

AS100

First Minister of Scotland

Meetings with Proprietors, Editors and Media Executives

May 2007 - August 2011

Date of Meeting	Name of Individual/s	Purpose
June 2007	Harry Conroy (Catholic Observer)	Interview
June 2007	Mandy Rhodes (Holyrood Magazine)	Interview
July 2007	Carlos Alba (Sunday Times)	Meeting
August 2007	Broadcasting Commission launch	Launch event
August 2007	Iain Martin (Sunday Telegraph)	Meeting
August 2007	Will Lewis, Alan Cochrane, Kate Devlin (Daily Telegraph)	Interview
August 2007	Derek Lambie (Daily Express)	Meeting
September 2007	News of the World Big Hearted Scotland Awards	Awards Ceremony
September 2007	Ken MacQuarrie (BBC Scotland)	Visit to new BBC premises
September 2007	Daily Record Great Scot Awards	Awards Ceremony
September 2007	Alliance of Independent Press Councils of Europe Annual Conference	Conference
October 2007	Mandy Rhodes (Holyrood Magazine)	Interview
October 2007	Rupert Murdoch (News Corporation)	Meeting in New York
October 2007	Atholl Duncan, Brian Taylor, Glenn Campbell, John Boothman (BBC)	Dinner at Scottish National Party Conference
October 2007	Media Reception	Scottish National Party Conference
October 2007	Opening of News International Eurocentral Plant. Rupert Murdoch, News International Editors and Executives	Public Opening Ceremony
October 2007	Scottish Daily Newspaper Society	Lunch guest
November 2007	The Herald Scottish Politician of the Year Awards	Awards Ceremony
November 2007	Charles McGhee (The Herald)	Meeting
November 2007	Richard Desmond (Express Group)	Meeting
November 2007	Representatives from Daily Record & Sunday Mail	Meeting
November 2007	Reception for Broadcasting Commission	Bute House
December 2007	David Hamilton (Daily Express)	Meeting

December 2007	Sunday Mail Scottish Sports Awards	Awards ceremony
December 2007	Richard Walker, Iain MacWhirter and Paul Hutcheon (Sunday Herald)	Meeting
December 2007	Christmas Media Reception	Bute House
January 2008	Rob Woodward (STV)	Visit to STV premises
January 2008	David Dinsmore (The Sun)	Meeting
January 2008	Lynne McNeil (Life & Work Magazine)	Interview
February 2008	Teri Everett (News Corporation), James MacManus (News International)	Meeting
February 2008	Foreign Press Association media conference	Speech
April 2008	Mandy Rhodes (Holyrood Magazine)	Interview
May 2008	Daily Record Our Heroes Awards	Awards Ceremony
May 2008	Alex Cargill and Joe Kelly (Scottish & Universal Newspapers)	Meeting
June 2008	Financial Times Business Conference	Conference
June 2008	Catholic Observer	Interview
June 2008	Inspires (Scottish Episcopal Church Magazine)	Interview
July 2008	Sir Michael Lyons (BBC Trust)	Meeting
July 2008	Rebekah Wade (The Sun)	Meeting
July 2008	Richard Desmond (Express Group)	Meeting
July 2008	Sunday Times	Lunch
July 2008	Newspaper Editors	Bute House buffet lunch
August 2008	John Mullin (Independent on Sunday)	Interview
August 2008	Maureen Ferrier (Public Servant Magazine)	Interview
October 2008	National Geographic Magazine	Interview
October 2008	Donald Martin (Evening Times)	Meeting
October 2008	Richard Desmond and Editors (Express Group)	Meeting
October 2008	Media Reception	Scottish National Party Conference
October 2008	Adam Boulton, James Matthews (Sky News)	Dinner at Scottish National Party Conference
November 2008	James Harding (The Times)	Meeting
November 2008	The Herald Scottish Politician of the Year Awards	Awards Ceremony
December 2008	Allan Rennie (Sunday Mail Sports Awards)	Awards Ceremony
December 2008	Reception for Broadcasting Commission	Bute House
December 2008	Christmas Media Reception	Bute House

December 2008	Lesley Riddoch (Feisty Productions)	Interview
January 2009	Rob Woodward, Alan Clements (STV)	Meeting
January 2009	Scottish Newspaper Editors	Homecoming briefing
January 2009	Alan Scott, Derek Tucker, Damian Bates (Aberdeen Journals)	Meeting
January 2009	Ken MacQuarrie (BBC Scotland)	Meeting
January 2009	David Dinsmore (The Sun)	Meeting
February 2009	Highlands & Islands Press Ball	Guest
February 2009	Andrew Thomson, Christopher Thomson, Murray Thomson (DC Thomson)	Meeting
March 2009	Scottish Daily Newspaper Society & Scottish Newspaper Publishers Association Tim Blott (Herald & Times), Michael Johnston (Johnston Press), Jim Raeburn, Simon Fairclough	Meeting
March 2009	Bob Bird (News of the World)	Dinner to discuss Mark's Law Campaign - Bute House
March 2009	Matt Winkler (Bloomberg)	Meeting
March 2009	David Hamilton, Nick Gates (Daily Express)	Meeting
April 2009	Journalists' Charity Lunch	Speech
April 2009	Jonathan Freedland (Guardian)	Meeting
April 2009	Fraser Nelson (Spectator)	Interview
June 2009	David Dinsmore (The Sun)	Meeting
September 2009	Jeremy Darroch, David Wheeldon (BSkyB)	Meeting
September 2009	Graham Bryce (Bauer Media)	Introductory meeting
October 2009	BBC Scotland	Meeting
October 2009	Foreign Press Association media conference	Speech
October 2009	Adam Boulton, James Matthews (Sky News)	Dinner at Scottish National Party Conference
October 2009	Media Reception	Scottish National Party Conference
November 2009	Sir Michael Lyons, Jeremy Peat (BBC Trust)	Meeting
December 2009	Christmas Media Reception	St Andrew's House
January 2010	Christopher Thomson (DC Thomson)	Meeting
February 2010	Murdoch MacLennan, Alan Cochrane (Daily Telegraph)	Lunch
March 2010	Mandy Rhodes (Holyrood Magazine)	Interview
March 2010	Atholl Duncan, Ric Bailey (BBC)	Meeting

March 2010	Michael Jeremy and Chris Wissun (ITV), Bobby Hain and Gordon MacMillan (STV)	Meeting
June 2010	Holyrood Magazine 2020 Conference	Conference
June 2010	Magnus Linklater and Angus MacLeod (The Times)	Interview
October 2010	Mandy Rhodes (Holyrood Magazine)	Interview
November 2010	Alexander Lebedev (Independent) at Society of Editors Conference	Conference
November 2010	Andy Harries (The Sun)	Meeting
December 2010	Christmas Media Reception	Bute House
January 2011	Alan Taylor (Sunday Herald)	Interview
January 2011	James Murdoch (News Corporation)	Meeting
January 2011	Jon Snow (Channel 4 News)	Meeting
January 2011	Damian Bates (Aberdeen Evening Express)	Meeting
February 2011	Tracey Francis, Bronwen Cohen (Children in Scotland Magazine)	Interview
February 2011	Mandy Rhodes (Holyrood Magazine)	Interview
February 2011	Derek Lambie (Sunday Express)	Meeting
February 2011	Ian Stewart (Scotland on Sunday)	Meeting
March 2011	Andy Harries (The Sun)	Meeting
March 2011	Murdoch MacLennan, Simon Heffer, Alan Cochrane, Simon Johnson (Daily Telegraph)	Lunch
March 2011	John McLellan (Scotsman)	Meeting
March 2011	Andy Harries (The Sun)	Meeting
April 2011	Bruce Waddell (Daily Record)	Meeting
April 2011	News International conference	Speech
May 2011	Andy Harries (The Sun)	Meeting
May 2011	Foreign Press Association media conference	Speech
May 2011	Alan Taylor (Sunday Herald)	Meeting
June 2011	Bobby Hain, Alan Clements (STV)	Meeting
June 2011	Mandy Rhodes (Holyrood Magazine)	Interview
June 2011	Scottish Sun staff	Dinner guest
June 2011	David Dinsmore (News International)	Meeting
June 2011	Rupert Murdoch (News Corporation)	Meeting
June 2011	Jon Snow (Channel 4 News)	Meeting
June 2011	Rob Woodward (STV)	Meeting
July 2011	Andrew Thomson, Christopher Thomson, Murray Thomson, David Thomson, Richard Neville, Richard Prest (DC Thomson)	Meeting
July 2011	Damian Bates (Press & Journal)	Meeting

AS100a

**STATEMENT ISSUED AFTER MEETING BETWEEN FIRST MINISTER AND RUPERT MURDOCH
ON 29 FEBRUARY 2012**

First Minister Alex Salmond, Chairman of News Corporation, Rupert Murdoch, and Chief Executive of News International, Tom Mockridge, met earlier this afternoon at Bute House.

A spokesperson for the First Minister said:

“This was a very constructive meeting focused on News Corporation’s substantial economic footprint in Scotland and the First Minister and Mr Murdoch discussed the potential for further investment within the country. Mr Murdoch was keen to express his view that the current debate on Scotland’s constitutional future continued to make Scotland an attractive place for inward investment.

“During the meeting, the First Minister indicated strong support for the current Leveson inquiry and police investigations in to journalistic malpractice. Mr Murdoch gave strong assurances that News International are intent in consigning these matters to the past and emerging a better organisation for it.”

ENDS

AS101



Date 03 May 2007
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ClipSEARCH

ELECTION DAY '07

 **HIGHER TAXES**

 **DEATH OF THE UNION**

 **JOBS ON THE LINE**

 **DEFENCE IN CHAOS**

**VOTE
SNP TODAY
AND YOU PUT
SCOTLAND'S
HEAD IN THE
NOOSE**

10 REASONS TO BE FEARFUL - PAGES 4&5



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AS102

SCOTLAND'S NEWSPAPER OF THE YEAR

Daily Record



Thursday, May 3, 2007

FIRST

35p

Today's election is **not** about war in Iraq. It is **not** about Tony Blair. It **is** about who will run Scotland. It **is** about schools, hospitals and law and order. Do **not** sleepwalk into independence. Do **not** let a protest vote break up Britain.

