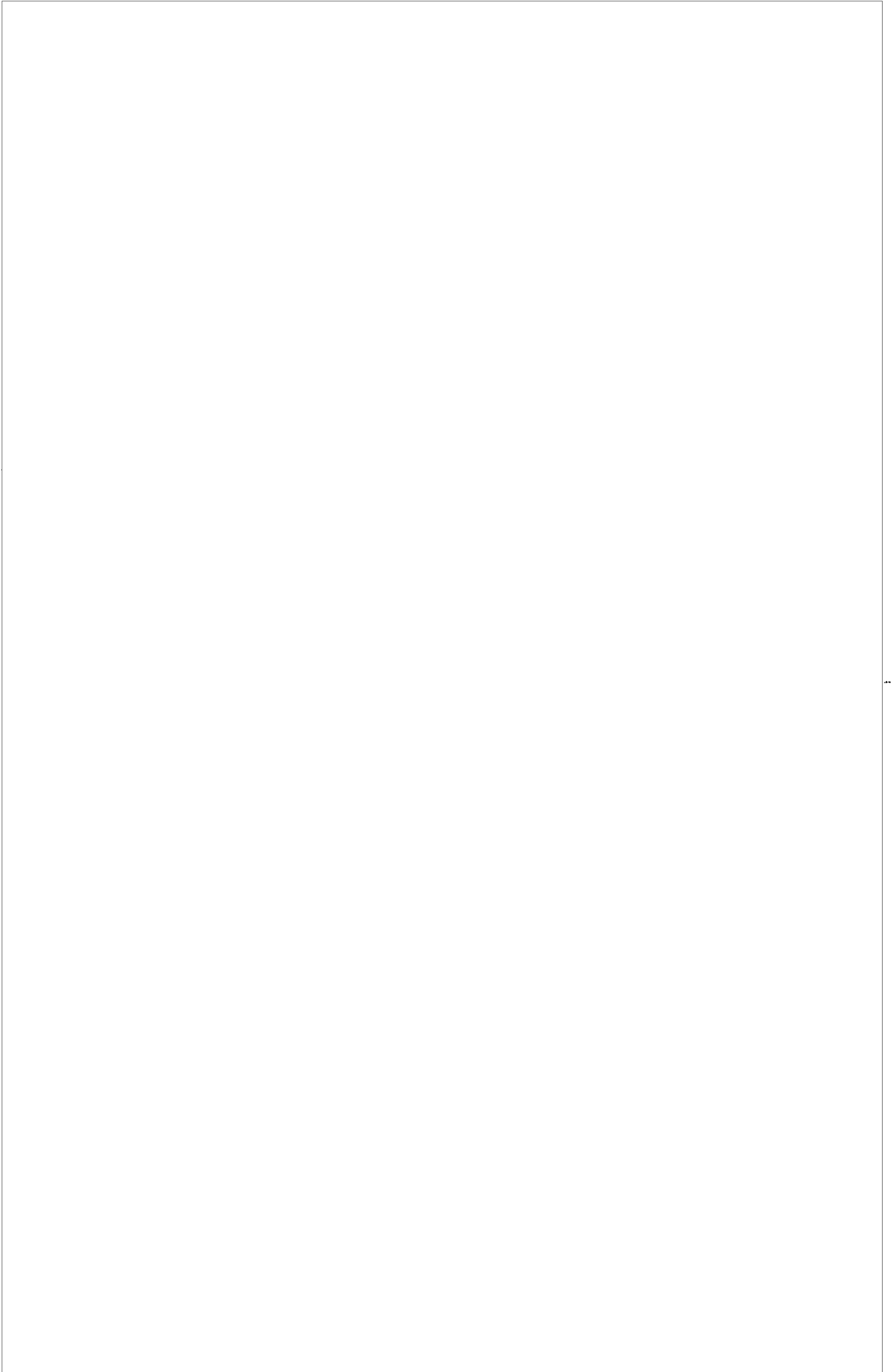






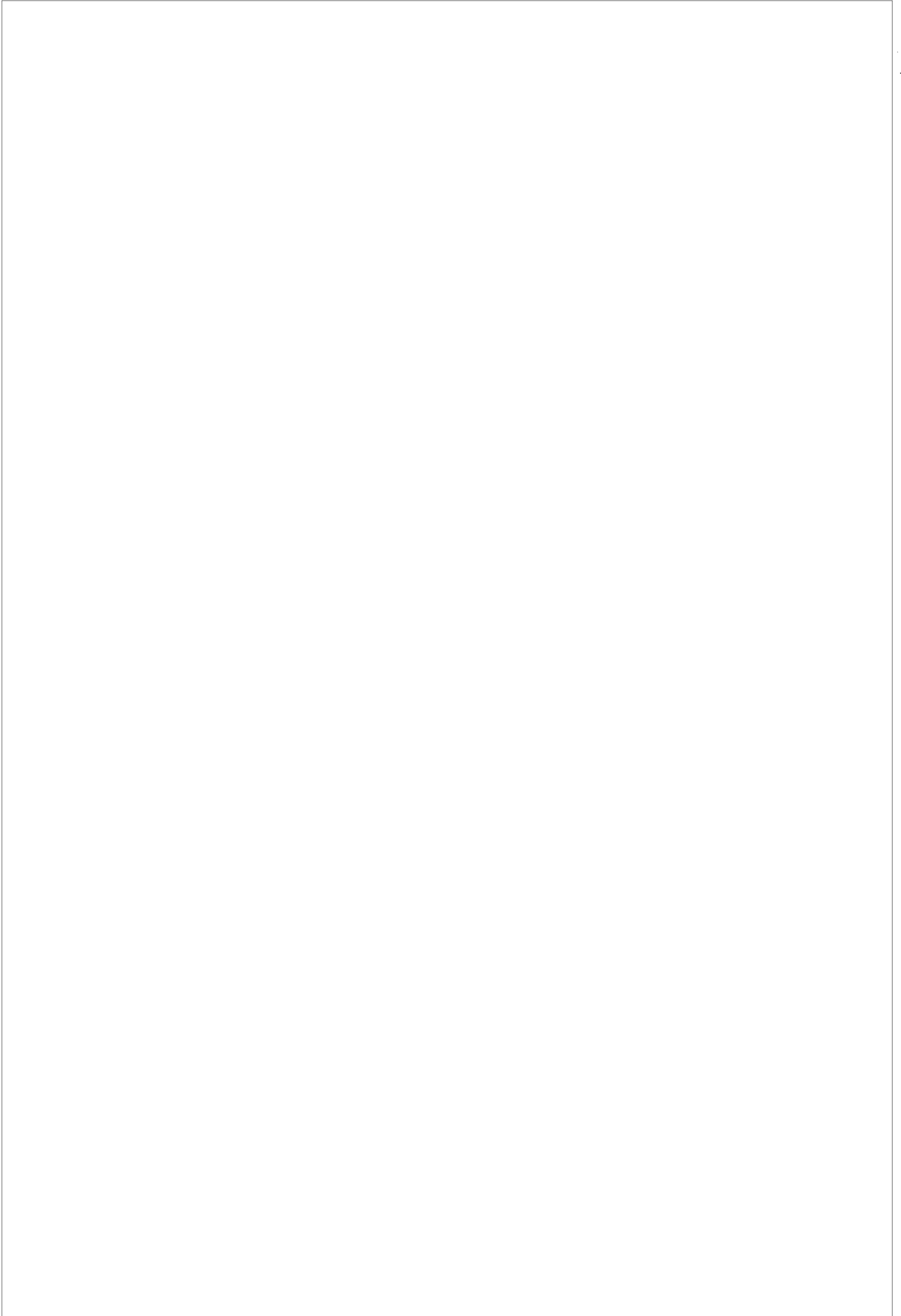
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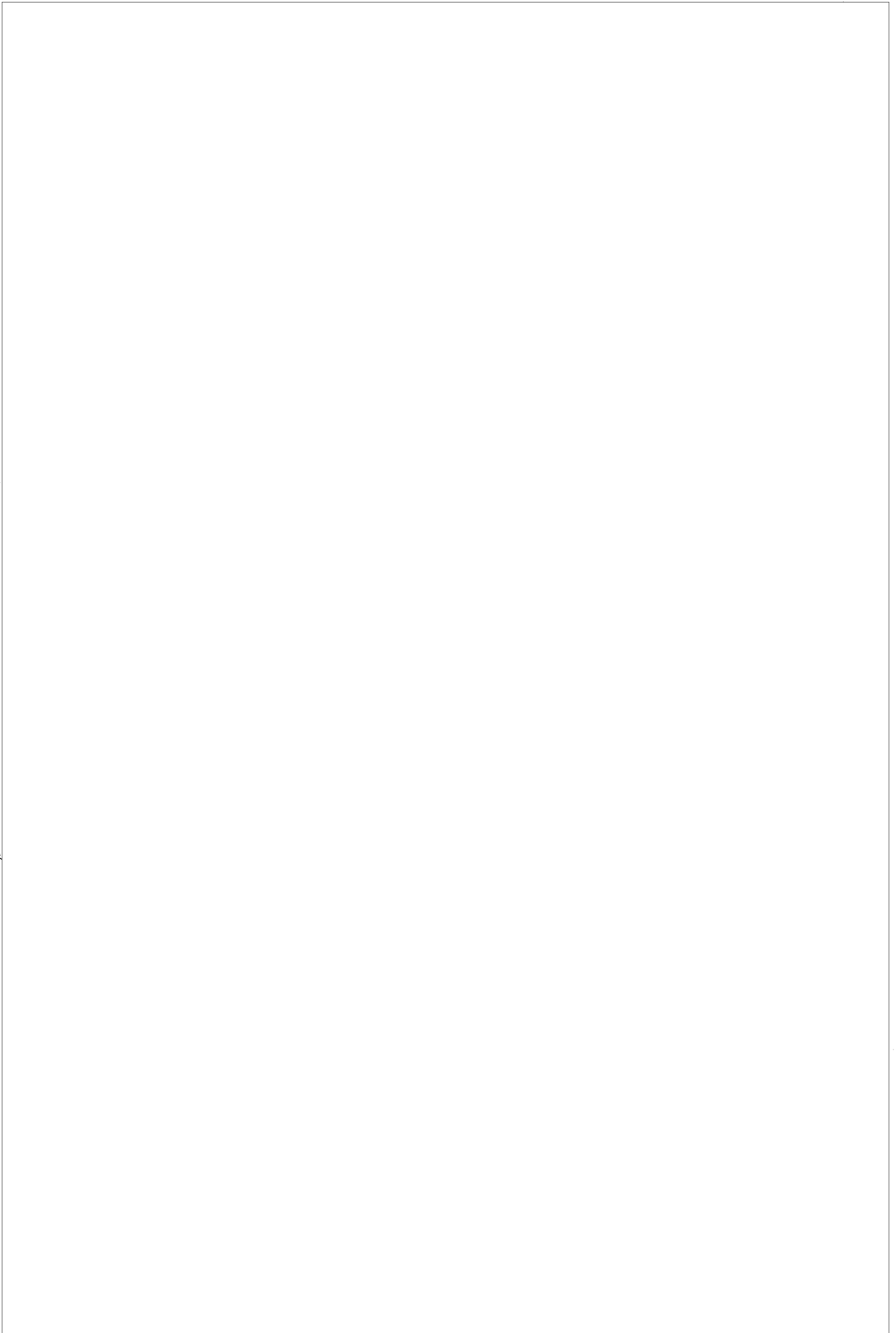
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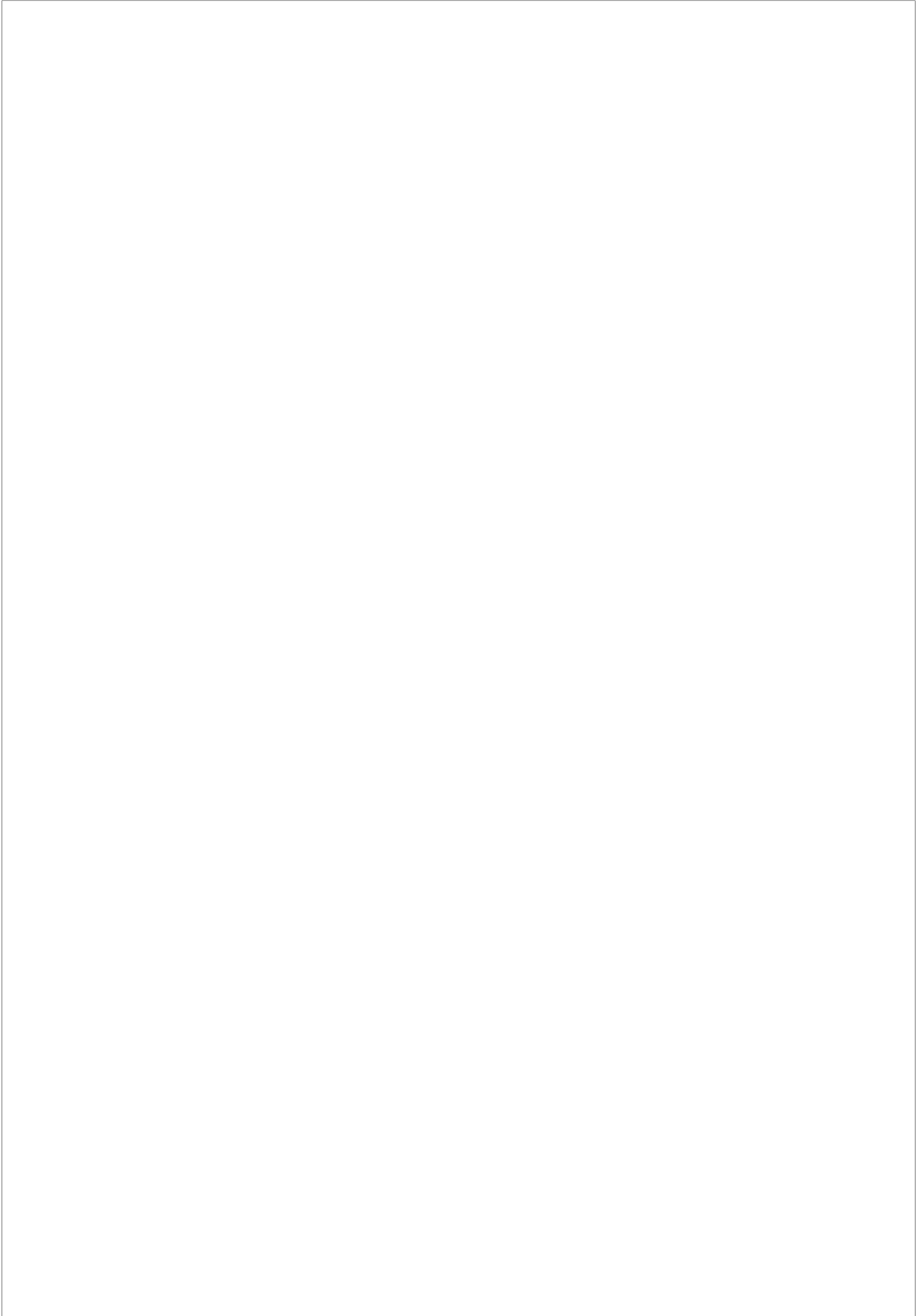


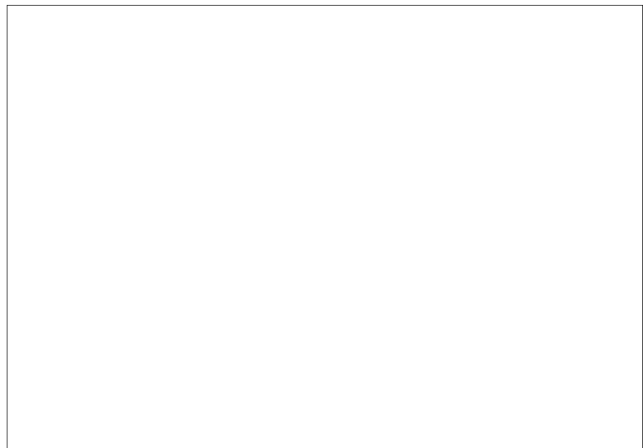






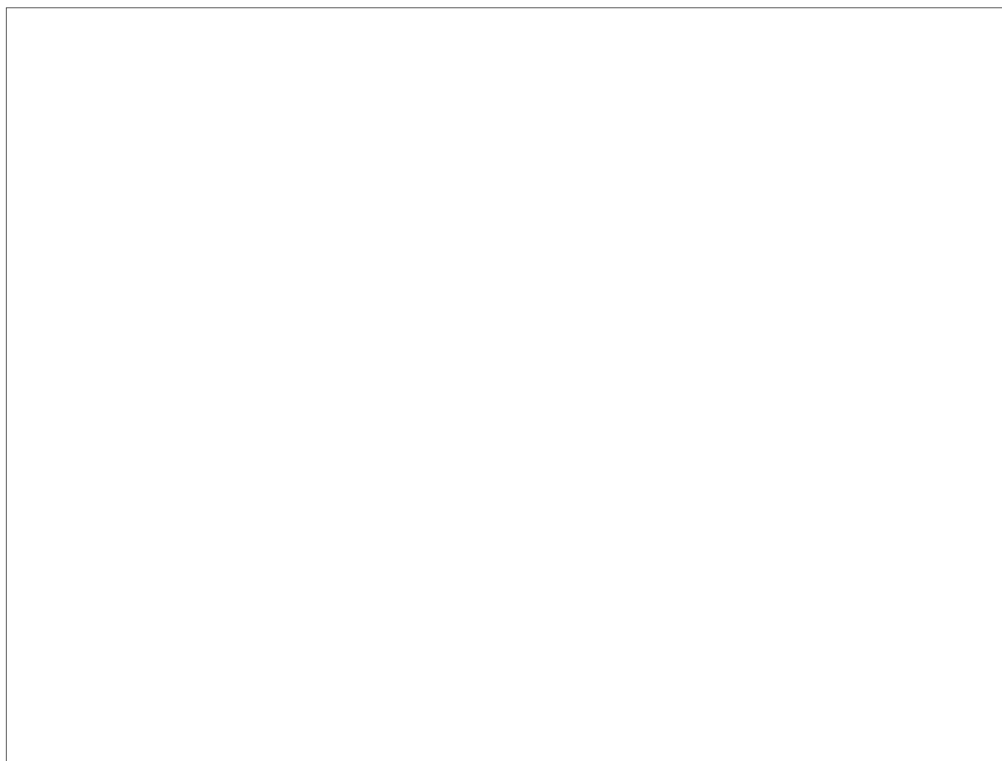


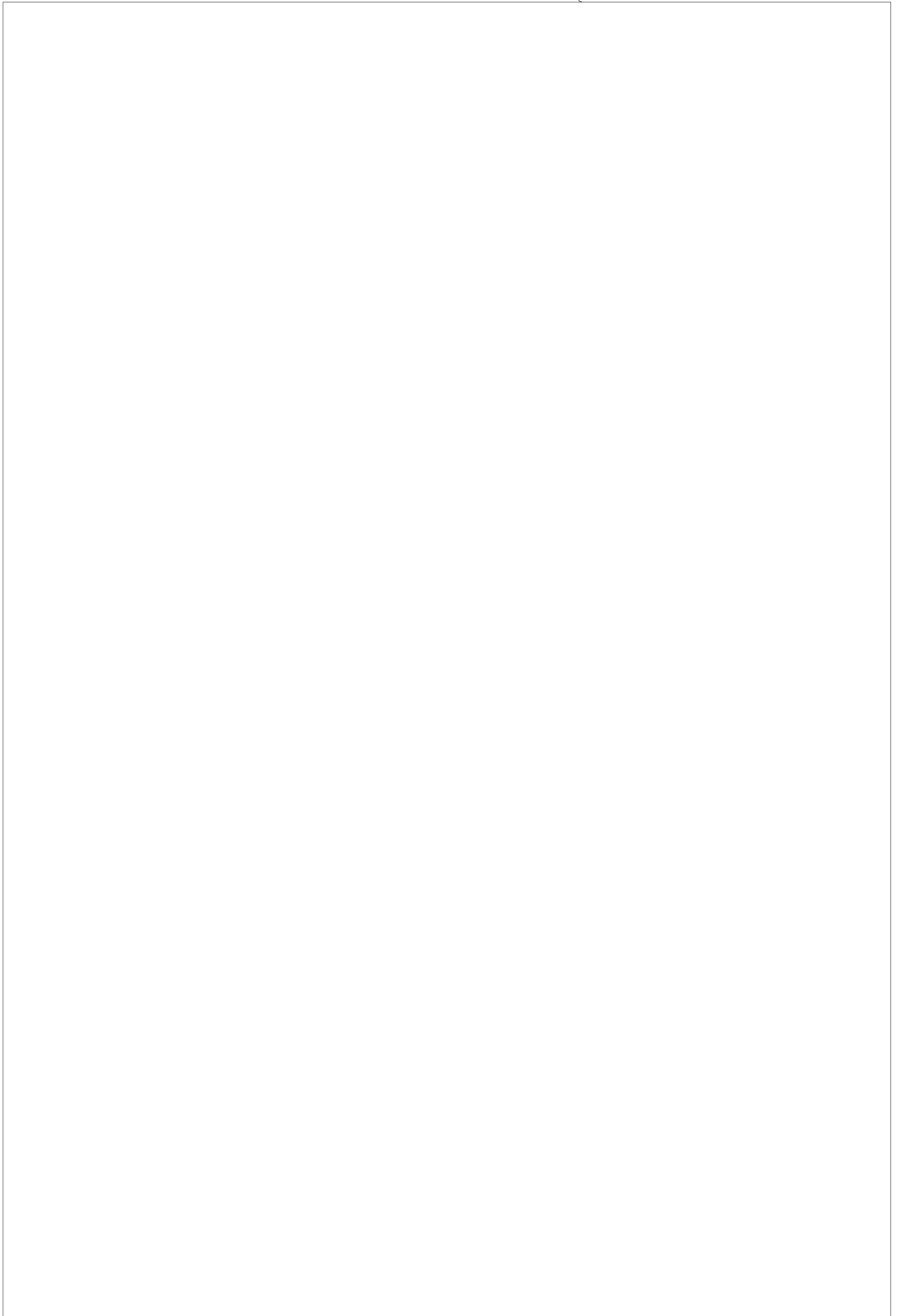




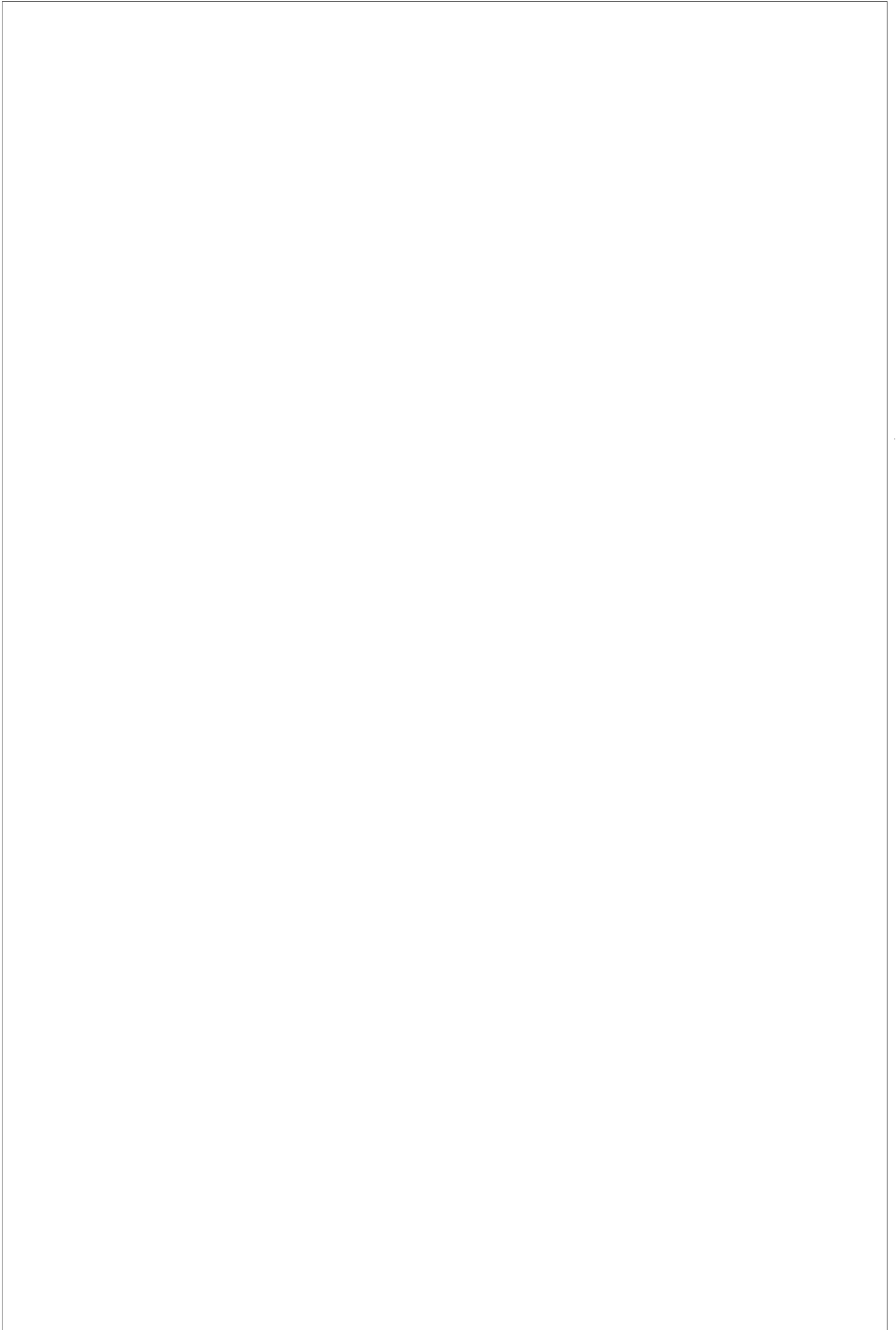
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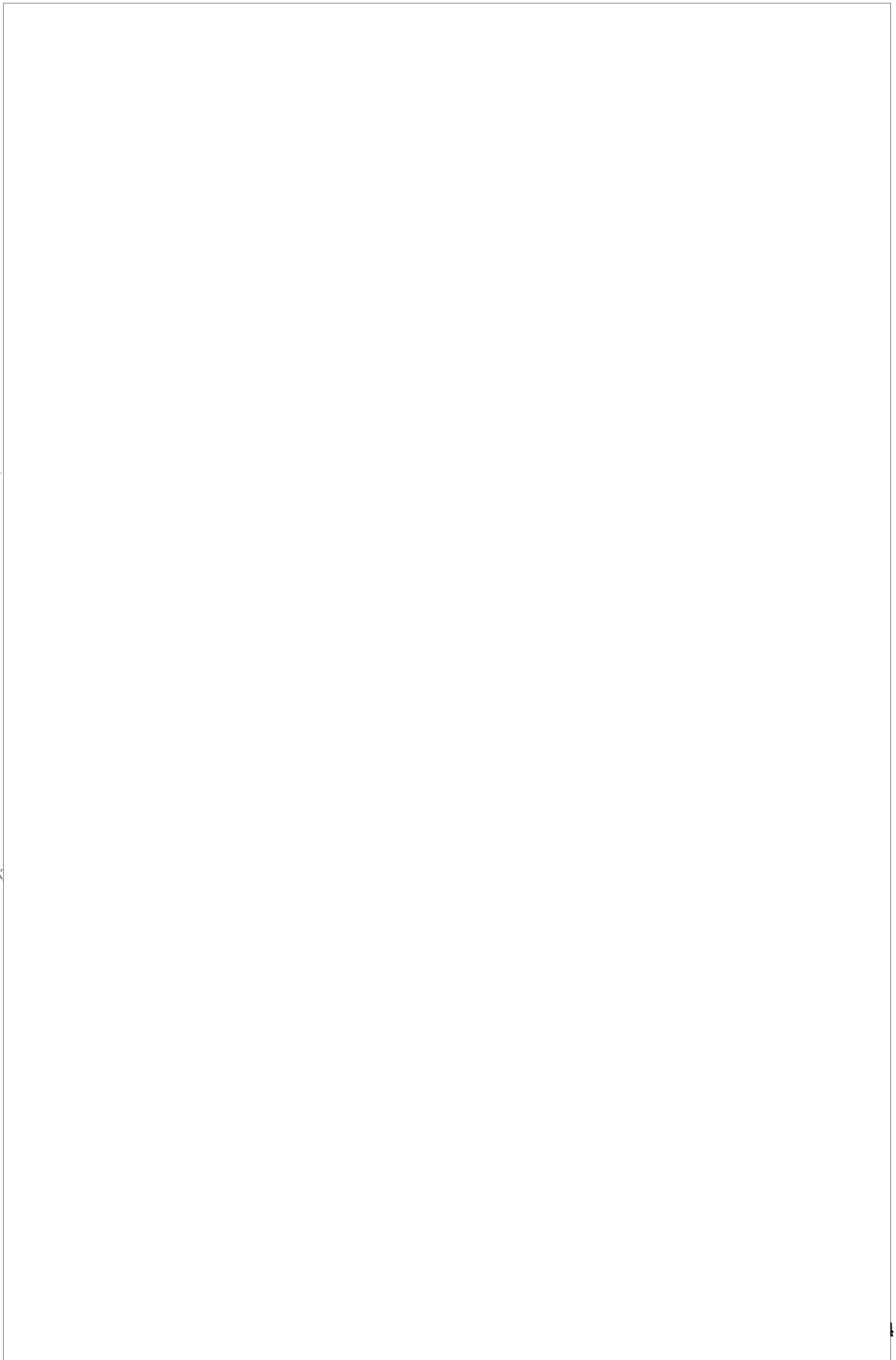