THINK ABOUT IT



THE FUTURE OF OUR COUNTRY: PAGES 6,7,8 AND 9

AS103



AS104

SCOTLAND'S NEWSPAPER

Daily Record

Thursday, May 5, 2011 FIRST WWW.DAILYRECORD.CO.UK 40p

HOLYROOD

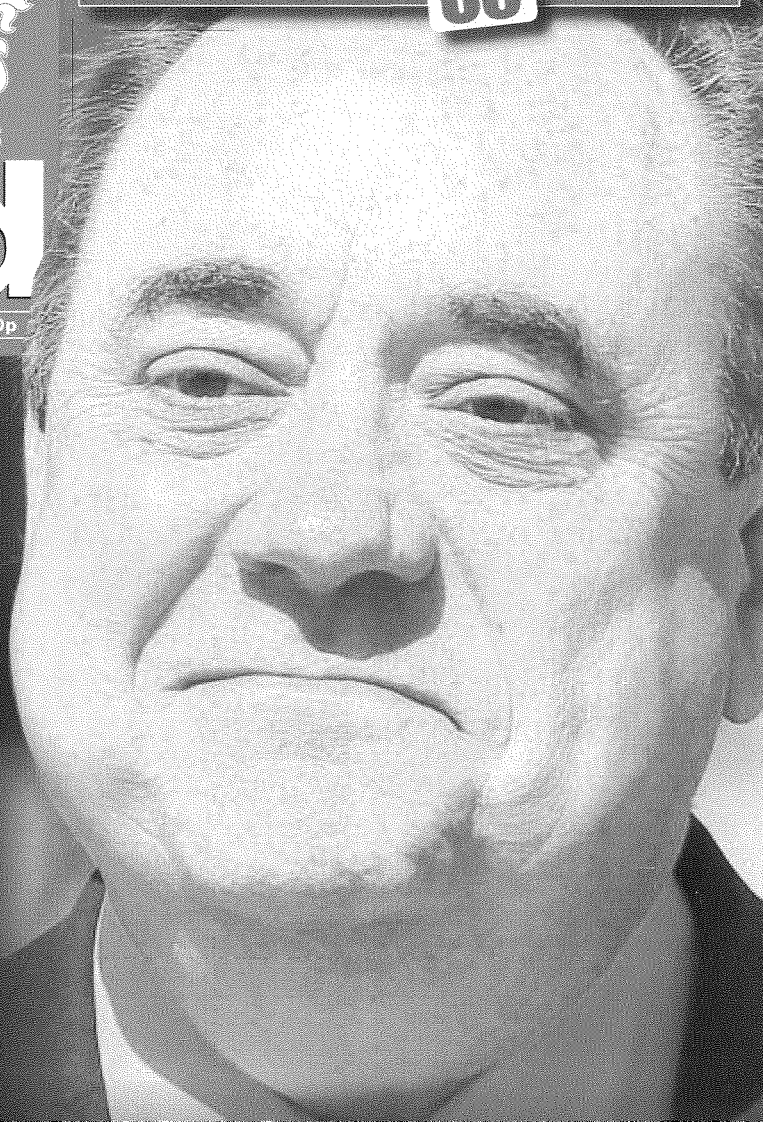
MAY 05

D-DAY

He's polished his victory speech.. he's even booked THE HELICOPTER



TAKING A FLIER: Alex Salmond and helicopter in Peebles yesterday



HE THINKS IT'S ALL HOVER

Record View

THE posh hotel is booked and the helicopter is standing by.

And, no doubt, Alex Salmond's victory speech is already written as he prepares to fly into Edinburgh in triumph, just as he did four years ago.

But Alex and his chopper can still come a cropper - thanks to you. Last night there were 2million

TURN TO PAGE 6

It's not yet.. **YOUR VOTE** can stop another five years of broken promises and failure

AS105

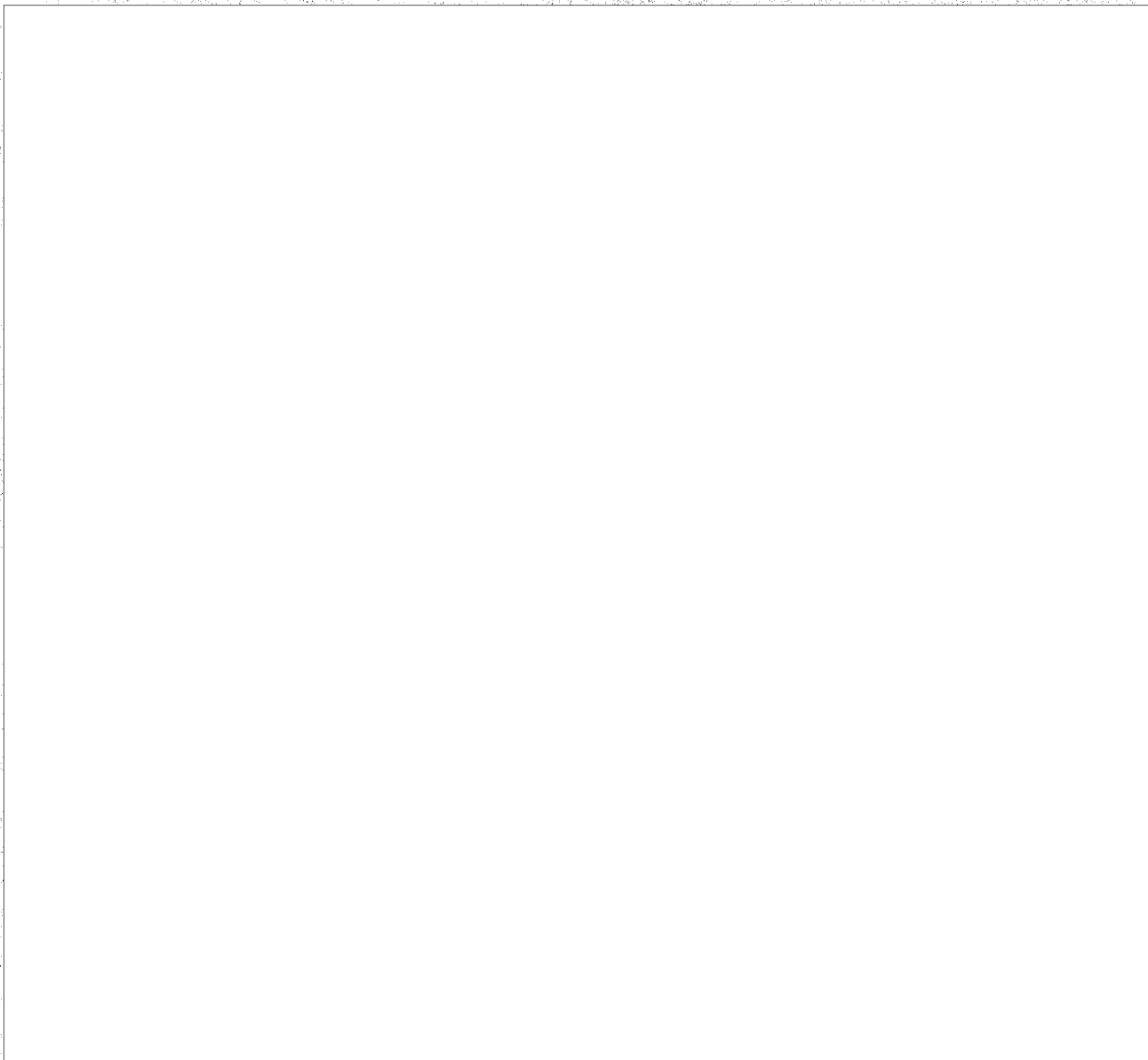
FIRST MINISTER BRIEFING

'PHONE HACKING INQUIRY

- In relation to the developments regarding the 'phone hacking stories, there are three main elements:
 - ⊙ the ongoing ('new') police investigation;
 - ⊙ a first inquiry into why the original police investigation failed; and
 - ⊙ a second inquiry into the general ethics of the press.

Police Investigation

- The Metropolitan Police is carrying out the main investigation.
- The Crown has requested Strathclyde Police to enquire into the evidence given by certain witnesses in the trial of Tommy Sheridan. As it is possible that further legal proceedings could follow, our advice is not to comment on the evidence or specifics of the case at this time.



RESTRICTED – ADVICE TO MINISTERS

AS106

From: Mr Andrew Laing
HM Inspector of Constabulary for Scotland
27 July 2011

Cabinet Secretary for Justice
Minister for Community Safety and Legal Affairs

UK Phone Hacking Scandal & Announcement by Home Secretary on 18 July 2011

Purpose

1. In relation to the current UK phone hacking scandal, to provide ministers with:
 - A timeline of key events in the chronology of the scandal
 - The background to the appointment of HMIC by the Home Secretary to explore police relationships with the media in England and Wales
 - To assess the current implications of the scandal in Scotland
 - To opine that at this stage, there is no need for HMICS to conduct a similar inspection in Scotland

Background

2. Accusations that journalists at Rupert Murdoch's British newspapers hacked into the phones of politicians, celebrities, child murder victims and others have severely bruised his media empire. It has forced the closure of Britain's biggest-selling newspaper, a withdrawal from his bid for BSkyB and the resignation of his Chief Executive Rebekah Brooks.

2.1 The following table provides a brief synopsis and timeline of the key events¹:

November 2005	News of the World prints a story about Prince William prompting royal officials to complain to the Metropolitan Police about probable voice mail hacking.
January 2007	News of the World royal editor Clive Goodman and private investigator Glenn Mulcaire are convicted of conspiracy to hack into phone voice mails of royals and are jailed. Andy Coulson, the paper's editor, claims to be unaware but resigns.
July 2007	Coulson is hired as Director of Communications by David Cameron who will become Prime Minister in May 2010.
June 2008	News Group Newspaper pays £700 000 settlement to soccer executive Gordon Taylor, whose phone was hacked by Mulcaire.
November 2009	The Press Complaints Commission concludes that there is no evidence of continued phone hacking.
March 2010	A celebrity public relations agent agrees to drop his lawsuit against the News of the World for a payment of more than £1 million.