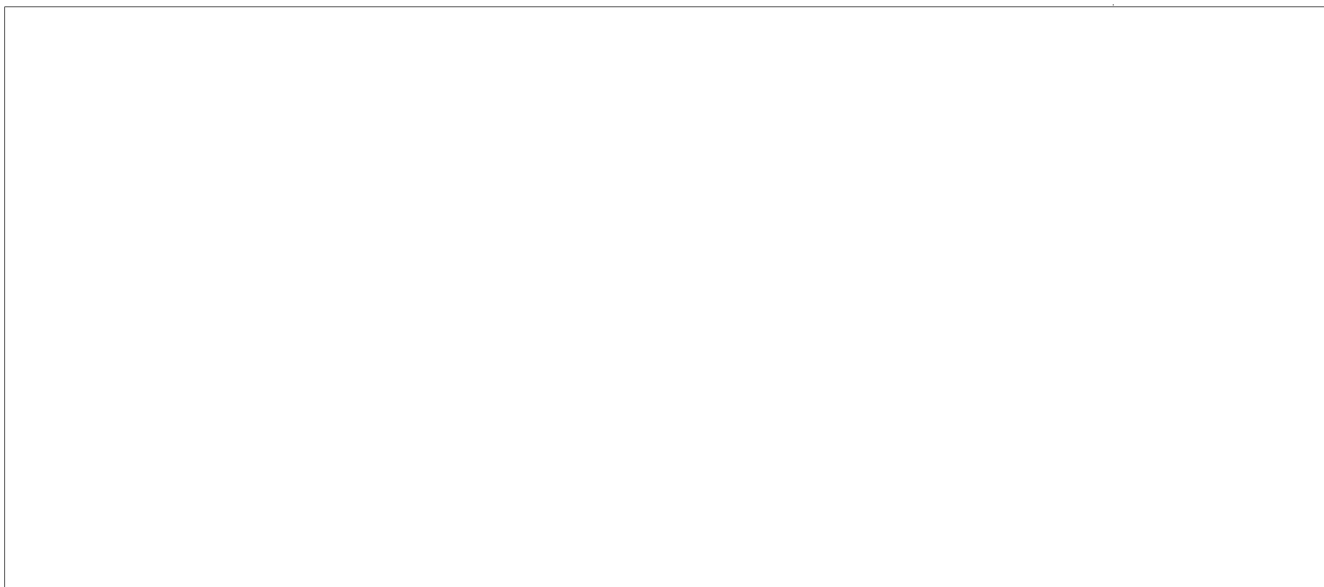






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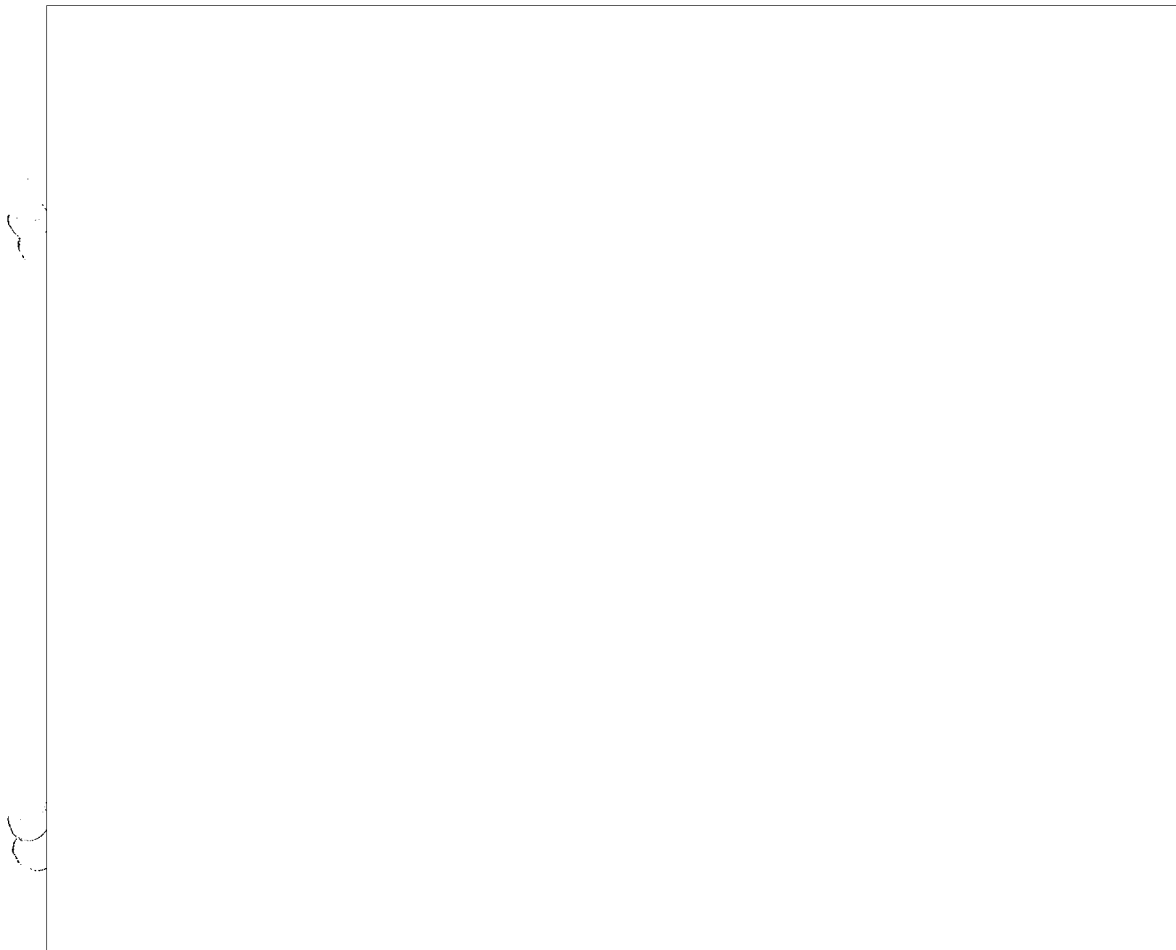
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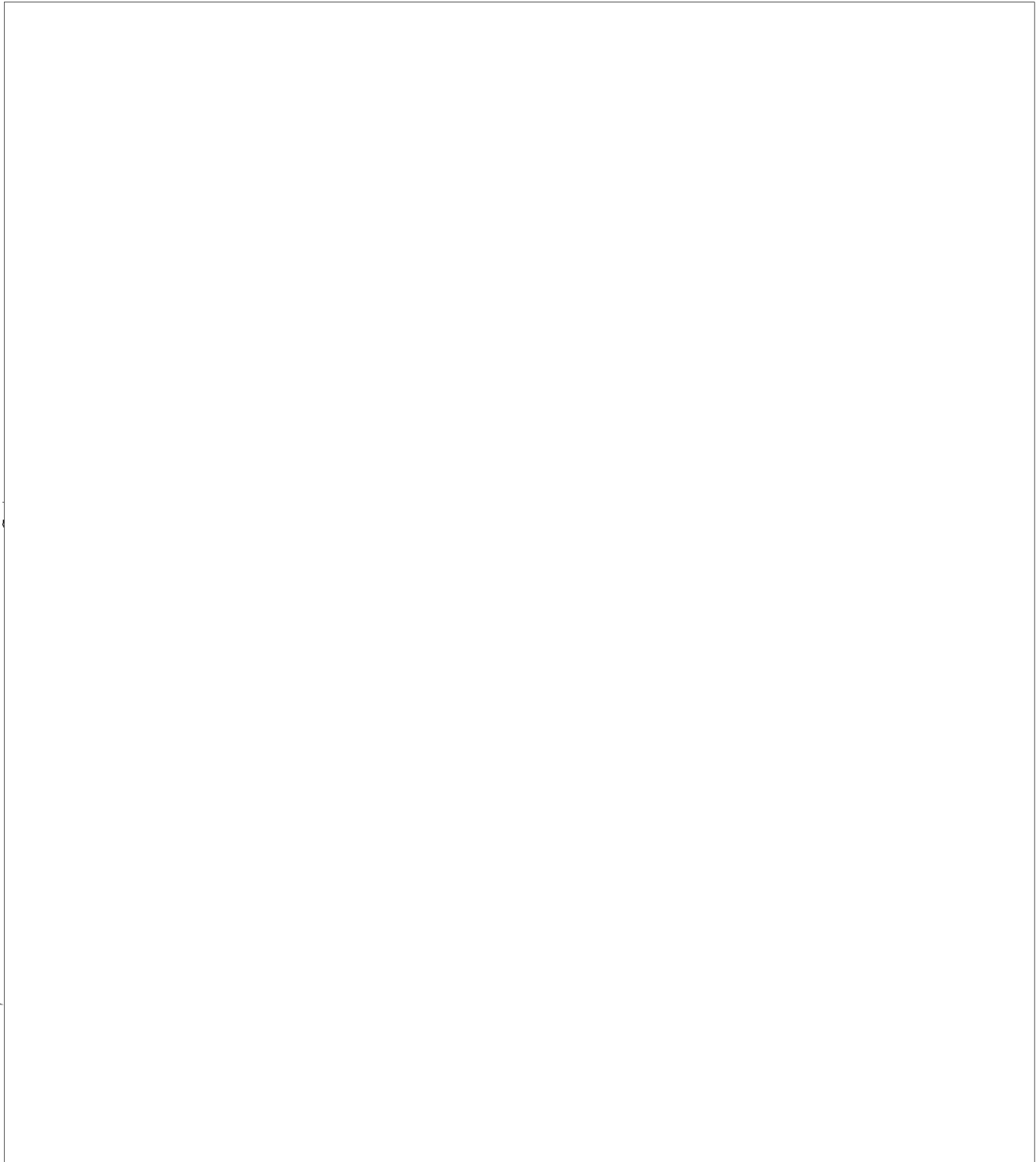
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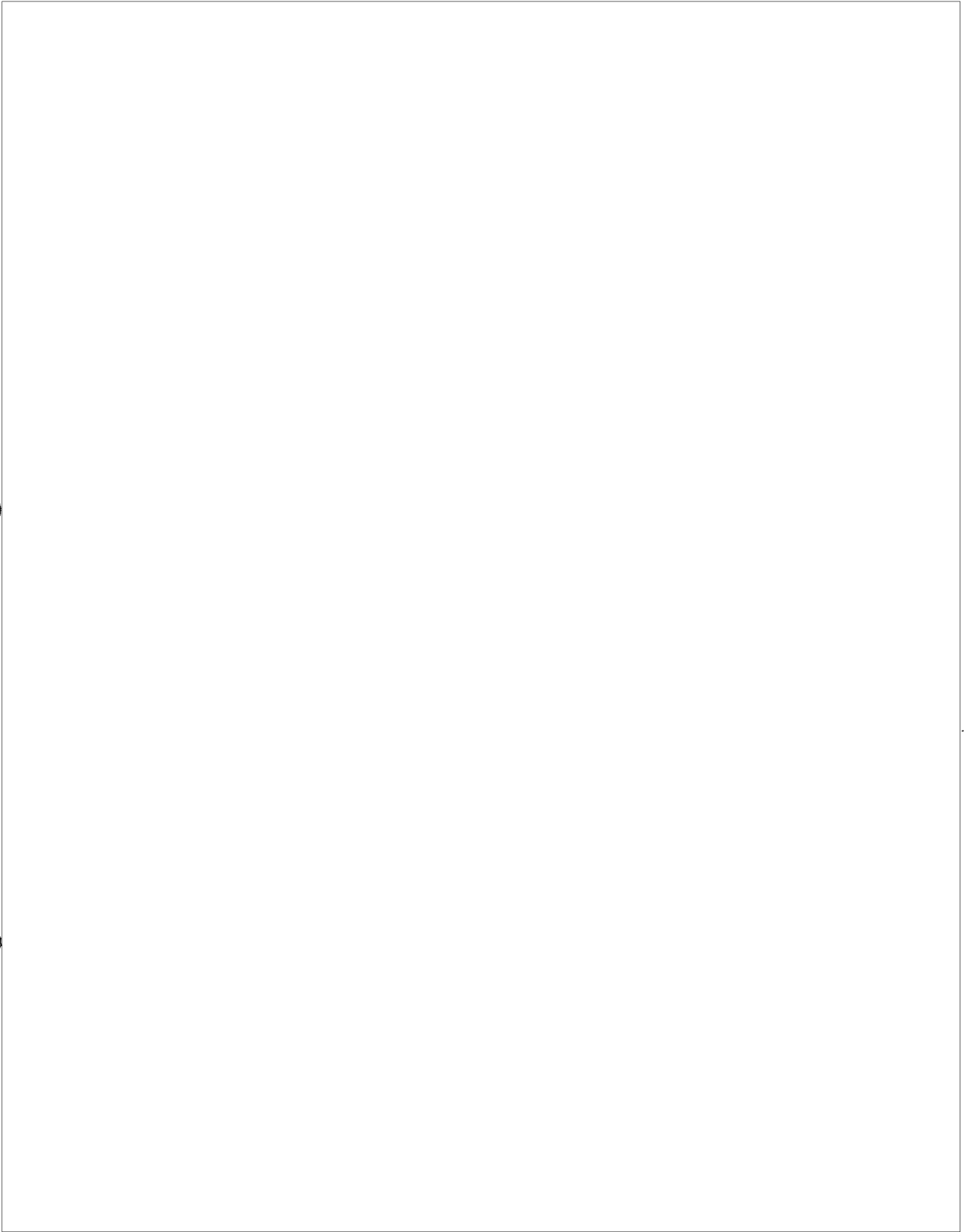