¹ Chronology derived from open-source reporting

RESTRICTED - ADVICE TO MINISTERS

September 2010	Former News of the World journalist Sean Hoare alleges that phone hacking was common place at the paper and encouraged by [REDACTED]
21 January 2011	Coulson resigns as Cameron's spokesman because of coverage of the phone hacking scandal/
26 January 2011	Metropolitan Police launch new investigation into voice mail hacking. Chief reporter [REDACTED] and former editor [REDACTED] are arrested on suspicion of intercepting voice mail messages
10 April 2011	News of the World officially apologises for hacking into voice mails from 2004 to 2006 and sets up a compensation system for unnamed victims.
14 April 2011	Senior journalist [REDACTED] is arrested on suspicion of conspiracy to intercept communications.
7 June 2011	Actress Sienna Miller settles with News of the World for £100 000.
23 June 2011	Freelance journalist [REDACTED] is arrested on suspicion of phone hacking.
4 July 2011	It is revealed that News of the World possibly hacked into then-missing teenager Milly Dowler's voice mail and deleted messages to free space, causing her parents to believe she was still alive.
7 July 2011	News International announces the closure of News of the World.
8 July 2011	[REDACTED] is arrested. [REDACTED] the papers former royal correspondent who served a 4 month jail term in 2007, is also arrested on corruption allegations.
11 July 2011	Former Prime Minister Gordon Brown accuses News International of illegally obtaining private health information about his children.
13 July 2011	News Corp withdraws its bid for BSkyB, and Prime Minister Cameron announces wide-ranging public inquiry into the British press.
14 July 2011	FBI launches enquiry into allegations that News Corp employees or associates hacked into the phones of 9/11 victims.
15 July 2011	Brooks resigns as Chief Executive of News International.
17 July 2011	[REDACTED] is arrested and is released on bail until October
18 July 2011	Metropolitan Police Commissioner Paul Stephenson resigns after revelations that former News of the World editor Neil Wallis later became a consultant for the Met.
18 July 2011	Former reported Sean Hoare is found dead.
18 July 2011	Assistant Commissioner John Yates, who ruled in 2009 that there was no reason to pursue an investigation into phone hacking also resigns.
18 July 2011	Home Secretary makes a statement to the House of Commons and appoints HMIC to 'consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in relationships between the police, the media and other parties'.

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Appointment of HMIC by Home Secretary to explore Police/Media relationships

3 As indicated in the timeline chronology, the apparent close relationship revealed between News International and Senior Officers of the Metropolitan Police has eroded public confidence in the Metropolitan Police and has led to the resignation of the Commissioner and Assistant Commissioner. It is against this broad context that the Home Secretary has asked HMIC to consider broader issues surrounding such relationships in England and Wales.

Scottish Context

4 On 22 July, 2011, the Crown Office in Scotland instructed Strathclyde Police to formally begin an inquiry into allegations that Andy Coulson and others may have committed perjury when he testified at the Tommy Sheridan trial in 2010. This matter is currently under investigation.

Scottish Policing and Relationships with the Media

5 There are no matters arising from the current UK phone hacking scandal which point to any suggestion of inappropriate relationships between the Scottish Police Service and the media and to date, the concerns primarily centre on London and the Metropolitan Police.

Conclusions

6 You are invited to agree that:

- The decision by the Home Secretary to appoint HMIC to conduct an inquiry into police and press relationships in an England and Wales context is entirely appropriate given the evidence led to date.
- That no evidence has been led in the timeline of the current UK phone hacking scandal pointing to the existence of any concerns in Scotland about inappropriate police/press relationships.
- That there is no need at this juncture for Ministers to instruct HMICS to conduct a similar inspection of police and press relationships in Scotland.

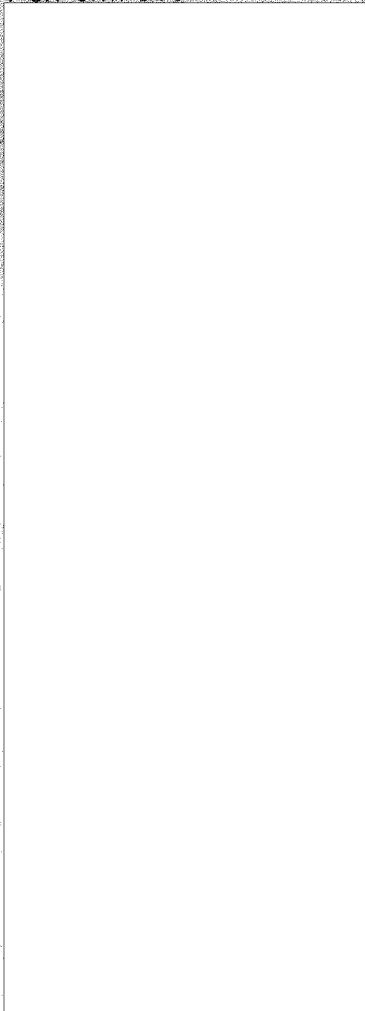
Andrew Laing
HM Inspector of Constabulary for Scotland



RESTRICTED – ADVICE TO MINISTERS

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness

PS/Perm Sec



SPADs
Communications Safer and Stronger

AS107

Inquiries established by the UK Government as a result of the *News of the World* phone-hacking cases

1. **The Press Complaints Commission**
 2. **The position in Scotland**
 3. **What the Scottish government has said previously**
 4. **Options in relation to Scotland**
- Annex A – News Corporation/BSkyB takeover**

1. The Press Complaints Commission

The Press Complaints Commission is a UK wide independent self-regulatory body which deals with complaints about the editorial content of newspapers and magazines (and their websites). It is non-statutory, and is set up and run by the newspaper industry. There are 17 members of the Commission. There are two types of commissioners – public and industry. Public commissioners, who do not have direct ties to the newspaper industry, make up a majority (9) of the posts on the Commission. At present the Scottish members are John Home Robertson MP and John McLellan, Scotsman editor.

Because the PCC regime is voluntary, newspapers do not have to abide by its code of practice. Northern and Shell, Richard Desmond's publishing group (which includes the *Star* and *Express* titles) does not recognise PCC regulation.

The PCC was established in 1991 following a report from Sir David Calcutt QC. This report was commissioned by the UK Government due to a loss of trust in the PCC's predecessor body, the Press Council. Calcutt's remit was "to consider what measures (whether legislative or otherwise) are needed to give further protection to individual privacy from the activities of the press and improve recourse against the press for the individual citizen". Calcutt's report recommended that a new commission be given eighteen months to demonstrate "that non-statutory self-regulation can be made to work effectively. This is a stiff test for the press. If it fails, we recommend that a statutory system for handling complaints should be introduced." One key difference between the PCC and the old Press Commission was the establishment of an industry-backed code of practice.

The PCC website claims self regulation works because the newspaper and magazine publishing industry is committed to it. "Throughout the twenty years of the PCC, every critical adjudication against a newspaper or magazine by the Commission has been printed in full and with due prominence. When the Commission receives a complaint, editors now never do anything other than seek to defend themselves in terms of the industry's Code of Practice - a sign of their commitment to it. A further sign of this commitment is that adherence to the industry's Code is written into the contracts of employment of the vast majority of editors in the country - something which gives the PCC real teeth." The PCC also notes that several parliamentary Committees, since 1991, have endorsed self-regulation of the press ahead of statutory regulation. A 2009 Select Committee report into "Press Standards, Privacy and Libel" stated that "self-regulation of the press is greatly preferable to statutory regulation, and should continue".

However the PCC has been widely criticised for being ineffectual in its handling of complaints relating to News of the World. David Cameron was reported by the BBC on Friday 8 July as saying:

"Let's be honest. The Press Complaints Commission has failed. In this case, the hacking case, frankly it was pretty much absent."

"Therefore we have to conclude that it's ineffective and lacking in rigour."

"There is a strong case for saying it's institutionally conflicted because competing newspapers judge each other. As a result it lacks public confidence."

"I believe we need a new system entirely. It will be for the inquiry to recommend what the system should look like."

2. The position in Scotland

Unlike the regulation of broadcasting, regulation of the press and publishing is not reserved under the Scotland Act. The Scottish Parliament could therefore legislate to regulate the press if it chose to do so. This could create some cross-border jurisdictional difficulties for Scottish editions of English/UK titles, but these are not massively different from those which already exist as a natural result of there being a distinctive legal system in Scotland.

The Press Complaints Commission has chosen to constitute itself as a UK-wide body. If it so chose, the PCC (or an industry-led successor body) could choose to constitute a separate Scottish body or committee – however the Scottish Parliament could not force it to do so.

Ofcom is a UK-wide telecoms and broadcasting regulatory body which is established under the Communications Act 2003 (which applies across the UK). Any move to transfer regulatory responsibilities to Ofcom (which has been suggested in some newspaper articles) would mark the first occasion on which it has been granted responsibilities relating to a devolved policy area. Any Westminster legislation on the regulation of the press or publishing extending to Scotland would engage the Sewell convention.

Individuals aggrieved by press practices may be able to bring actions against the press in the Scottish courts - for example for defamation or breach of privacy – without reference to the PCC regime. The complainant may be able to obtain a better remedy through the courts e.g. interdict or damages.

3. Past Scottish Government statements on this issue

The Sunday Times, on 23 September 2007, suggested that the Scottish Government was supportive of "a new newspaper watchdog for Scotland".

Kevin Pringle at that time advised that the story was over-written, after it was put to him by a journalist that a committee of parliament was willing to look into this (I think chaired by Cathy Peattie). He said that Ministers would take the view that such

an inquiry was an appropriate way for such an issue to be taken forward, as it wasn't a matter for Ministers to decide.

There does not seem to have been any significant follow up to the story (which had aroused concern from the Scottish Daily Newspaper Society, now the Scottish Newspaper Society), and the Scottish Government has not raised this issue subsequently.

Fiona Hyslop responded on 30 June 2011 to the UK Government's open letter on its Communications Review. This review is expected to lead to a Communications Bill which will come into force in 2015. In answer to the question "*Where has self- and co-regulation worked successfully and what can be learnt from specific approaches? Where specific approaches haven't worked, how can the framework of content regulation be made sufficiently coherent and not create barriers to growth, but at the same time protect citizens and enable consumer confidence?*", the Scottish Government's response was as follows: "*Although this question emphasises self- or co-regulation, it is worth noting that in some respects (most notably, perhaps, impartiality in broadcast news) current regulatory structures may help to safeguard standards for viewers. It is possible that a system of self- or co-regulation would not be effective in doing this.*"

4. Options in relation to Scotland

As noted above, regulation of the press and publishing is a devolved matter. A key question therefore, in examining the regulation of the press in Scotland is whether we would want to retain a system of press self-regulation, or whether we would want to institute a statutory system. Decisions might therefore be predicated on the five accepted principles of better regulation, which state that regulation should be:

- transparent
- accountable
- proportionate
- consistent
- targeted – only at cases where action is needed

If **self-regulation** (perhaps with more teeth) were to be preferred, then the newspaper industry in Scotland would need to be persuaded to establish such a body, or the PCC would need to be persuaded to restructure with a distinctive Scottish element.

In **Ireland**, the Press Council of Ireland and the Office of the Press Ombudsman have been set up to safeguard and promote professional and ethical standards in Irish newspapers and magazines. The Press Council is the new independent (and so non-statutory) regulatory body, and appoints the Press Ombudsman. The Office of the Press Ombudsman ensures that everybody in Ireland now has access to an independent press complaints mechanism that is quick, fair and free.

If a **statutory system** were adopted, we would need to develop, and consult on, proposals for legislation. There is negligible statutory regulation in place at the moment e.g. a requirement to print the printer's name and address. The newspaper industry would be likely to oppose such proposals, particularly if any proposed Scottish regulatory system were significantly tougher than the proposed system for

the rest of the UK (and especially since we are not aware of malpractice by newspapers with headquarters in Scotland which compares with that of the *News of the World*). The threat of a statutory system might encourage the newspaper industry in Scotland to strengthen self-regulation for Scotland.

Any decision to establish a statutory regulatory body would need to have regard to the Government's ongoing commitment to simplification of the public bodies landscape.

On 27 June 2011 Allmedia Scotland reported that the National Union of Journalists would call for the establishment of a **Scottish Newspaper Commission**, along the lines of the Scottish Broadcasting Commission. The NUJ's Scottish Organiser, Paul Holleran, was quoted as saying that *"A commission would look at the role the banks could perform to save newspapers from going under and maybe how the Government could perhaps act as a guarantor. It could look at the changing face of advertising, the impact of new technology, not to mention ownership and the salaries of chief executives."*

We are not aware of the NUJ having made a formal approach to the Scottish Government on this issue. Mr Ewing has agreed to meet Paul Holleran of the National Union of Journalists (19 July) in advance of a meeting with the Trinity Mirror Group (22 July). However the purpose of those meetings is to discuss the proposed editorial restructure at the Daily Record & Sunday Mail with the potential loss of 90 jobs.

We are also unaware of the views of the Scottish Newspaper Society on this issue. Although the NUJ's proposal is clearly based on the Scottish Broadcasting Commission, broadcasting is in some ways an "easier" topic for Governments to regulate and legislate on than print journalism, since the licensing of spectrum use provides a clear policy lever for regulation. However, if there is any desire to look separately at press regulation in Scotland (rather than, or as well as, co-operating with the UK Government's enquiry) then it is possible that a broader investigation into Scottish newspapers/media would receive a better response from the industry than an inquiry specifically into regulation.

Annex A

News Corporation's proposed bid to gain full control of BSkyBLatest developments

Jeremy Hunt's statement to the House of Commons on 11 July 2011 made it clear that News Corporation has just withdrawn its "undertakings in lieu" – the guarantees that it had been asked to provide relating to media plurality, which would have prevented Mr Hunt from following Ofcom's advice to refer the matter to the Competition Commission. **This has triggered (almost automatically) a decision by Jeremy Hunt to refer the BSkyB bid immediately to the Competition Commission.**

It is impossible to pre-judge the Competition Commission's eventual report. Clearly, the impact of the phone hacking revelations has had an immense impact on public attitudes towards, and media coverage of, News International and News Corporation. **However it is less obvious that they affect the specific test of media plurality on which the Competition Commission will be asked to advise.** Oddly, the closure of the News of the World actually (if only temporarily) *reduces* the apparent threat to news plurality which the bid presents.

On receipt of the Competition Commission's report, Mr Hunt must then;

- Decide whether to make an adverse public interest finding, or no finding at all (in which case the case will revert back to the Competition Commission for final decision).
- Consider whether remedies need to be applied if there is a final public interest; and
- Publish the Competition Commission's report.

Mr Hunt can receive advice from Ofcom between receiving the Competition Commission's report and taking a final decision.

"Fit and proper person" test

There has been significant press speculation relating to the "fit and proper person test" for people who hold a broadcasting licence. The Broadcasting Act 1990, as amended by subsequent acts, states that Ofcom "*shall not grant a licence to any person unless they are satisfied that he is a fit and proper person to hold it.*" It also says that Ofcom must "*do all that they can to secure that, if they cease to be so satisfied in the case of any person holding a licence, that person does not remain the holder of the licence.*"

The definition of "fit and proper" is vague. Ofcom's Glasgow office are unaware of any cases of the "fit and proper person" test being used to disqualify a licence holder during the time when Ofcom has been in existence (although they have not had time to confirm definitively that there have been none, and they did highlight an instance involving the Radio Authority in 1999, when Radio Limerick was barred from holding a licence).

The assumption in the past has been that the test is only likely to become significant when there is a proven past example of bankruptcy, insolvency or criminality relating to a board member. It is unclear how the test could apply in a case where there are clear concerns about a wider "corporate culture" which has prevailed in one part of an organisation, but where no *board members* of the broadcasting organisation have themselves been found guilty of criminality.

In a letter of 8 July to John Whittingdale, the Convener of the Culture, Media and Sport Committee, Ed Richards, the Chief Executive of Ofcom, stated that "*we are monitoring the situation closely and in particular the investigations by the relevant authorities into alleged unlawful activities in regard to any evidence or findings of any relevant conduct. In this regard, we are writing to the relevant authorities to highlight our duties in relation to 'Fit and Proper' and indicating that we would like to be kept abreast of the timescales of their investigations and of any further information which may assist us in the discharge of our own duties.*"

Background to the bid

- On 10 June 2010 News Corporation proposed to the Board of BSkyB that it offer to purchase the entire share capital of BSkyB that it did not already own for 675p in cash per share. Shortly afterwards, the proposed offer was increased to **700p per share**.
- **News Corporation currently owns 39.1% of BSkyB**. The revised proposal valued the remaining 60.9% of the company at approximately £7.8 billion.
- The Board of BSkyB announced on 15 June that "based on facts and circumstances today" it would be prepared to support any offer that delivered value in excess of 800p per share.
- BSkyB's share price on 9 June 2010 was 572p per share. Its current price (as of 3pm on Monday 11 July) is 704p a share. **This is a decline of 145p in the week since 4 July 2011**. Depending on market conditions, the BSkyB board has the option of deciding that "the facts and circumstances" of 15 June 2010 no longer apply, and that it should only support an offer of significantly more than 800p a share. This prospect was widely discussed for the prolonged period before 4 July 2011, when BSkyB shares traded at more than 800p a share.
- **The Scottish Government has not expressed any view about the proposed bid for BSkyB. Under current arrangements, decisions on such a bid must be taken at UK or EU level. At an "Any Questions" appearance in early 2011, Nicola Sturgeon, the Deputy First Minister, stressed the importance of being able to enforce any "undertakings" (or guarantees) provided by News Corporation in relation to media plurality, if the bid was to go ahead.**

Regulatory process - Overview

- Any bid for BSkyB from News Corporation would be subject to regulatory approval at both a UK level and European level. Due to the way in which the European Merger Regulation and the UK Enterprise Act 2002 interact with each other, approval at a UK level relates to **media plurality**, whereas approval at EU level relates to **competition**.

- The purpose and legal frameworks for competition assessments and media plurality assessments are theoretically different. The competition rules focus broadly on whether a transaction might result in higher prices for consumers or reduced innovation. A media plurality assessment reflects the role media plays in a democracy, and looks at wider concerns about the number, range and variety of persons with control of media enterprises will be sufficient.
- In practice, some issues are similar – for example if a large media company were to “bundle” television subscription packages with newspaper subscriptions, this could in theory adversely affect rival newspaper groups. This might in the short term reduce media plurality, but in the longer term (by reducing competition) it could also have an impact on prices or levels of innovation.

Regulatory process- European findings

- **The European (competition) stage of the approval process has already been completed. All current considerations relate solely to the UK (media plurality) part of the process.** On 21 December 2010 the European Commission Vice-President and Commissioner for Competition Joaquin Almunia announced that: *"I am confident that this merger will not weaken competition in the UK. The effects on media plurality are a matter for the UK authorities."*
- **It is worth noting in particular that the commission dismissed concerns about the “bundling” of subscriptions – a key early concern of campaigners against the proposed merger – saying that “a low subscription rate to newspapers of 6% of overall UK circulation and 25-33% for quality titles indicates that the subscription model currently does not appeal to the majority of readers.”**
- The European Commission has exclusive jurisdiction to assess the impact of the proposed bid on competition in European markets. However, Article 21 of the EU merger Regulation recognises that EU member states may take appropriate measures, including prohibiting proposed transactions, to protect legitimate interests, such as the plurality of the media.

Department for Culture, Media and Sport
Rt Hon Jeremy Hunt MP
Secretary of State

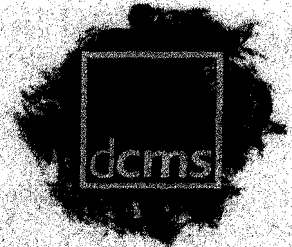
2-4 Cockspur Street
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Tel
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AS 108

CMS 180345/asg

Fiona Hyslop MSP
Cabinet Secretary for Culture and External Affairs
Scottish Government
St Andrew's House
Regent Road
Edinburgh
EH1 3DG



department for
culture, media
and sport

13 July 2011

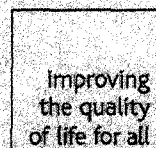
Dear Fiona

I am writing to you in advance of the statement which the Prime Minister will make to the Commons this afternoon with respect to the independent public inquiry which the Government intends to hold, firstly, to review the regulation of the press and, secondly, to examine the recent allegations of phone hacking and other illegal press practices. This inquiry will be led by a judge and will be established under the Inquiries Act 2005. The Inquiry will report jointly to both me and the Home Secretary.

The Prime Minister's statement will outline the draft terms of reference for the inquiry. He will make clear we are consulting the devolved administrations, so that they can have the opportunity to comment before they are finalised.

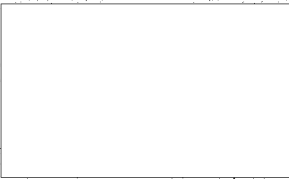
I am therefore writing to seek your views on the draft terms of reference. I appreciate that some of the issues that may be covered by the inquiry are devolved to the Scottish Parliament and that the inquiry might wish in due course to examine these issues on a UK-wide basis. As such, I am aware that under the terms of the Inquiries Act 2005 consultation should take place between our administrations as the terms of reference are finalised.

I would be grateful for your urgent views on the attached terms of reference by close Monday 18th July. I am aware that this is a very tight deadline, but I am sure you will appreciate the urgency of the matter.



Department for Culture, Media and Sport

I am writing in similar terms to the Northern Ireland Executive and the Welsh Government, and I am copying this letter to the Prime Minister, the Deputy Prime Minister, the Home Secretary, the Secretary of State for Scotland, the First Minister of Scotland and the Scottish Government's Cabinet Secretary for Justice.