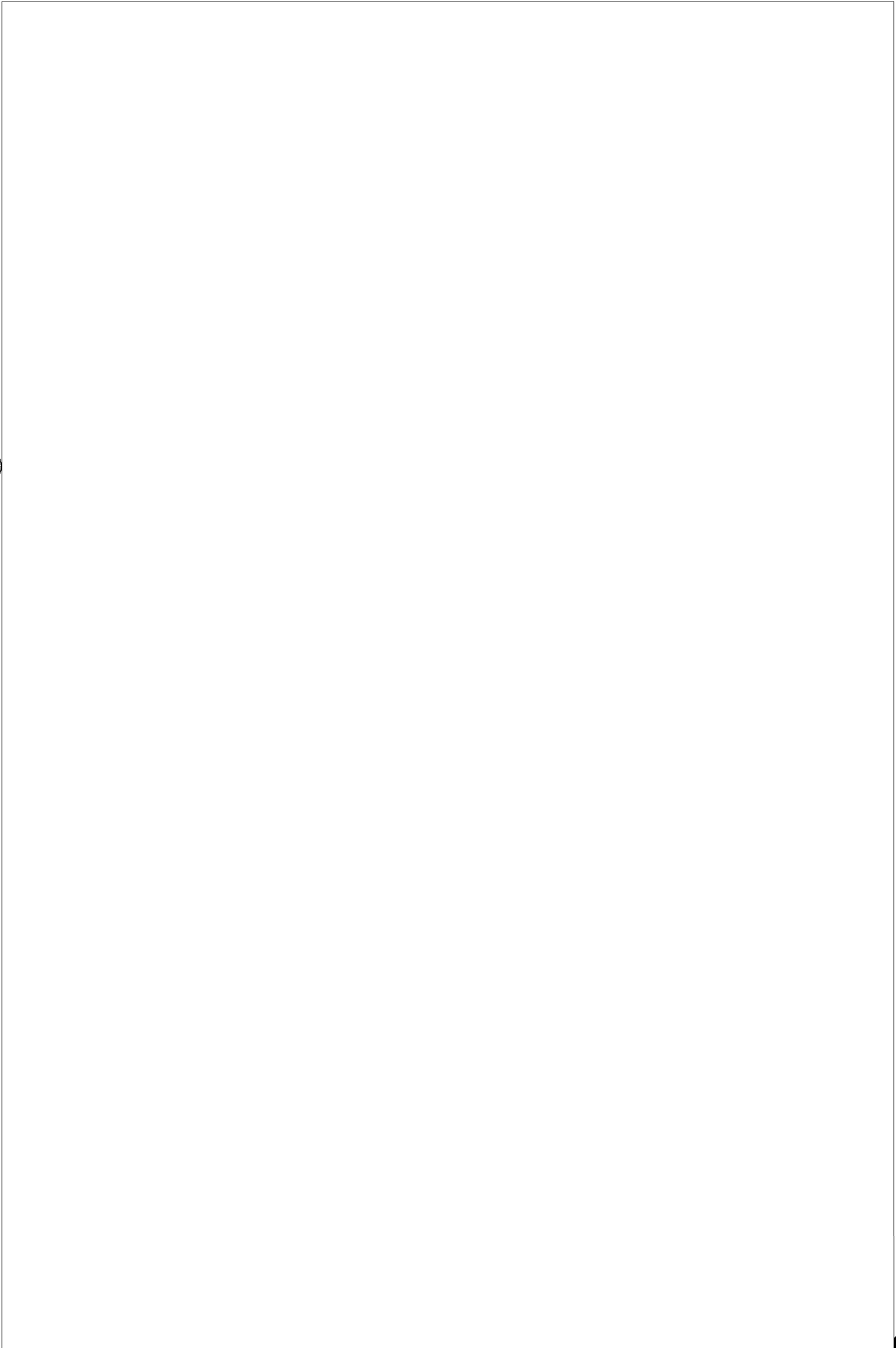


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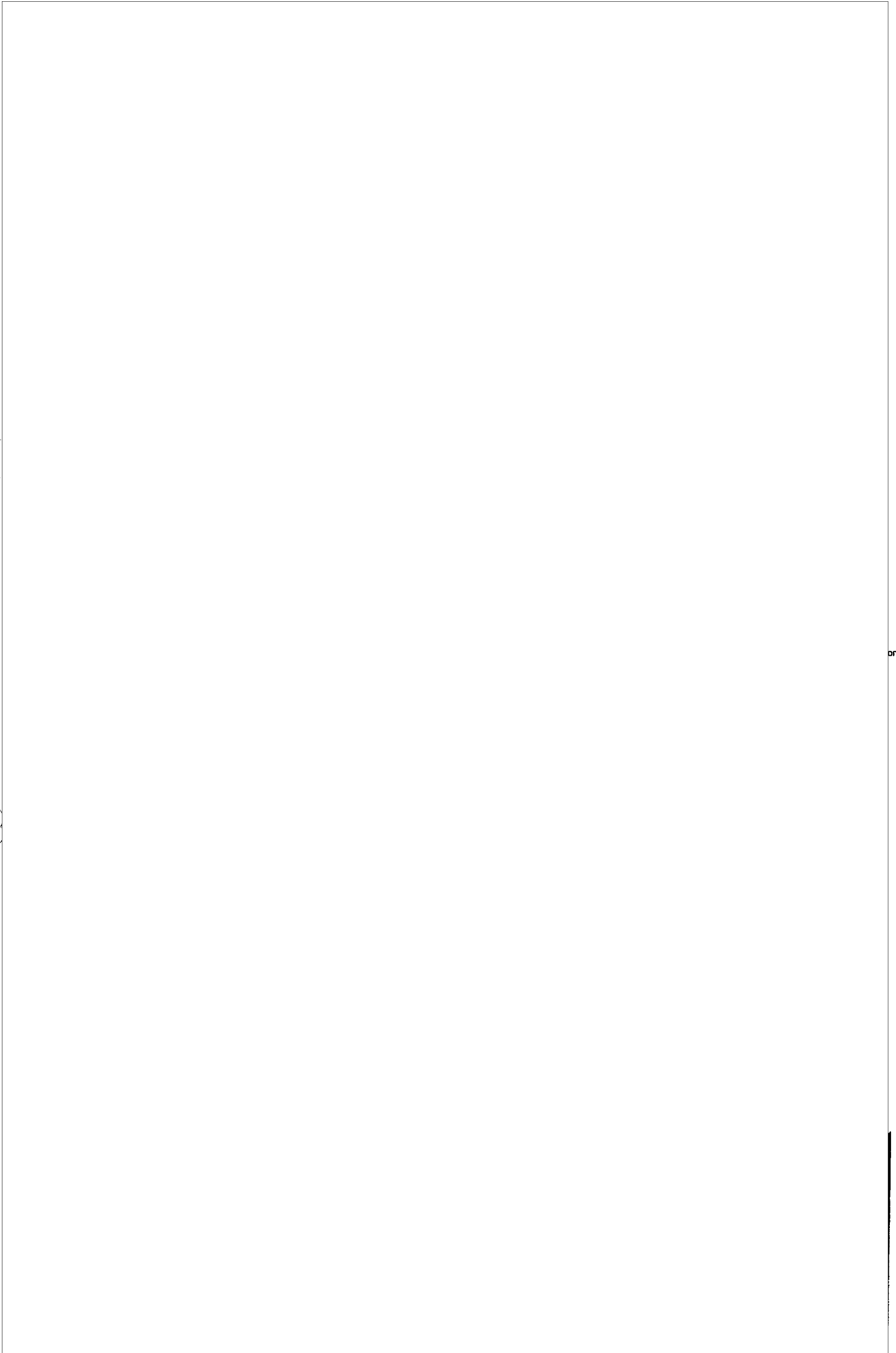




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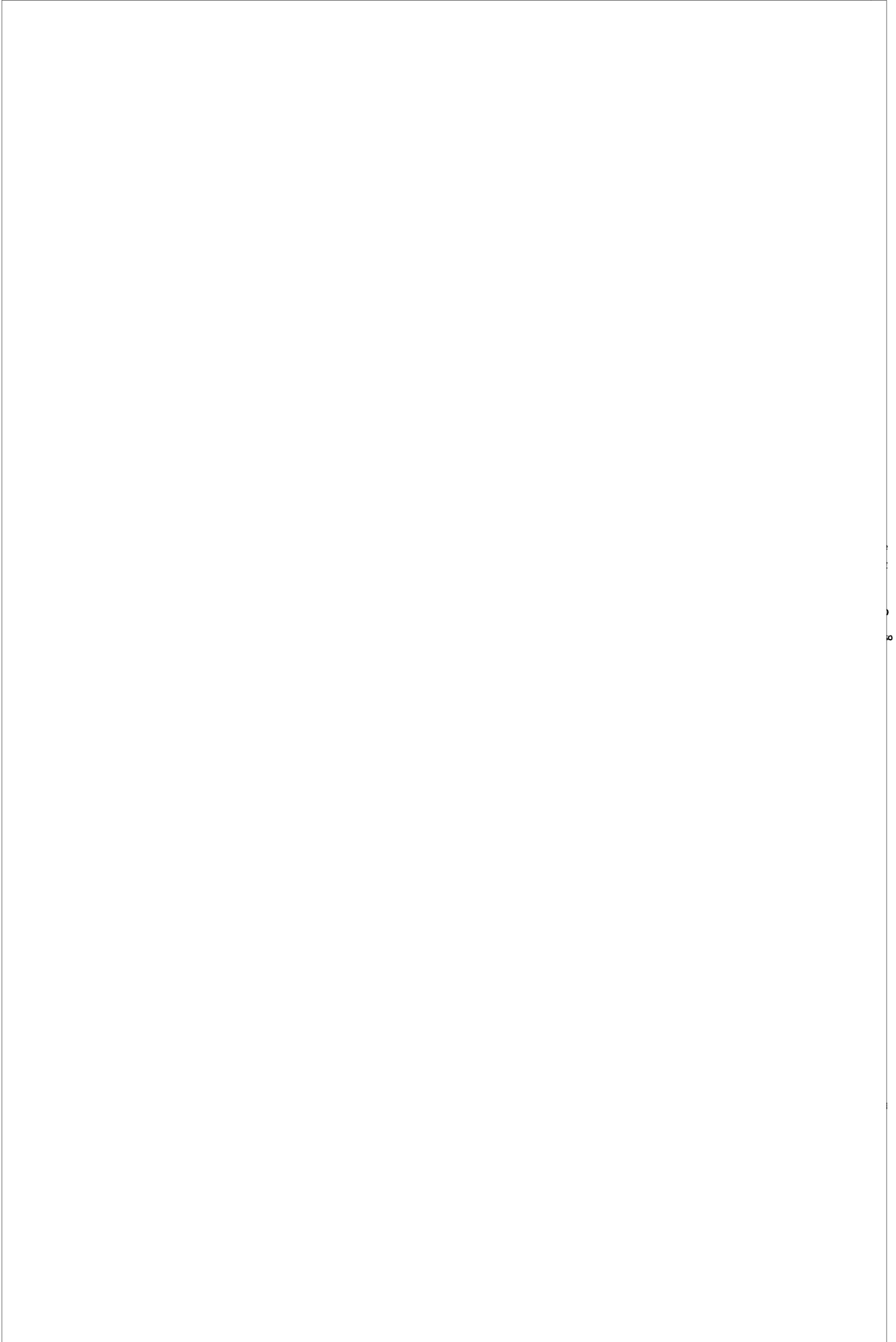
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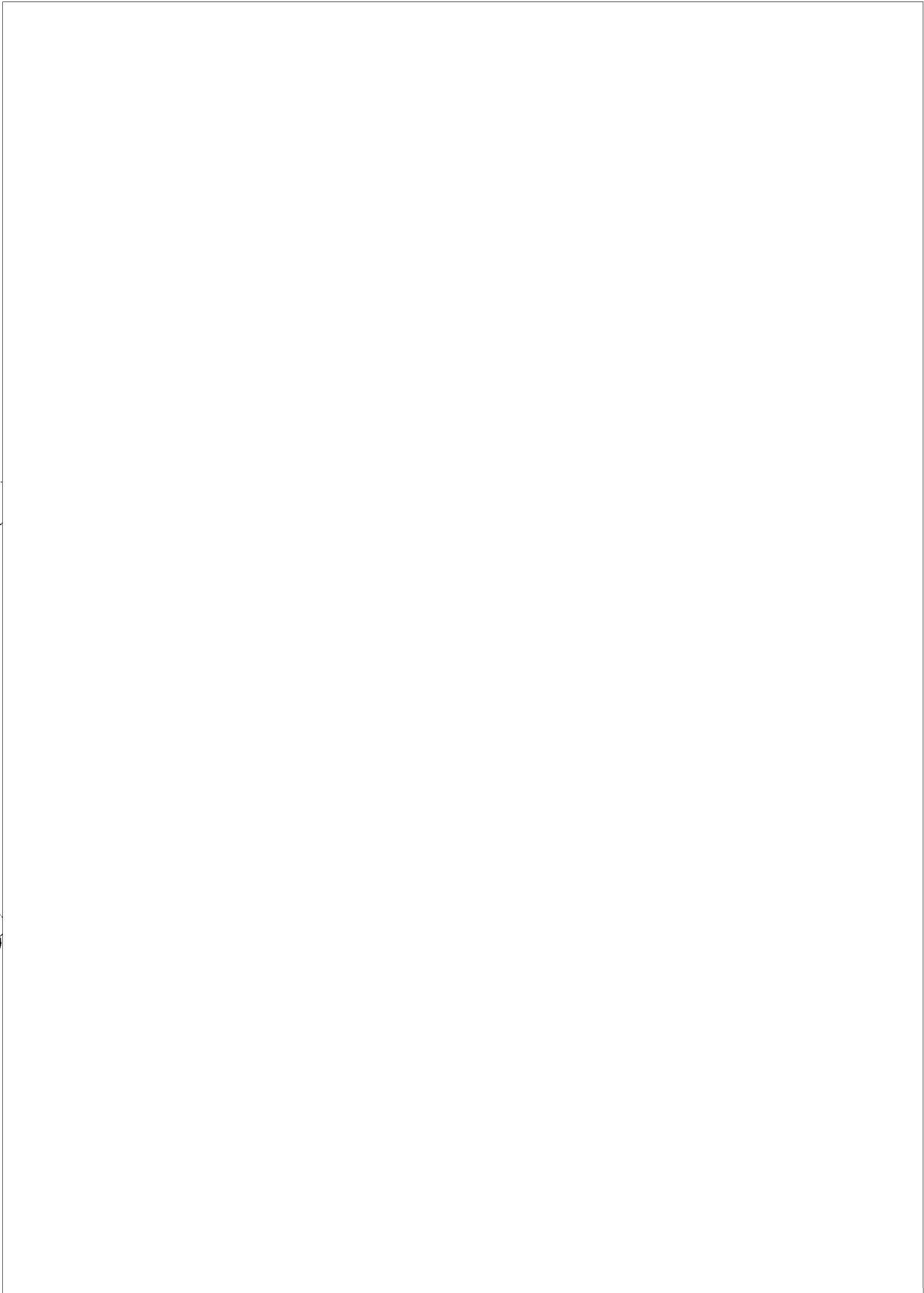






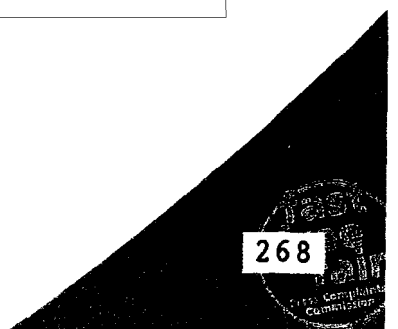
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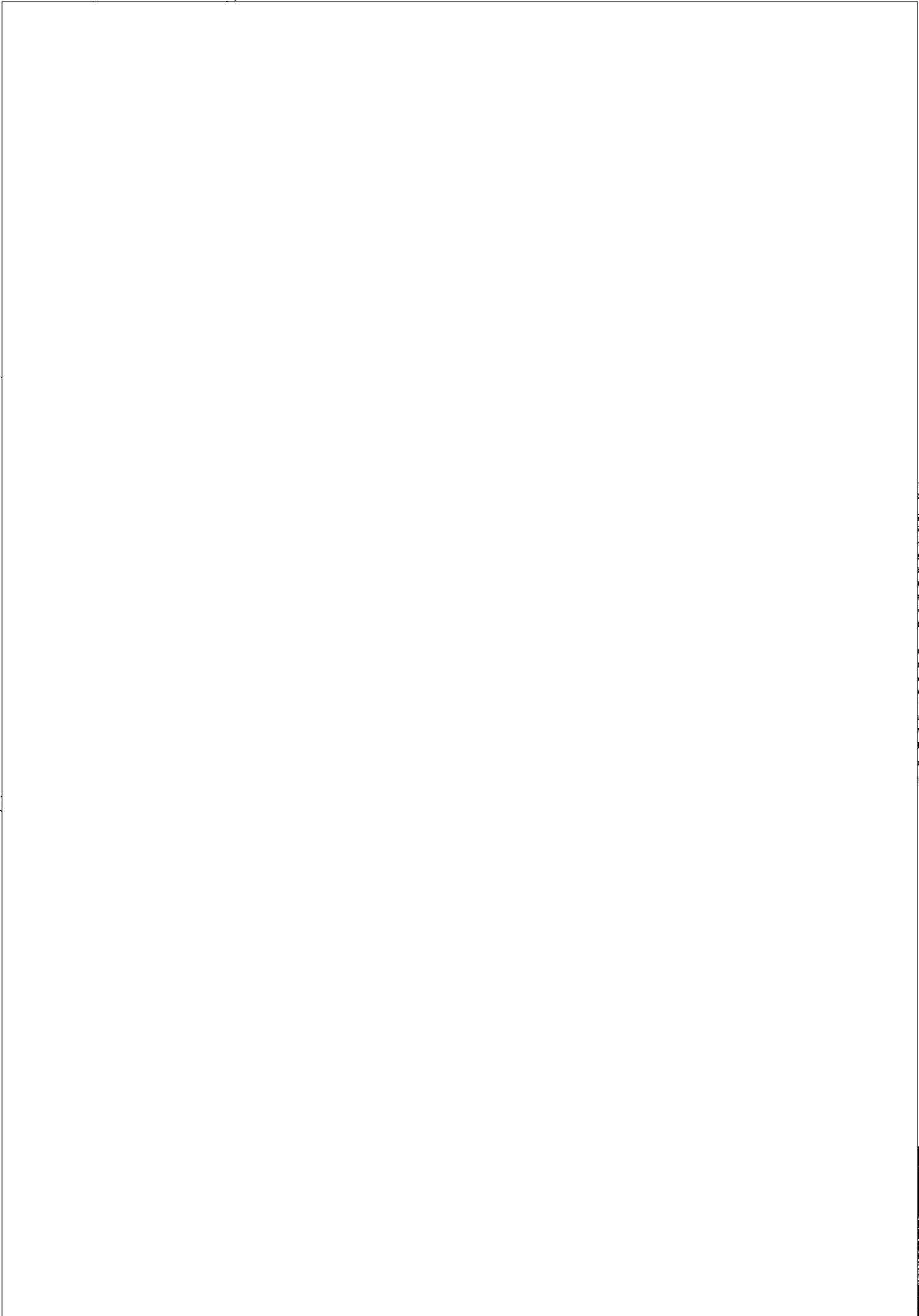