Rt Hon Jeremy Hunt MP
Secretary of State for Culture, Olympics, Media and Sport



Rt Hon Alex Salmond MSP
First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0845 774 1741

Rt Hon Jeremy Hunt MP
Secretary of State
Department for Culture, Media and Sport

By email

17 July 2011

Dear Jeremy

In response to the call from your private office this evening seeking the Scottish Government's response to the draft terms of reference for the proposed Public Inquiry, let me say first of all that it is hardly reasonable to bring forward the timescale for our reply at such short notice, particularly given that you had acknowledged that seeking our urgent views by the close of Monday 18 July was already a very tight deadline.

We will send the burden of our response tomorrow, however in order to be helpful I am sending you this preliminary reply which sets out a substantive point we are seeking in terms of strengthening the terms of reference.

We believe that that there should be an explicit inclusion in the terms of reference to investigating the Information Commissioner's Operation Motorman report of December 2006, and an investigation and understanding of why the findings of Operation Motorman were not carried through to their proper conclusion, despite evidence of potentially thousands of breaches of data protection law across a range of press titles.

We will send our full response to the draft terms of reference on Monday, as per your letter of 13 July.

Best wishes

ALEX SALMOND

AS110

Rt Hon Alex Salmond MSP
First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0845 774 1741



Rt Hon Jeremy Hunt MP
Secretary of State
2-4 Cockspur Street
London
SW1Y 5DH

6/27 July 2011

Dear Jeremy,

Further to the interim response I provided late last night, please now find below more detailed comments on the draft terms of reference for the public inquiry, as announced by the Prime Minister on July 13, 2011.

Firstly, can I say that I welcome the judge led public inquiry into the appalling hacking activity uncovered in the last few weeks, and that it will also look further into the ethics and conduct of the press.

I believe that the inquiry must explicitly cover all illegal and improper practices, not just phone hacking, and that this must be included in the final terms of reference.

We already know from the Information Commissioner's Operation Motorman report of December 2006 of more than 3,000 breaches of data protection laws across a range of newspaper titles, yet nothing was done despite recommendations for tough action.

I would expect any inquiry to establish why this inaction was the case under successive administrations at Westminster, and believe that there should be a specific reference to Operation Motorman in the terms of reference, including inquiring into the reasons why no action was taken.

You rightly point out that some issues to be covered may be devolved to the Scottish Parliament. I agree with your desire to set up an inquiry urgently, and intend to work constructively with you on its establishment. Obviously, however, the eventual implementation in Scotland of any recommendations which relate to devolved issues will ultimately be a matter for the Scottish Parliament.

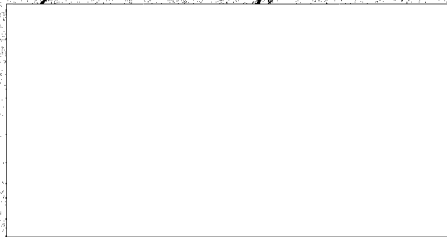
I believe that in considering a range of solutions for more effective regulation of the press, the inquiry should examine options for a Scottish-based system of regulation, given the distinct newspaper titles and press environment we have in Scotland.

In terms of other matters, you will be aware that Scottish Ministers have to be consulted by the Minister if/when he gives permission to the inquiry to recover evidence (including witness statements) and documents which relate to wholly Scottish matters. The obligation is in section 27 of the Inquiries Act 2005.

Finally, while I broadly agree with the terms of reference, with the exception of the points that I have raised above, I would like to make it clear that the Scottish Government believes it is important that any issues uncovered which present a matter for consideration under Scots law and the Scottish justice system should be handed over, as soon as possible, to the appropriate Scottish authorities for investigation. It is of crucial importance that the Inquiry is conducted in a manner which protects the integrity of police investigations and any potential prosecutions which may follow.

It is, of course, vital that the devolved administrations see the final report of the inquiry, and any interim reports, at the same time as the UK Government.

Alex Salmond



ALEX SALMOND

AS111

Department for Culture, Media and Sport
Rt Hon Jeremy Hunt MP
Secretary of State

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www.culture.gov.uk

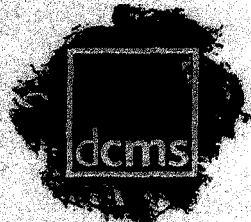
Tel
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[Redacted box]

CMS 181066/mk

Rt Hon Alex Salmond MSP
First Minister
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

*Kevin Pringle for
Reph
CC Lord Advocate*



department for
culture, media
and sport

20 July 2011

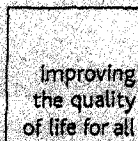
Dear Max,

Thank you for your letters of 17 and 18 July.

I am pleased that you have welcomed the inquiry and I look forward to continuing to work constructively with your administration. I am responding today to the specific points which you make with respect to the terms of reference, the final version of which the Prime Minister will announce to the House of Commons this morning.

You suggested that the terms of reference should include a specific reference to the Information Commissioner's Operation Motorman report of December 2006 (which, of course, related to England and Wales) and to why the findings were not fully implemented. I agree that the Information Commissioner's report is relevant, and it is clear that it is already within the scope of the inquiry: in particular point 1(d) of the draft terms of reference covers "the extent to which there was a failure to act on previous warnings about media misconduct". Following discussion with Lord Justice Leveson, we have concluded it would not be appropriate to single out specific documents in the terms of reference when it is imperative for the inquiry to consider all the relevant reports and other warning signs. Lord Justice Leveson has confirmed that the Operation Motorman report will be one of the issues that the inquiry will consider.

You suggested that the inquiry should cover all illegal and improper practices and not just phone hacking. I think it is already clear from the draft terms of reference - which refer to "culture, practice and ethics" and "unlawful or improper conduct" and make no reference to "phone hacking" - that this will be the case.



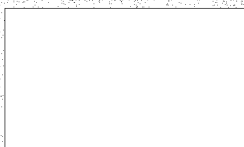
Department for Culture, Media and Sport

You proposed that the inquiry should examine options for a Scottish-based system of regulation. Paragraph 2(a) of the draft terms of reference requires recommendations in relation to "a new more effective policy and regulatory regime" and the inquiry will clearly need to consider the relevant devolution issues (not just in relation to Scotland).

Lord Justice Leveson has also confirmed that he would be happy to consider any issues you wish to raise direct with him.

I am copying this letter to the Prime Minister, Deputy Prime Minister, Secretary of State for Scotland and the Northern Ireland Executive and Welsh Government.

Yours,



Rt Hon Jeremy Hunt MP
Secretary of State for Culture, Olympics, Media and Sport

AS 112

14 NOV 2011

FM OFFICE



CMS 189990/DC

The Rt Hon Alex Salmond MSP
First Minister
St Andrew's House
Regent Road
Edinburgh
EH1 3DG

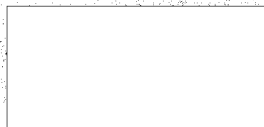
9 November 2011

Dear Alex

Thank you for your letters of 17 and 18 July on the establishment of the Leveson Inquiry. We are pleased that there was broad agreement across the United Kingdom to the establishment of the Inquiry and are grateful to you for the swift consideration which you gave to our proposals in July.

We are now writing to you in connection with a supplementary issue concerning the way in which the Inquiry would like to conduct its business. As you can see from the attached letters, the Inquiry seeks the power to require the production of evidence and documents or other things that are wholly or primarily devolved matters. We believe it is right it should have the powers it seeks to enable it to discharge its functions across the UK and so are minded to grant permission to the Inquiry. In accordance with section 27(4) of the Inquiries Act 2005, we are however required to consult your administration before reaching a final decision. Given the speed at which the Inquiry is having to work, an early reply would be greatly appreciated.

We are writing in similar terms to the Northern Ireland Executive and the Welsh Government, and copying this letter to the Prime Minister, Deputy Prime Minister, the Secretary of State for Scotland, and the Scottish Government's Cabinet Secretary for Culture and External Affairs and Cabinet Secretary for Justice.



Jeremy Hunt MP
Secretary of State for Culture,
Olympics, Media and Sport



Theresa May
Home Secretary
and Minister for Women
and Equality

Terms of reference for Judge-led Inquiry

Part 1

1. To inquire into the culture, practices, and ethics of the press, including:
 - a. contacts and the relationships between national newspapers and politicians, and the conduct of each;
 - b. contacts and the relationship between the press and the police, and the conduct of each;
 - c. the extent to which the current policy and regulatory framework has failed including in relation to data protection; and
 - d. the extent to which there was a failure to act on previous warnings about media misconduct.
2. To make recommendations:
 - a. for a new more effective policy and regulatory regime which supports the integrity and freedom of the press, the plurality of the media, and its independence, including from Government, while encouraging the highest ethical and professional standards;
 - b. for how future concerns about press behaviour, media policy, regulation and cross-media ownership should be dealt with by all the relevant authorities, including Parliament, Government, the prosecuting authorities and the police;
 - c. the future conduct of relations between politicians and the press; and
 - d. the future conduct of relations between the police and the press.

Part 2

3. To inquire into the extent of unlawful or improper conduct within News International, other newspaper organisations and, as appropriate, other organisations within the media, and by those responsible for holding personal data.
4. To inquire into the way in which any relevant police force investigated allegations or evidence of unlawful conduct by persons within or connected with News International, the review by the Metropolitan Police of their initial investigation, and the conduct of the prosecuting authorities.
5. To inquire into the extent to which the police received corrupt payments or other inducements, or were otherwise complicit in such misconduct or in suppressing its proper investigation, and how this was allowed to happen.
6. To inquire into the extent of corporate governance and management failures at News International and other newspaper organisations, and the role, if any, of politicians, public servants and others in relation to any failure to investigate wrongdoing at News International
7. In the light of these inquiries, to consider the implications for the relationships between newspaper organisations and the police, prosecuting authorities, and relevant regulatory bodies – and to recommend what actions, if any, should be taken.



culture, practices and
ethics of the press

Royal Courts of Justice
Strand, London
WC2A 2LL

Tel: 020 7123 4123
www.levesoninquiry.org.uk

To: Secretary of State Culture, Media and Sport
Home Secretary

25 October 2011

Dear *Secretary of State,*

EXERCISE OF POWERS IN RELATION TO DEVOLVED MATTERS

I know that, before the Inquiry was formally constituted, you consulted with the Devolved Administrations about our terms of reference (which I attach). I am aware too of the support they unanimously expressed at the time for the setting up of the Inquiry.

I am writing to you now because the Inquiries Act 2005, under which the Inquiry is constituted, requires me formally to seek your permission in order to exercise the powers the Act gives me to seek relevant evidence where it touches on devolved matters. The Act also requires you, in turn, to consult the Devolved Administrations about this.