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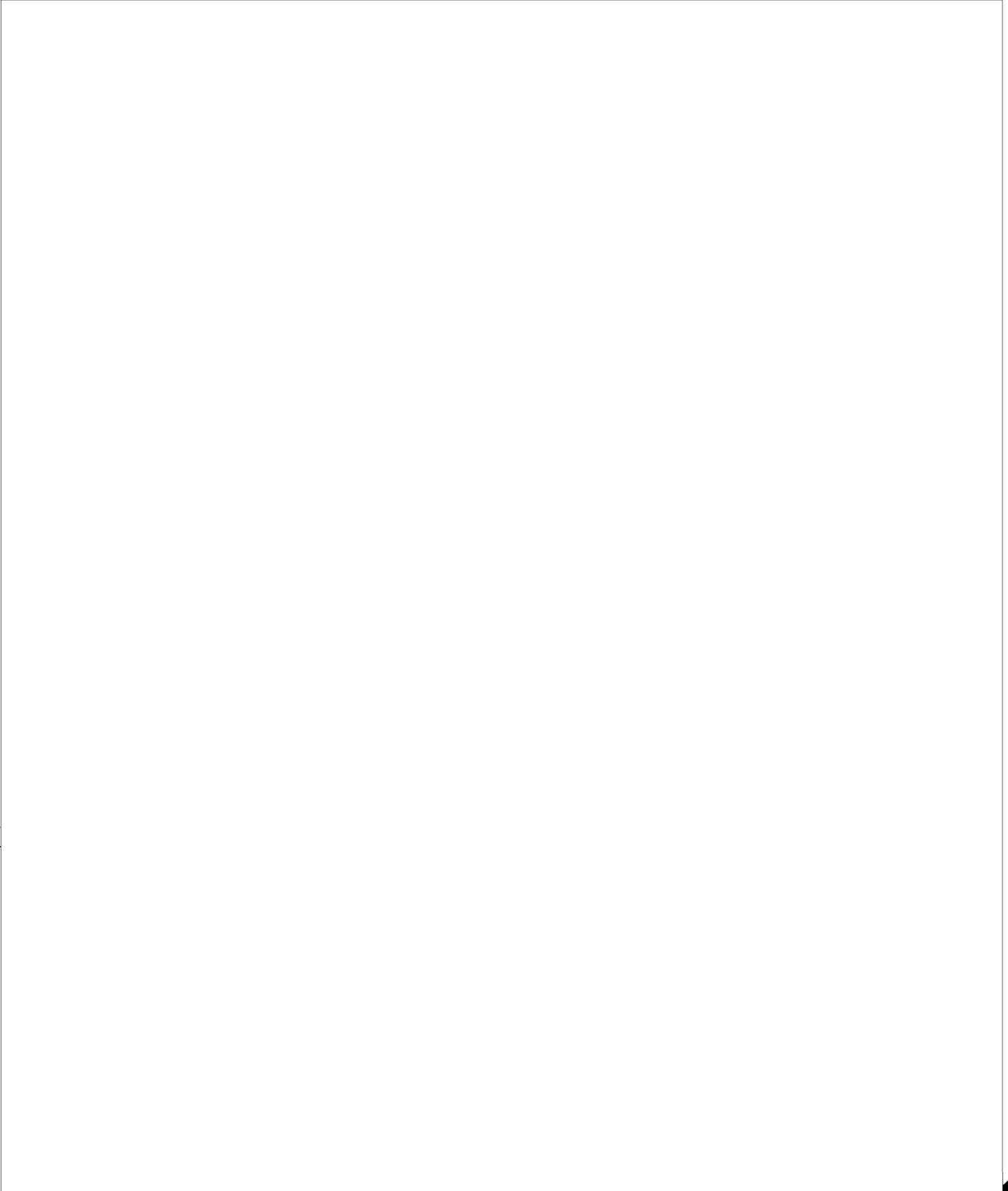
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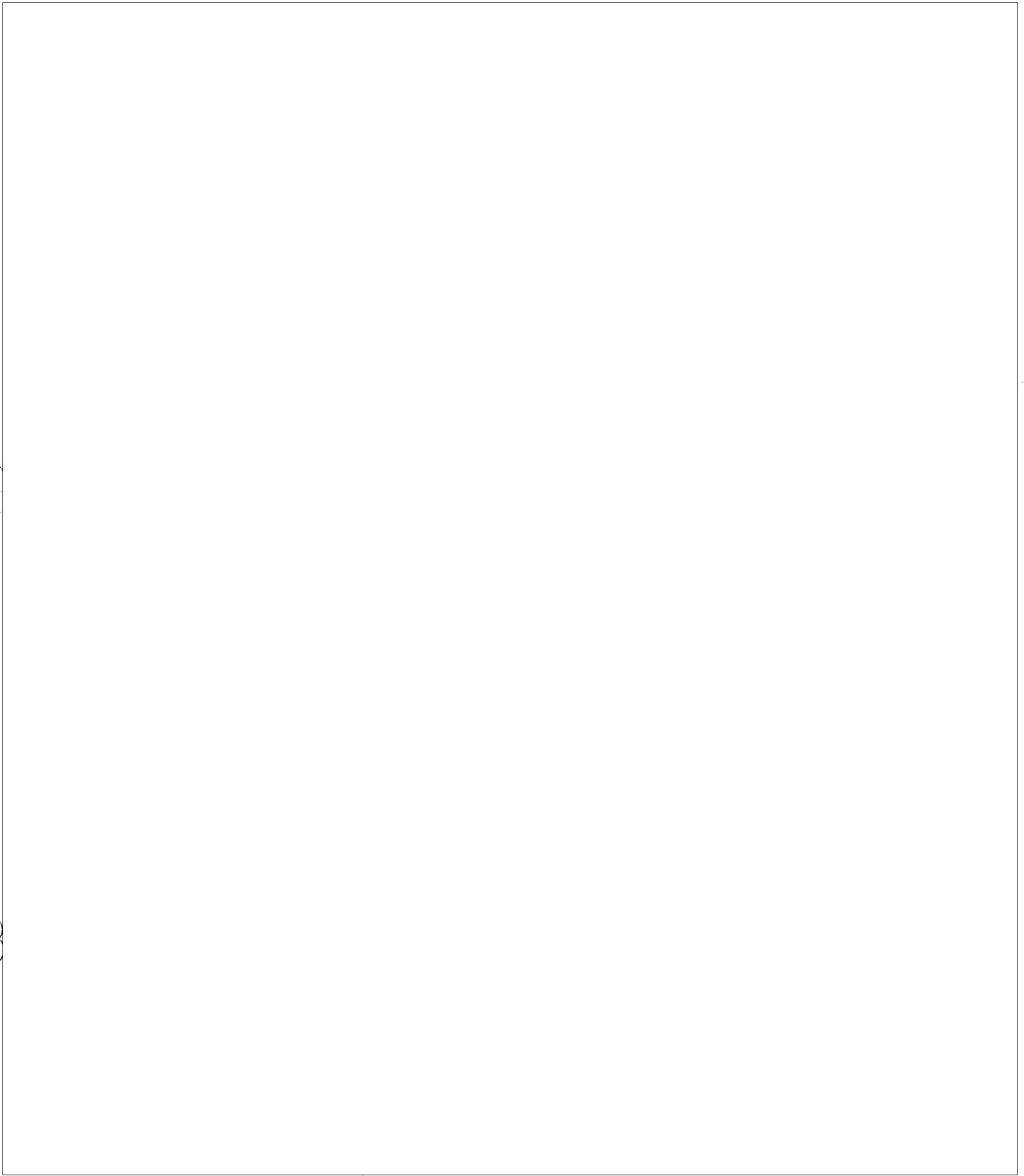
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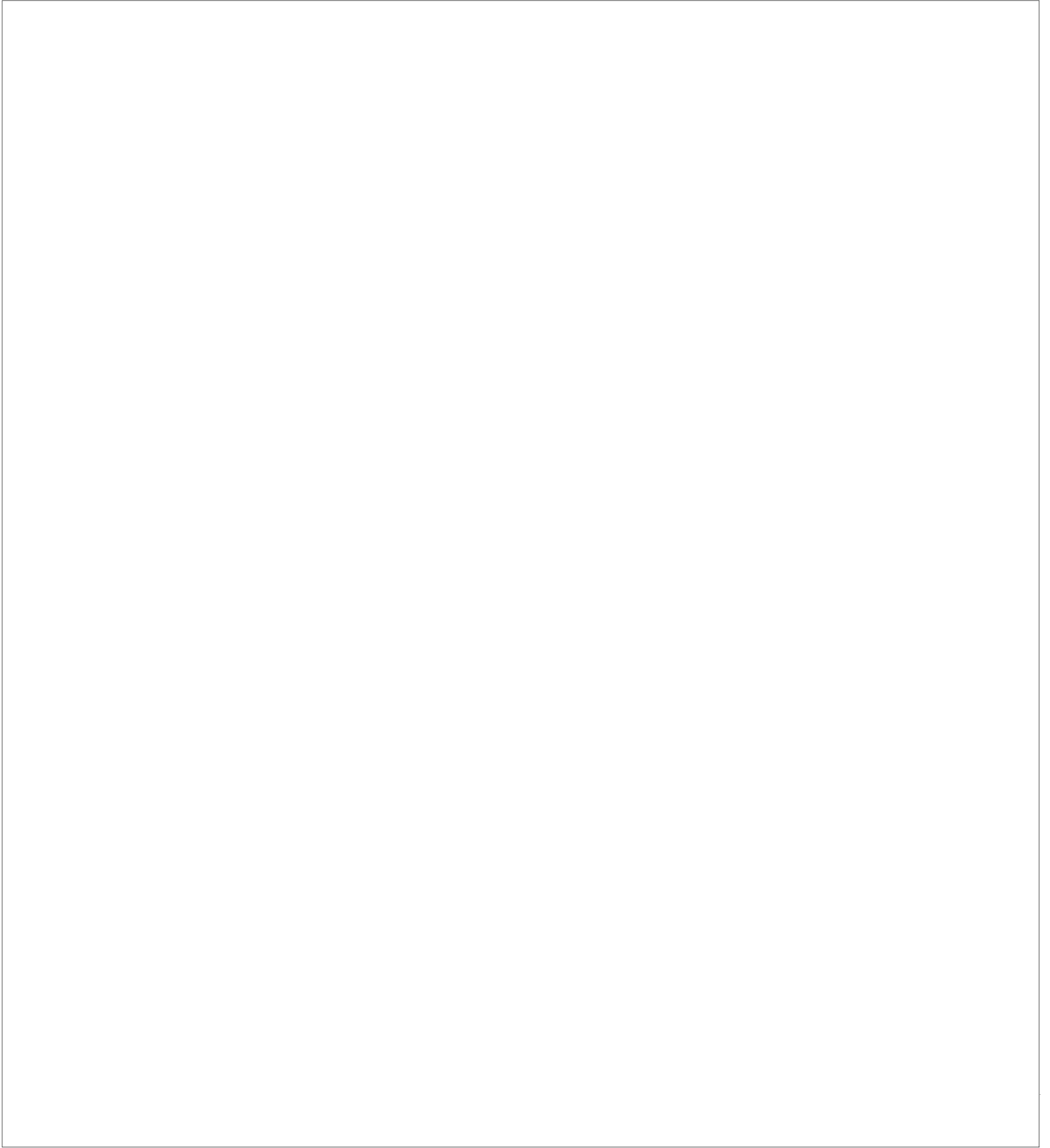
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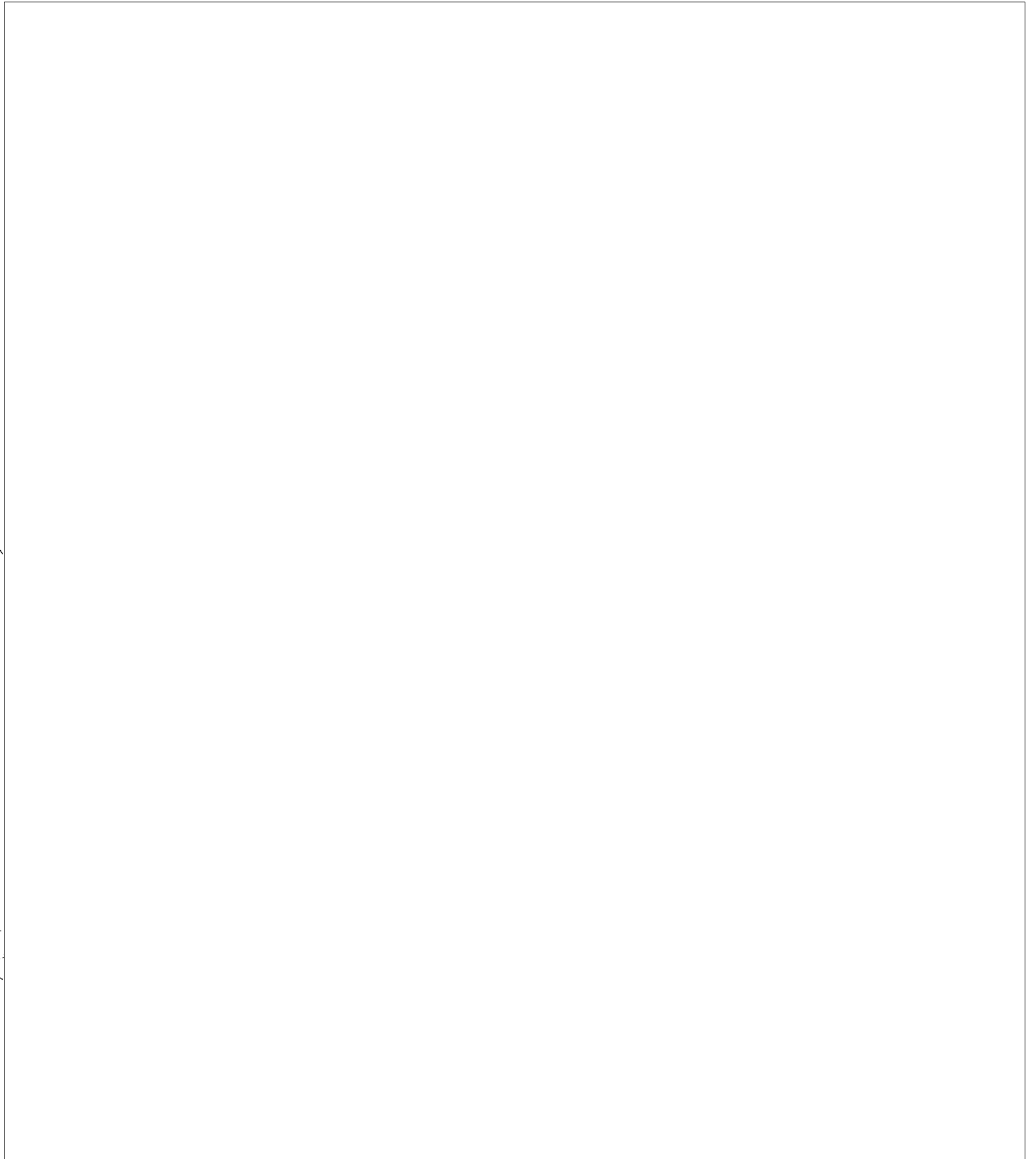