I am accordingly seeking your permission, as s.27(3) of the Act provides, to exercise the powers conferred by s.21 of the Act:

- in respect of evidence, documents or other things that are wholly or primarily concerned with a devolved matter; and
- so as require any evidence, document or other thing to be given, produced or provided by or on behalf of the Scottish Ministers, the Welsh Ministers or a Northern Ireland Minister.

I draw to your attention in this context the requirement under s.27(4) of the Act for you to consult with the Devolved Administrations as part of your consideration of this request.

I should be very grateful to hear from you as soon as possible. The Inquiry is in the process of gathering evidence for our first Module – the press and the public – and expects to begin hearing oral evidence on this in mid-November. I am particularly keen to ensure as part of this exercise that the Inquiry has the benefit of the perspectives of the press and the public from across the UK. Our constraint to report on Part I of the Inquiry within a year make it desirable for us to proceed formally by way of our powers so that we can manage our timetables more actively.

*With thanks regards,
Yours sincerely,*

A rectangular box redacting the signature of the sender.

AS113

Cabinet Secretary for Culture and External Affairs
Fiona Hyslop MSP



T: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

Rt Hon Jeremy Hunt MP
Secretary of State
for Culture, Olympics, Media & Sport
Equality
Department for Culture, Media & Sport
2-4 Cockspur Street
London
SW1Y 5DH

Rt Hon Theresa May MP
Home Secretary and
Minister for Women &
Equality
Home Office
2 Marsham Street
London
SW1P 4DF

Your ref: CMS 189990/DC
16 November 2011

Dear Secretaries of State

Thank you for your joint letter of 9 November 2011 to the First Minister, the Rt Hon Alex Salmond MSP, copied to the Cabinet Secretary for Justice, Kenny MacAskill MSP and myself, among others, in which you sought our agreement, under section 27 of the Inquiries Act 2005, that Lord Justice Leveson should be accorded powers under section 21 of that Act that would extend to evidence, documents or other things that are wholly or primarily concerned with a devolved matter, and in relation to Scottish Ministers.

On behalf of Scottish Ministers I am pleased to agree to this. As you know, we welcome the Inquiry and look forward to working constructively with you and Lord Justice Leveson on it, and in due course to receiving the final report, and any interim reports, at the same time as the UK Government.

I am copying this letter to the Prime Minister, the Deputy Prime Minister, the Secretary of State for Scotland, the First Minister and Deputy First Minister of Northern Ireland and the First Minister of Wales.

Fiona Hyslop



FIONA HYSLOP

AS114

Rùnaire a' Chaibineit airson Cultair agus Cùisean an Taobh a-muigh
Cabinet Secretary for Culture and External Affairs
Fiona Hyslop MSP/BPA



T/F: 0845 774 1741
E: scottish.ministers@scotland.gsi.gov.uk

Lord Justice Leveson
The Royal Courts of Justice
Strand
LONDON
WC2A 2LL



30 March 2012

Dear Lord Leveson

I thought that you might be interested to know that the National Theatre of Scotland, in collaboration with the London Review of Books, is to put on a production 'Enquirer', drawing on interviews of leading figures in the press by three leading journalists – Paul Flynn, Ruth Wishart and Deborah Orr. The production will deal with the Leveson inquiry, as well as issues around declining print revenues and the rise of digital media. More information is at <http://www.nationaltheatrescotland.com/content/default.asp?page=home> Enquirer. It will be on from 26 April to 12 May 2012 at The Hub in Glasgow's media quarter at Pacific Quay, but there is also a London season to follow in October. That may be easier both geographically and given that over April and May you will, I am sure be very busy in beginning to prepare your Part 1 report.

On that note, given the Scottish Government's devolved responsibility for press regulation in Scotland, we would be very keen to be kept in touch with progress and timing, so that we are in position to respond timeously to the Part 1 report, once available.

Kind regards



FIONA HYSLOP

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www.scotland.gov.uk



AS115

Rùnaire a' Chaibineit airson Cultair agus Cùisean an Taobh a-muigh
Cabinet Secretary for Culture and External Affairs
Fiona Hyslop MSP/BPA



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Rt Hon Lord Hunt of Wirral, MBE
Chair
Press Complaints Commission
Halton House
20/23 Holborn
London
EC1N 2JD

DELIVERING
A GAMES LEGACY FOR SCOTLAND

10 March 2012

Dear Lord Hunt

I thought that you might be interested to know that the National Theatre of Scotland, in collaboration with the London Review of Books, is to put on a production 'Enquirer', drawing on interviews of leading figures in the press by three leading journalists – Paul Flynn, Ruth Wishart and Deborah Orr. The production will deal with the Leveson inquiry, as well as issues around declining print revenues and the rise of digital media. It will be on from 26 April to 12 May 2012 at The Hub in Glasgow's media quarter at Pacific Quay, with a London season to follow in October. More information is at:

<http://www.nationaltheatrescotland.com/content/default.asp?page=home> Enquirer.

I mention this partly because I am aware that you have requested a meeting with the First Minister of Scotland and it may be, depending on the timing of that meeting, that you would also be able to take in the Glasgow performance. I understand that the First Minister's Private Office is in touch with your office with a view to arranging a date and subject to diary commitments I would also hope to attend this meeting.

Certainly, given our devolved responsibility for press regulation in Scotland; we have been following with interest your progress so far in relation to moving to a new regulatory body to replace the Press Complaints Commission. We would certainly be interested to be kept in touch with this: I am sure that there is scope for discussion around the Scottish dimension.

Yours sincerely



FIONA HYSLOP

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AS 116

Statements condemning phone hacking

7th July 2011 – On announcement that News of the World newspaper to be scrapped 'a spokesperson for First Minister Alex Salmond' said:

"This is undoubtedly the right decision, as the *paper was irreparably tainted* by these *disgraceful and deplorable activities*." (Spad Issued Statement)

7th July 2011 – On a release by Labour about the News of the World phone hacking scandal and Scottish Government advertising, a spokesperson for First Minister Alex Salmond said:

"*The hacking activities at News of the World are utterly reprehensible*, and it is *important that a public inquiry takes place* to establish the full extent of the practice and where responsibility lies, as well as the ongoing police investigation.

"The position of the Scottish Government has already been made entirely clear – we had no plans for advertising in the News of the World, and that remains the case. We have, of course, already cut our central advertising budget by 50 per cent.

"One issue of wider concern is that a report detailing over *3,000 breaches of data protection across the newspaper industry* was published by the Information Commissioner in December 2006, yet *nothing was done by successive Westminster governments despite his recommendations for tough action*. That clearly now has to be revisited in light of these latest appalling revelations.

"Labour's remarks are hypocritical and entirely inappropriate. These breaches of data protection legislation happened on the watch of the previous Labour UK Government – they did nothing, nor have the Conservative/Lib Dem coalition, and that now has to change." (Spad Issued Statement)

8th July 2011 – On calls for an inquiry the First Minister said:

"A judge-led public inquiry into the *appalling hacking activity at News of the World*, and breaches of data protection laws across the newspaper industry, is clearly the right and proper course of action. (Scottish Government statement)

9th July 2011 – On systematic failure of Westminster under successive governments to regulate the press the First Minister said:

"The *hacking activities by News of the World were vile and reprehensible*, yet equally clearly were but the most *extreme manifestation of much wider practices across the newspaper industry*."

"The *Prime Minister is certainly particularly culpable for employing a person who was editor of the newspaper at the epicentre of the malpractice* - despite reportedly being advised against doing so - but *Operation Motorman was published on the watch of the Labour government of Tony Blair and Gordon Brown, with Ed Miliband in their Cabinet*, and they all allowed it to gather dust." (Spad Issued Statement)

12th July 2011 – On calls for Rebekah Brooks to resign the First Minister said:

"My view on Rebekah Brooks is that it would be *sensible for her to stand down* – at least over the period of the inquiries that are to come. That has always been my view." (Daily Mail, 12 July 2011)

12th July 2011 – On Gordon Brown's claims that his child's medical records had been hacked the First Minister said:

Statements condemning phone hacking

"I think if a child's medical records have been hacked into, it's a scandal, anywhere, anytime. ... if anybody has evidence that a member of medical staff was breaching patient confidentiality then they must come forward with that now so that Lothian & Borders- the Health Board can investigate that properly and immediately." (Interview with BBC Scotland)

12th July 2011 - On the SNP co-sponsoring a House of Commons motion calling for NewsCorp to drop BSKyB bid, Angus Robertson MP, whose name was on the motion, said:

"It is absolutely right that Westminster proceeds on a united basis, and I **hope that News Corporation will now recognise the widespread public concern** that exists right across party lines." (Party Release)

13th July 2011 - On NewsCorp dropping BSKyB bid, Pete Wishart MP, said:

"Given the strength of public feeling it is **right that News Corporation have withdrawn their bid** for ownership of BSKyB. There was no place for talk about mergers while the company is facing such serious questions." (Party Release)

17th July 2011 - On Jeremy Hunt announcing the draft terms of reference for the Public Inquiry into phone hacking and other illegal press practices the First Minister said:

"We **welcome the judge-led Public Inquiry** announced last week into the **appalling hacking activities** uncovered and other illegal press practices, and are calling for its terms of reference specifically to include inquiring into the Information Commissioner's Operation Motorman report of December 2006 - which documented breaches of data protection laws across a range of newspaper titles - and why no action was taken despite tough recommendations." (Spad Issued Statement)

20th July 2011 - On Leveson not specifically including the findings of the Information Commissioner's Operation Motorman in its terms of reference, John Swinney said:

"While we welcome the judge-led inquiry and hope that it gets to the bottom of some of the appalling revelations of recent weeks, it is deeply **disappointing that the Prime Minister has rejected the Scottish Government's call to specifically include in its terms of reference the findings of the Information Commissioner's Operation Motorman** report of December 2006." (Scottish Government statement)

4th August 2011 - On the Scottish Government publishing information on meetings with proprietors, editors and media executives for all Scottish Ministers since May 2007, and also the First Minister's correspondence with News International, the First Minister said:

"The SNP Government has released more information, for a longer time period, than either the UK Government or any other party, and it demonstrates that all of the Scottish Government's meetings with all the media are perfectly proper and reasonable.

"**Labour's hypocritical attacks have come totally unstuck.** As the correspondence shows, our engagement with News International executives has been focused on boosting jobs, investment and economic activity in Scotland - exactly the same approach as we take towards all employers - quite a contrast with the hypocrisy of Labour, the Tories and Lib Dems.