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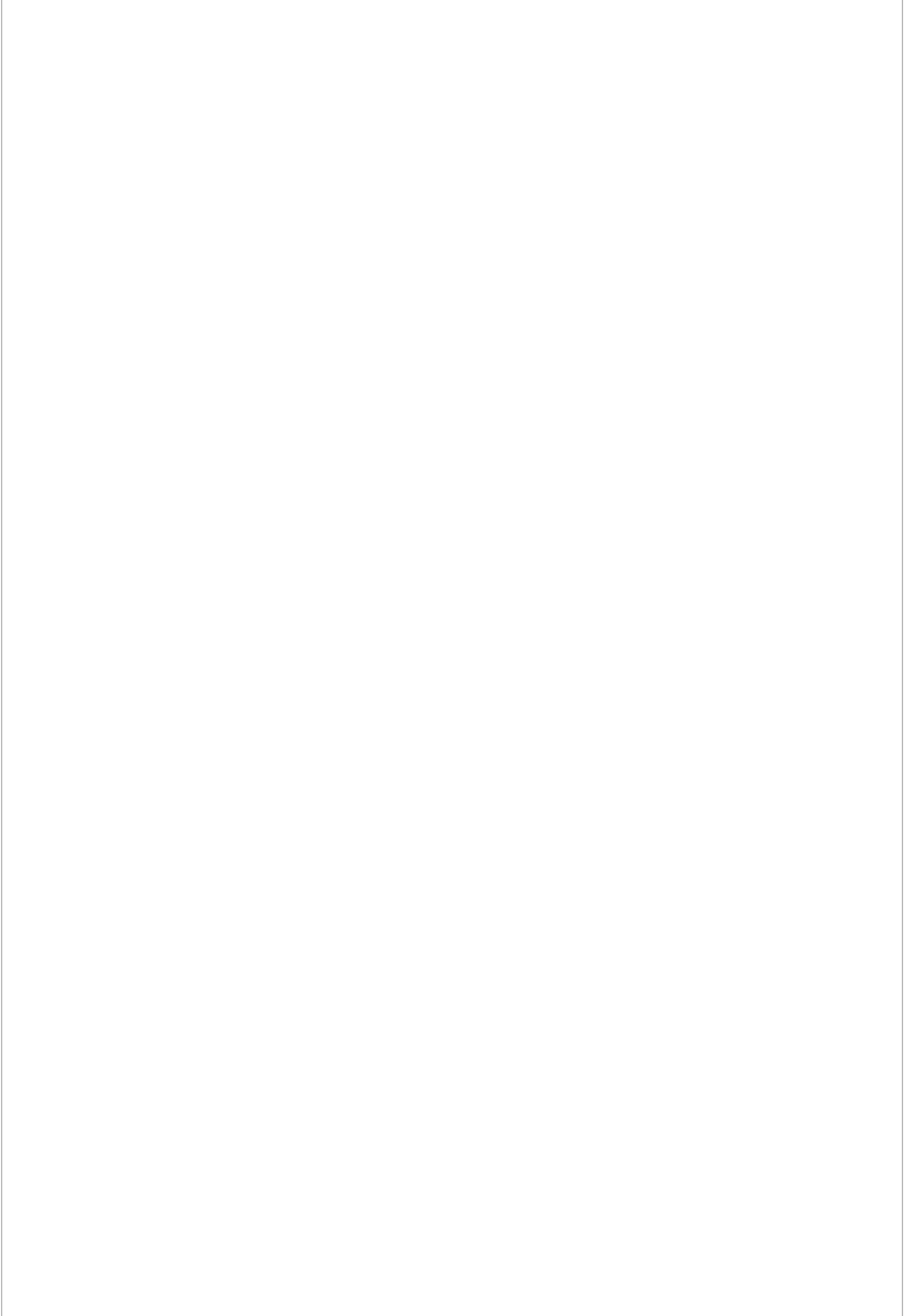
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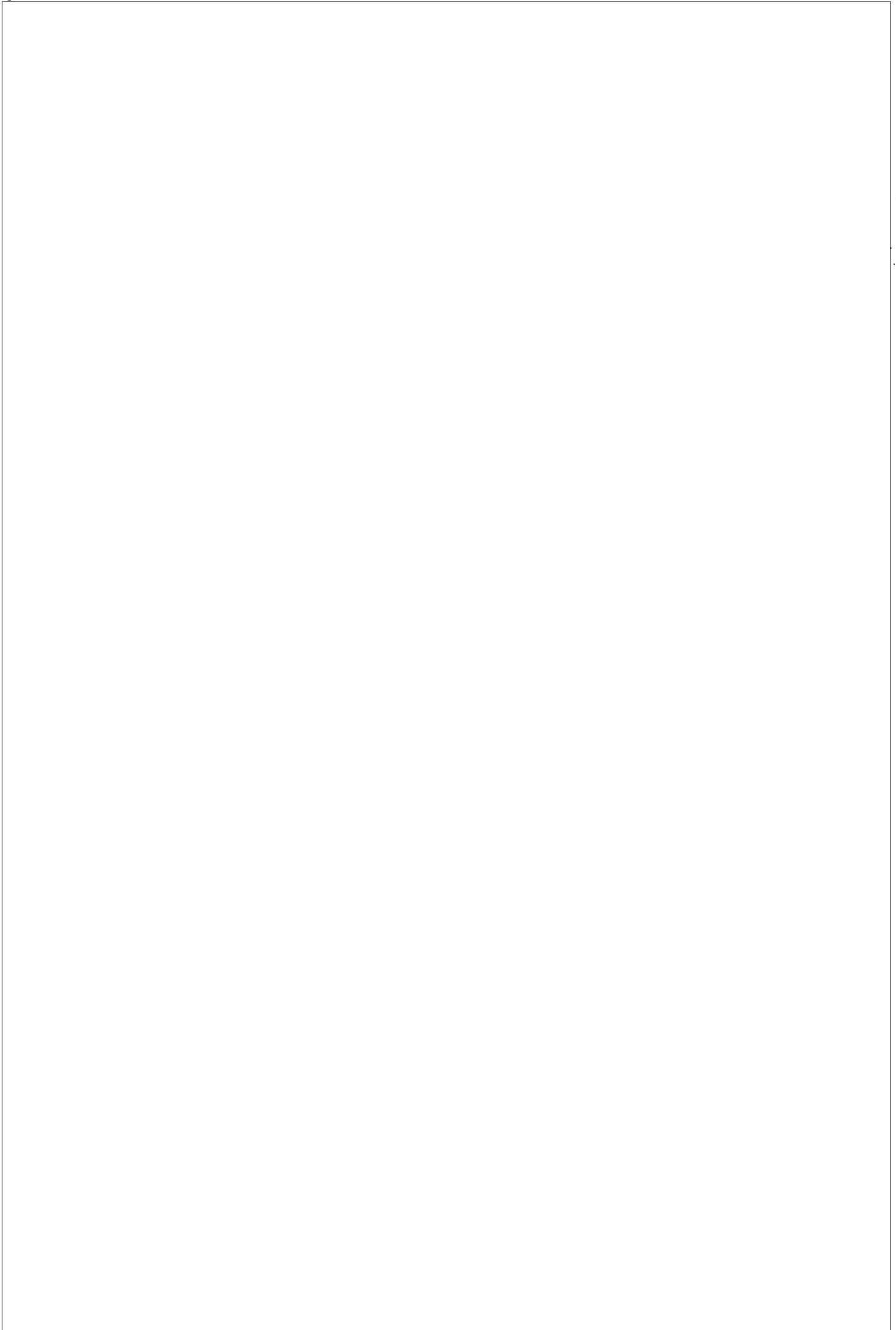
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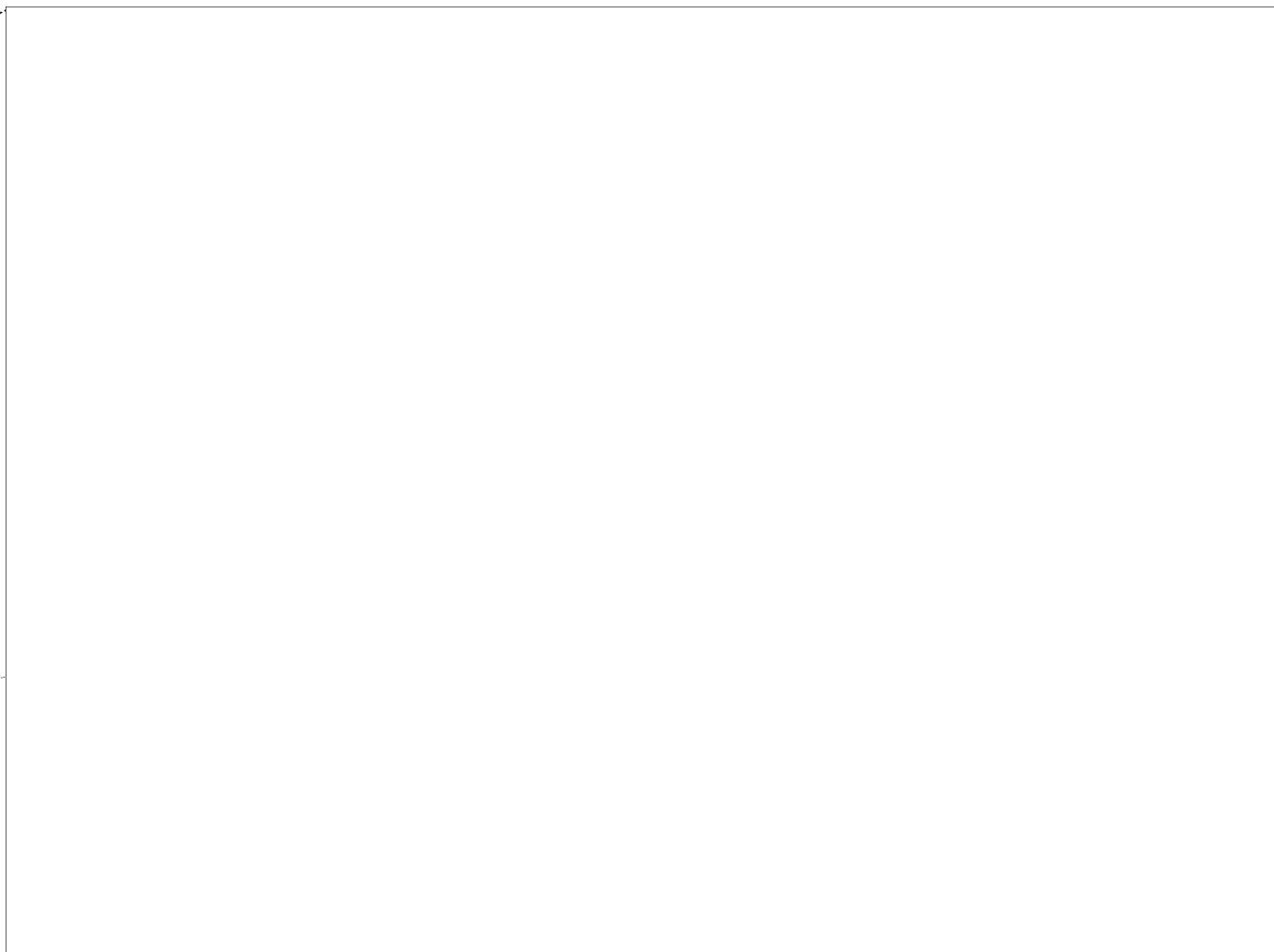