"**Ed Miliband, David Cameron and Nick Clegg have all met Rebekah Brooks more often in one year** - including at the oyster and champagne garden parties - than Alex Salmond has in four years. Ed Miliband had four meetings in one year with the News of the World editor - compared to Alex Salmond's one meeting with the Scottish editor in four...

Statements condemning phone hacking

... **"And Labour's claims have been simply untrue.** To take just some of their mistakes, the First Minister was reported at a press conference calling on Rebekah Brooks to stand down, gave numerous broadcast interviews supporting the Commons motion – of which the SNP was a co-sponsor – calling on News Corp's BSkyB bid to be withdrawn, and there have been nine statements issued on this whole matter by the First Minister and Scottish Government – ***considerably more than from Labour in Scotland, who have no statements on the issue on their website.***" (Spad issued statement)

7th August 2011 - SNP call for publication of all correspondence with News Corporation by current and former Prime Ministers and former First Ministers. SNP MP Stewart Hosie said:

"The SNP Government has published the most transparent list of meetings between ministers and the media and is the only Government to publish our correspondence with News Corporation. All of it shows that everything was perfectly proper and reasonable, and about promoting Scotland. (Party Release)

14th November 2011 - On opening of the Leveson inquiry SNP MP Pete Wishart said:

"The hacking activities by News of the World were reprehensible, but we cannot assume they were confined to just one newspaper or form of media. It is disappointing that the Prime Minister rejected the Scottish Government's call to include an investigation into the findings of the Information Commissioners 2006 report on Operation Motorman within its terms of reference.

"Lord Levenson's inquiry should not be limited, but extended to all aspects of the media, not just confined to phone hacking. (Party Release)

29th February 2012 - On meeting with Rupert Murdoch, and Chief Executive of News International, 'a spokesperson for the First Minister' said:

"During the meeting, the First Minister indicated strong support for the current Leveson inquiry and police investigations in to journalistic malpractice. Mr Murdoch gave strong assurances that News International are intent in consigning these matters to the past and emerging a better organisation for it." (Spad issued statement)

9th March 2012 - On Tom Watson's remarks about meeting with Murdoch, a spokesperson for the First Minister:

"The problem for Tom Watson and the Labour Party is that Gordon Brown said he was aware of and shocked at the activities of News International when he became Prime Minister in 2007, yet did nothing about it – just as the Operation Motorman report in 2006 detailing over 3,000 breaches of data protection across a range of titles was ignored by Westminster. As the First Minister said last July, the hacking activities at News of the World were vile and reprehensible. We support the police inquiries and we support the Leveson Inquiry to the hilt, and we talk to all employers in Scotland in our efforts to boost jobs and investment." (Spad issued statement)

AS117

THE SCOTTISH GOVERNMENT

ROSS TRUSLOVE

Our Reference: AB120276770

Your Reference: DE00008261

SCOTTISH REFERENDUM

Programme: REFERENDUM PHONE IN

Station: RADIO CLYDE 2

Date: 26/2/12

Time: 11:04

Duration: 60 MINUTES

COLIN MACKAY: Presenter

Good morning and welcome to a phone in special on the referendum, right across Scotland with me, Colin MacKay. Joining me this morning is First Minister, Alex Salmond; he's had talks with the Scottish Secretary; talks with the Prime Minister; even talks with Rupert Murdoch; but today he's in talks with you. To get through, all you have to do is call 08455 500 1152. But this is a bit different from most radio phone ins – this is your chance to respond directly to the Scottish Government's referendum consultation and, maybe, get a quick response from the First Minister. Whatever you have to say or whatever questions you have about plans for a referendum or for independence then this is your chance, so call now on 0845 500 1152. But First Minister, first of all good morning.

ALEX SALMOND: First Minister of Scotland

Good morning.

COLIN MACKAY:

Saturday 18th October 2014; is that going to be the referendum day?

ALEX SALMOND:

Well, I read it this morning. But it is a possible date of course because we'd say it would be in the autumn of 2014, and we also said we were considering a Saturday as opposed to a Thursday to increase turnout. But, you know, we're only a month into a three month consultation with... I think, the last check I made; we've got 2,700 responses already, so we're heading perhaps towards up to 10,000 responses to the consultation. And once all of these are in an analysed then we'll announce what the date will be. Not till after the consultation.

COLIN MACKAY:

But are you happy to go with a Saturday for the referendum?

ALEX SALMOND:

There are arguments for a Saturday and we've put these in the consultation paper. Basically there's some evidence that it increases turnout, and obviously something as important as a referendum on the future of Scotland, you want to hold it on a day when the maximum number of people are able to vote. I mean, the suggestion is that it

increases turnout by about four or five percent. So, on that basis Saturday has to be a strong runner but we'll wait to see what the consultation says.

COLIN MACKAY:

So you're not ruling it out but it's an option?

ALEX SALMOND:

It is certainly a possibility. Saturday is definitely a possibility because we've put it in the consultation document. Actually, if you examine the autumn of 2014 and you accept that we'll want to not do it during the Commonwealth Games, for example, and August – we don't want to do it in the Rider Cup in September – there's only a relatively few number of dates that would be suitable.

COLIN MACKAY:

Because that's in the middle of the Tatty holidays.

ALEX SALMOND:

Well, there are pros and cons of course in every date but the best thing to do is look at the time that will give the maximum number of people the maximum opportunity to vote. So it's a possibility but we'll decide after the full consultation.

COLIN MACKAY:

I've no doubt we'll come back to the timing, but first of all we're going to go to Evelyn who's on the line. Evelyn, what's your point for the First Minister this morning?

AS118

Rt Hon Alex Salmond MSP
First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0845 774 1741



Mark Thompson
Director-General
BBC
Broadcasting House
London W1A 1AA



Email: mark.thompson@

9 March 2012

Dear Mr Thompson

I am writing on behalf of Scotland's First Minister to lodge an official complaint about the sudden withdrawal of arranged interviews with the First Minister. This complaint concerns both the stated reasons behind the decision and the manner in which the matter was conducted. Scottish Ministers have serious concerns about what such treatment suggests in terms of the standards the BBC applies to them in contrast to other senior UK politicians.

This complaint is principally directed towards the judgement applied by the BBC's political adviser Ric Bailey in rescinding an invitation to interview the First Minister on BBC TV's network coverage of the Scotland versus England rugby international at Murrayfield on February 4, 2012. Mr Bailey's direction that all other interviews with the First Minister on this subject that day should be withdrawn also meant that a Radio 5 Live interview invitation was cancelled at short notice.

Please find attached a chronology of the contact between BBC TV Sport and the Scottish Government over the negotiation of the interview with the First Minister. The nature of these exchanges illustrates why we were surprised by Mr Bailey's late intervention and, indeed, by the misleading information included in the BBC statement of February 8 which referred to a Scottish Government approach to BBC Radio Scotland about an interview, when no such contact was made.

I also enclose copies of the e-mails exchanged between BBC TV Sport and the First Minister's official communications team. These have been placed in the Scottish Parliament for information.

As the chronology shows, a Scottish Government official, Andrew Baird, Head of Communications, 'phoned Mr Bailey shortly after his decision on the TV interview was notified to us by Carl Hicks, Editor, BBC TV Sport. Mr Bailey cited a number of factors behind his judgement i.e. that interviews with the First Minister should not be carried as part

of the BBC's coverage of the rugby match. He stated that if the match had been at Twickenham and the Prime Minister was interviewed then "the SNP would have complained". This raises wider questions about the even handedness of the BBC in relation to interviewing political figures attending major sporting events. It would be helpful to understand the guidelines being applied. For example, would an interview with the Prime Minister at any Olympics venue be rejected in line with the judgement made by Mr Bailey on Murrayfield coverage?

Mr Bailey also cited the imminence – as he saw it - of the local government elections in Scotland as a further reason behind his judgement. He said these were "six weeks ahead". This is not true. The elections take place on May 3, some two-and-a-half months after the rugby match. It would be helpful to understand which election guidelines the BBC were operating under in this instance as we are not aware of guidance material which underpins this judgement. Past practice has been founded on guidelines on party balance and sensitivity applying only some weeks ahead of the election. Could you confirm whether Mr Bailey made a mistake or has BBC practice changed?

Mr Bailey also said an assessment of the current political context, with as he put it Scotland/England high up the political agenda, informed his judgement. However, we are some considerable time away from the referendum on Scottish independence the First Minister intends to hold in 2014. Again, could you clarify whether the BBC is operating under new guidelines? Scottish Ministers would appreciate a full and formal explanation of Mr Bailey's thinking on the withdrawal of interviews with the First Minister. Crucially, do you agree with the reasons offered by him, and summarised above?

This episode has dented Ministerial confidence in the BBC's ability to operate in a reasonable, fair and courteous manner. Ministers understand the role Mr Bailey plays within the corporation as an adviser on political relationships. However his ability to over-rule editorial decisions makes it all the more necessary that these judgements be based on fair and transparent criteria.

I would appreciate your observations on each of the questions raised above along with your view of whether Mr Bailey acted in an appropriate manner.

Yours sincerely



MARY MCALLAN
Principal Private Secretary

cc Lord Patten, Chairman, the BBC Trust

Chronology:

- On the afternoon of Thursday February 2, the First Minister's official communications team emailed Carl Hicks, the Editor of BBC TV Sport, following up an earlier phone call in which they had highlighted the First Minister's availability to take part in the Six Nations programme on Saturday February 4. It was made clear by the communications team that the First Minister would talk purely about rugby and not seek to make any political points.
- Later on Thursday, Mr Hicks emailed back saying they thought it was an "excellent" idea and offered a live slot in which the First Ministers would take part in a 'Six Nations Challenge' along with John Inverdale, Andy Nicol and Jeremy Guscott.
- After checking with the First Minister's private office, the communications team emailed Mr Hicks early in the afternoon of Friday February 3 and accepted his offer.
- Mr Hicks phoned the communications team later on Friday afternoon to tell them that the First Minister's involvement in the programme had now been dropped following an intervention by Mr Bailey. They were told this was due to issues of political balance and Mr Bailey reiterated this view in a conversation with the Scottish Government's Head of Communications that same afternoon.
- Later that day, *after* BBC TV Sport had withdrawn their interview request, Radio Five Live, following up a telephone call they received from the communications team earlier in the week, requested a live interview with the First Minister before the match. Mr Bailey again intervened and the request was subsequently withdrawn.
- On Wednesday February 8, in an attempt to justify the withdrawal of the BBC TV Sport interview, a statement was issued by the BBC citing "the topicality of the current political debate over the future relationship of Scotland" and the forthcoming local government elections in Scotland on May 3.
- The statement also claimed my communications team approached BBC Radio Scotland. It is worth stating for the record that no such approach was made.