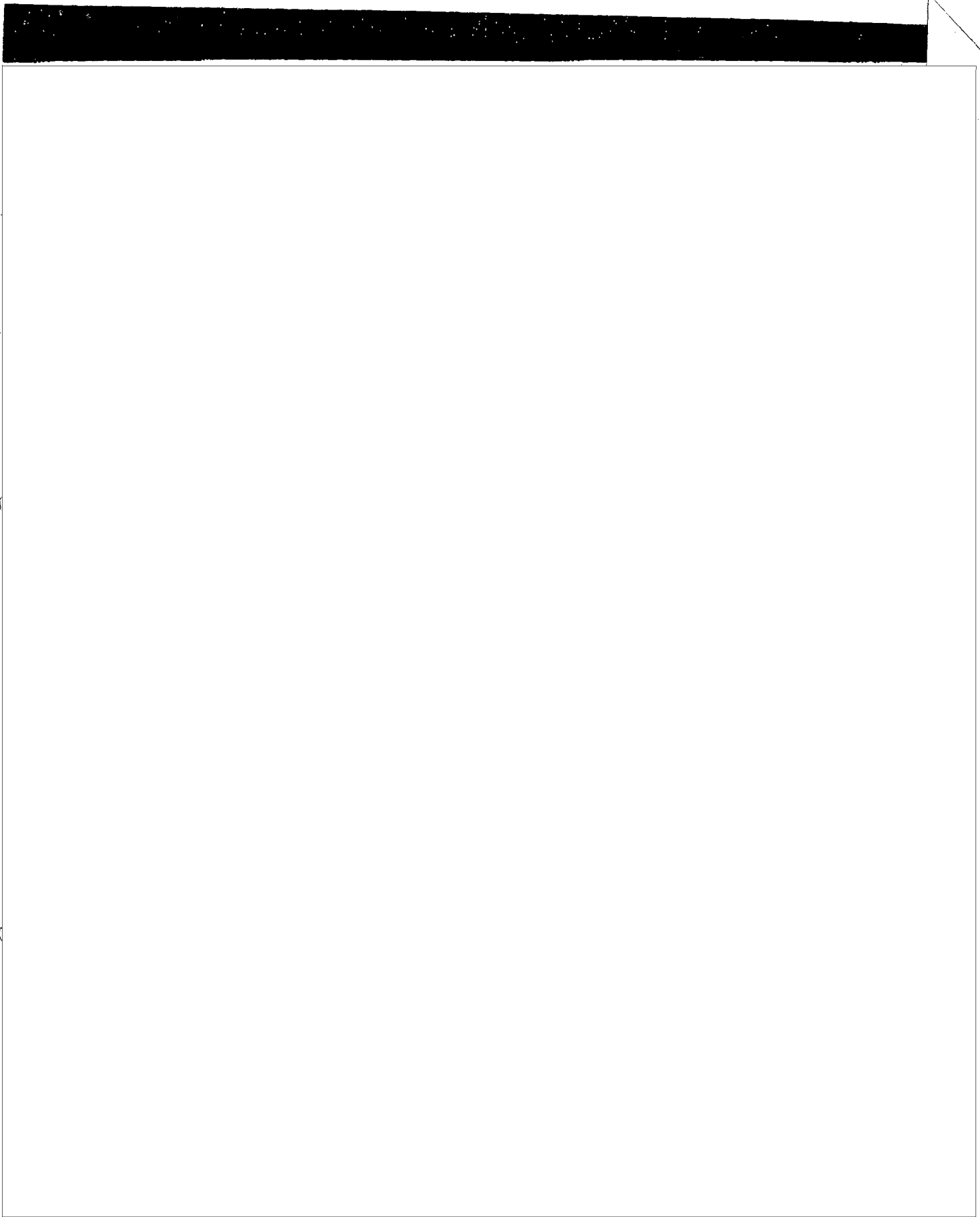




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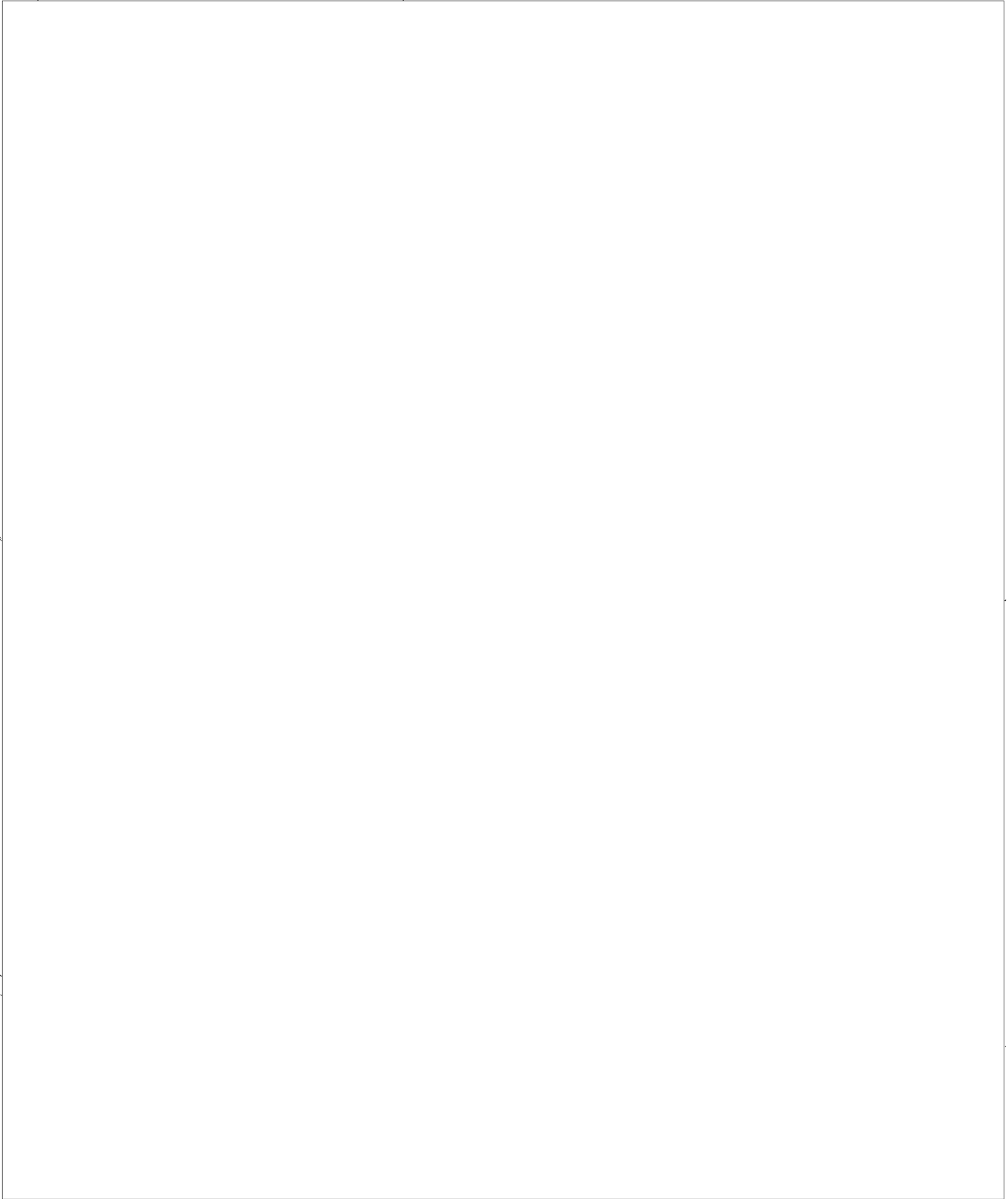
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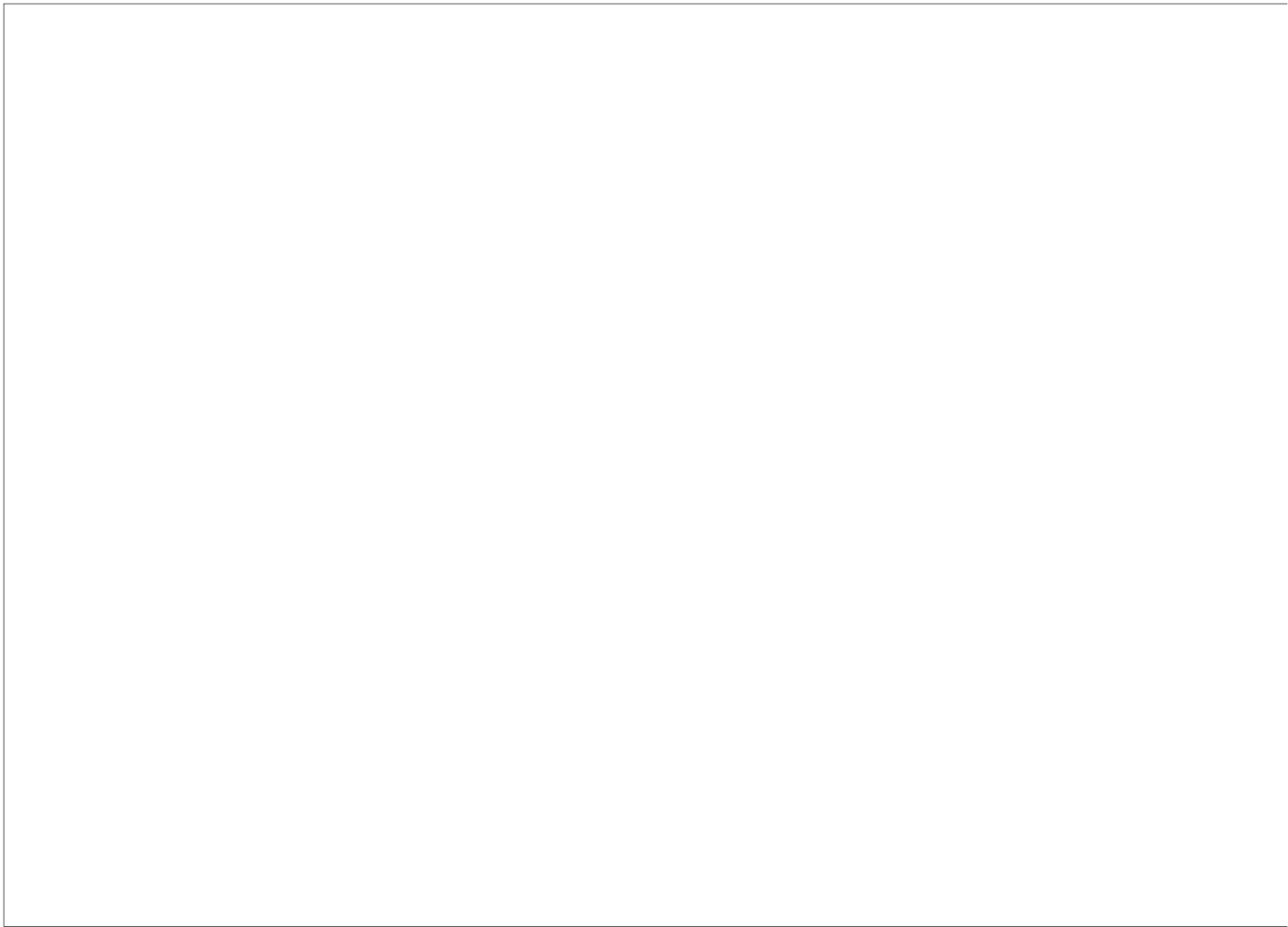






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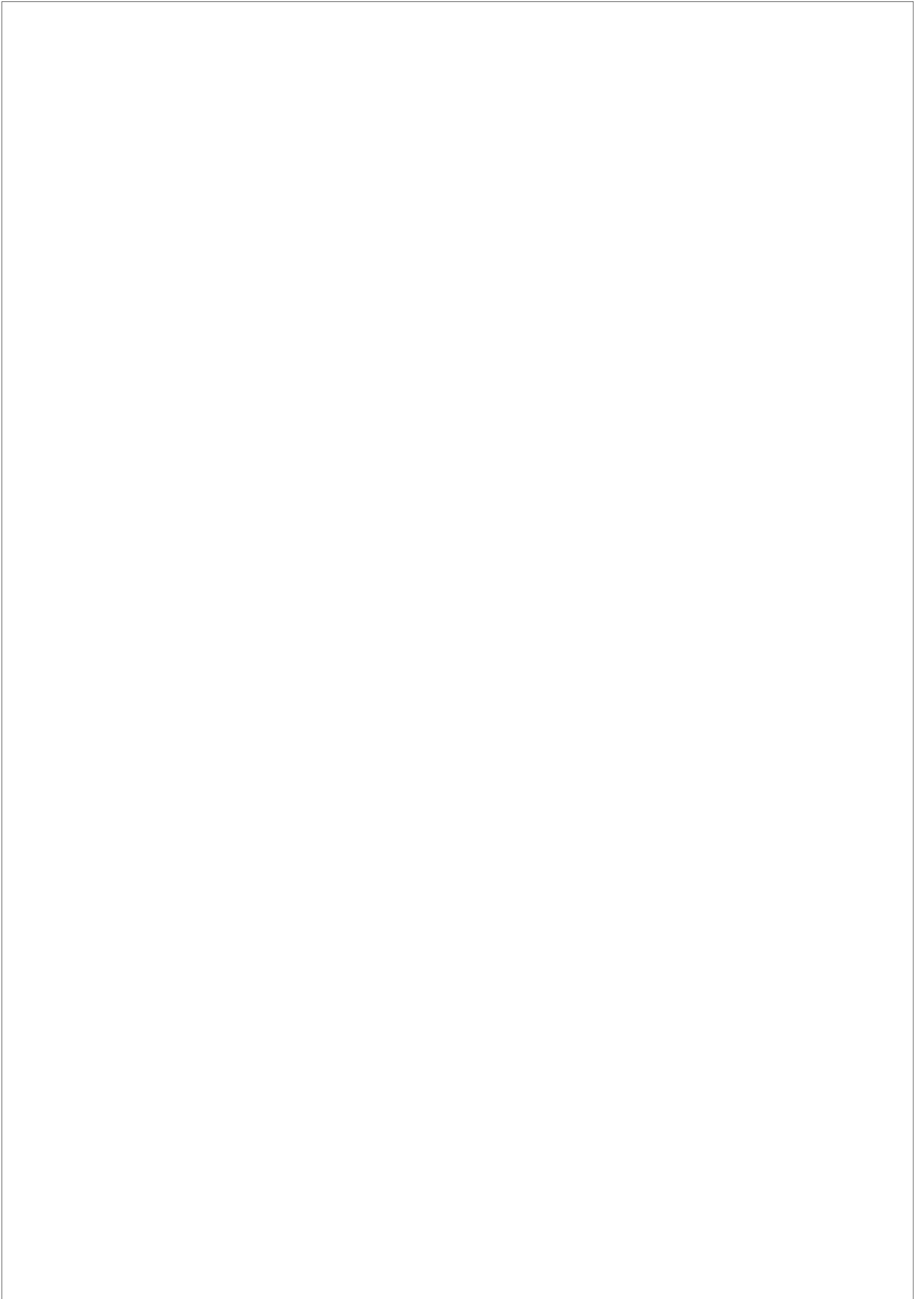
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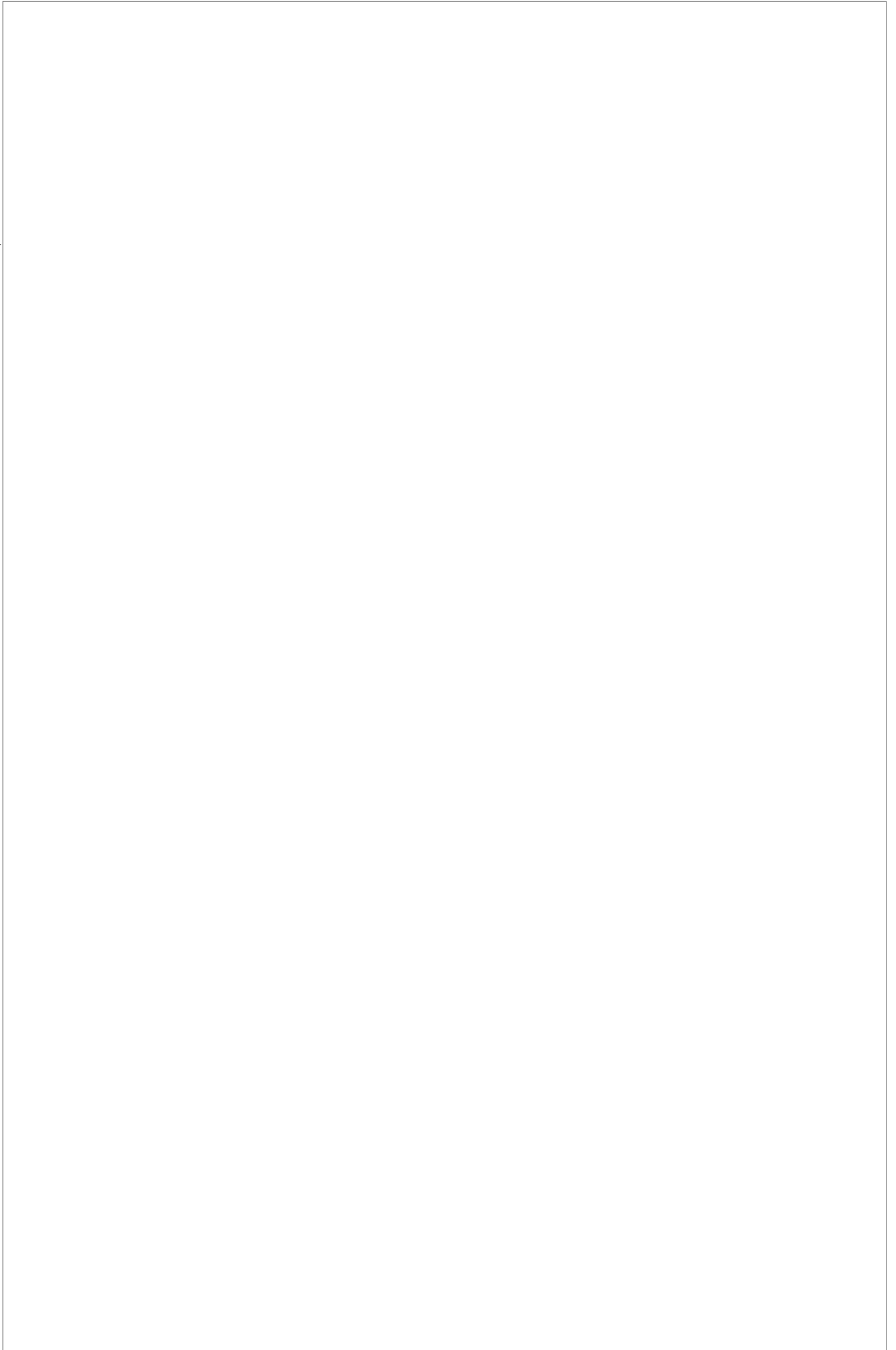
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