EMAILS IN RELATION TO PROPOSED FIRST MINISTER INTERVIEW BIDS ON SIX NATIONS BBC COVERAGE

FM'S OFFICIAL COMMUNICATIONS TEAM TO BBC TV SPORT

Sent: Thursday, February 2, 2012 16:41

Hi Carl [Hicks, Editor, BBC TV Sport],

As discussed, I thought I'd drop you a quick note about the First Minister's plans for Saturday.

For your planning purposes, he's going to be attending the Scotland v England game at Murrayfield and is happy to take part in suitable media opportunities in relation to the game. He watches (and listens to) BBC rugby coverage and would be really thrilled to take part in the "tailgating" programme you mentioned with the kind of guys you mentioned - especially Doddie Weir and Andy Nicol!

His schedule is pretty flexible and his official residence is very close by, so we can almost certainly work around any practical considerations of timing and/or location.

To reassure you, he is going to the game as a rugby fan and Scotland supporter and is not looking in the slightest to make any kind of political or constitutional points. If you need any more information on that aspect, please do give me a call and I can answer any questions you or your colleagues might have. He's quite used to taking part in light-hearted sports coverage and would not seek at all to try to turn these kinds of programmes into opportunities for political points.

Hope to hear from you soon.

Thanks,

BBC TV SPORT TO FM'S OFFICIAL COMMUNICATIONS TEAM

Sent: Thursday, February 2, 2012 18:28

Hi

That sounds excellent. I've been having a little think and I'd like to ask if the First Minister would take part in our '6 nations Challenge'.

Essentially he would be live in the Car park with John Inverdale, Andy Nicol & Jerry Guscott. We would speak to him about his thoughts on the match, Calcutta Cup & Scotland's chances etc - and we would conclude by asking him to predict the results of the three matches on this first 6N weekend (France v Italy, Scotland v England & Ireland v Wales)

For your info this is a feature we would then run every weekend with different famous faces - for instance BBC newsreader Huw Edwards in weekend 4 in Cardiff.

I think this would be a great way of us involving the first Minister in BBC's TV coverage.

We would be doing this live in the West Car Park and would be live at around 1.45pm.

Happy to discuss any of this. I'm currently checking this out with our Editorial Policy team, but don't anticipate any problems

Best wishes

Carl

Carl Hicks
Editor, BBC TV Sport

FM'S OFFICIAL COMMUNICATIONS TEAM TO BBC TV SPORT

Sent: Thursday, February 2, 2012 18:48

Thanks very much, Carl. Sounds good for me - let me double-check his diary and come back to you in the morning!

BBC TV SPORT TO FM'S OFFICIAL COMMUNICATIONS TEAM

Sent: Thursday, February 2, 2012 18:53

Thanks

I'll be on my way to Edinburgh (by train) so will be on my mobile.

Carl

FM'S OFFICIAL COMMUNICATIONS TEAM TO BBC TV SPORT

Sent: Friday, February 3, 2012 12:46

Hi Carl,

We're on for tomorrow! Tried to call you a few times but got a funny message about your voicemail having no space - could you call me, please?

Thanks,

FM'S OFFICIAL COMMUNICATIONS TEAM TO FM'S PRIVATE OFFICE

Sent: Friday, February 3, 2012 15:40

PS FM,

The BBC TV rugby editor has left me a voicemail saying they now have to drop the First Minister from their coverage tomorrow. They claim this is because of issues of "balance in the current climate".

Andrew Baird [Scottish Government Head of Communications] has pursued this directly with Ric Bailey at the BBC, who has reiterated that he agrees with the dropping of FM, as does the Controller of BBC Scotland.

The immediate priority now is advising FM. Mary [McAllan, FM's Private Secretary] - if you need more details before this is done, Andrew spoke to Ric and I'm sure would be happy to give you full details of their conversation if necessary.

Notwithstanding this development, we still have an arrangement for FM to sit down with print rugby correspondents, although clearly now the necessity of this happening at 1.15pm, as we've planned, could now be subject to change.

Thanks,

FM'S OFFICIAL COMMUNICATIONS TEAM TO FM'S PRIVATE OFFICE

Sent: Friday, February 3, 2012 16:30

FURTHER UPDATE:

BBC Radio Five Live have just called me to check whether they can have FM on live at 13:50 from the Murrayfield Hotel as part of their build-up to the game. I've told them I had a couple of details to check before we could go back, but I thought this would be useful for colleagues to know. Geoff [Scottish Government Special Adviser] is aware and has put calls in to the relevant people at BBC Scotland.

FM'S OFFICIAL COMMUNICATIONS TEAM TO FM'S PRIVATE OFFICE AND SPECIAL ADVISERS

Sent: Friday, February 3, 2012 17:47

Colleagues,

Five Live have also now pulled out, apparently after another intervention by Ric Bailey.

Andrew, spads and FM may wish to have discussions about the wider issue but meantime the confirmed media opportunities for FM tomorrow are the Herald, Scotsman and Record rugby correspondents at approx 1.15pm at Murrayfield. Now that we are no longer going to be at the BBC set in the West car park, I'll call the SRU to confirm another location.

I'm planning to be at Bute from around 10am tomorrow and obviously am reachable on blackberry before then if needed.

Thanks,

British Broadcasting Corporation White City, 201 Wood Lane, London W12 7TS
Telephone 020 8008 0000 Fax 020 8008 5511 Email mark.thompson@

AS119



From the Director-General
20 March 2012

Mary McAllan
Principal Private Secretary
Office of the First Minister of Scotland
St Andrew's House
Regent Road
Edinburgh EH13DG

Dear Ms McAllan

Thank you for your letter of 9 March, received in my office on 14 March.

As I understand your complaint, there are two separate elements:

1. The way in which the Chief Political Adviser "intervened" in the process
2. The advice he gave that the proposed appearances by the First Minister in the BBC's coverage of the Calcutta Cup would be inappropriate.

On receiving your letter, I asked the BBC's Director of Editorial Policy and Standards, David Jordan, to look at the events which have resulted in your complaint and to consider them in the light of relevant editorial guidelines and usual BBC practice. I have enclosed his report in full.

I will take your specific points and questions in order, in the light of that report:

There are "serious concerns" that the treatment of Scottish Ministers is in contrast to other senior UK politicians: David Jordan's report makes it clear that the approach taken was consistent with the BBC's normal processes.

The allegation that the BBC published "misleading information" in its statement of 8th February by suggesting that the Scottish Government had approached BBC Radio Scotland about an interview: there was an approach, but from the Scottish Rugby Union – whether or not it was sanctioned by the First Minister's office is unclear, according to the report.

"..wider questions about the even-handedness of the BBC in relation to interviewing political figures attending major sporting events": David Jordan's report sets out the various considerations not only in relation to sporting events, but other occasions on which politicians might appear on "non-political" programmes. The BBC has a consistent approach which includes taking account of the political context, the electoral calendar, the

nature of the programme, the opportunities for other parties, etc. It follows that each occasion is given careful and specific consideration and the judgment relating to the Calcutta Cup does not imply that politicians cannot be part of the coverage of major sporting events, in particular, the Olympics and the Commonwealth Games.

"...the imminence...of the local government elections in Scotland...": David Jordan's report clarifies the misunderstandings relating to impartiality in the run-up to elections. He makes it clear that "due impartiality" must be applied at all times – in relation to elections that is not necessarily confined only to the formal election period, but on occasions will take account of sensitivities over a longer period. There is no change in BBC practice – this approach is normal and is applied with consistency.

"...we are some considerable time away from the referendum...": The relevant political context was not the imminence of the referendum, but the current prominence of the constitutional issues in Scotland, including the relationship between Scotland and England. I can confirm that the BBC is not operating under new guidelines in this matter, but is applying with consistency our existing Editorial Guidelines.

"...do you agree with the reasons offered by (the CPA)?" (for the withdrawal of the interviews) and *"Did he act in "an appropriate manner?"*: As David Jordan makes clear, the CPA has a specific role, set out in the Editorial Guidelines, in the way such editorial decisions are made. I am confident that he acted appropriately and came to the right judgment.

Finally, the complaint, from the First Minister's Principal Private Secretary in the Scottish Government, mentions the BBC's Election Guidelines and party balance. It has been our practice in the past to discuss election arrangements, including guidelines and guidance, with political parties, as they are the organisations which contest elections. The Scottish Government may wish to consider whether it is appropriate for it to request clarification of the arrangements broadcasters make for the coverage of political parties in election campaigns.

In summary, having carefully examined the points you raise, and in the light of David Jordan's report, I have decided not to uphold your complaint. The BBC has an established complaints procedure for matters such as these (www.bbc.co.uk/complaints), and should you wish to further pursue your complaint, it would now be appropriate for you to refer the matter to the BBC Trust. The address is BBC Trust Unit, 180 Great Portland Street, London W1W 5QZ.

Yours sincerely


MARK THOMPSON

Calcutta Cup – complaint from Mary McAllan, Principal Private Secretary to the First Minister.

Report from David Jordan, Director, Editorial Policy and Standards.

Background

The complaint arises from events around the Six Nations rugby international at Murrayfield between Scotland and England (for the Calcutta Cup) on 4th February 2012 and the circumstances around possible appearances by the First Minister (FM) on BBC TV and radio coverage of the match. Discussions took place between BBC Sport and the FM's office, before advice from the BBC's Chief Adviser Politics led to the BBC deciding that such appearances would be inappropriate. The complaint, dated 9th March, is from the FM's Principal Private Secretary in the Scottish Government and focuses on two aspects: first, the way in which the Chief Adviser Politics "intervened" in the process and, second, the substance of his advice.

Summary of Key Events

The Editor of TV Sport, Carl Hicks (CH), who was responsible for the Six Nations coverage, received a phone call from Annalena Winslow in the First Minister's office on Thursday 2nd February who offered the FM for interview in the pre-match build-up.

Later the same day there was an email exchange between the two. During the evening, CH emailed Editorial Policy. On Friday morning (3rd February), the Chief Adviser Politics, having picked up the email, discussed the issue with the Director, Scotland, before informing CH and BBC Sport of their views on the issue.

During the course of Friday, it emerged that similar conversations had been taking place between the FM's office and Radio Five Live. Producers there were informed of the advice from the Chief Adviser Politics and Director, Scotland.

A conversation also took place between a representative of the Scottish Rugby Union – who were the FM's hosts for the day – and BBC Scotland, about the possibility of an appearance by the FM on Radio Scotland's coverage. Whether or not that approach was sanctioned by the FM's office remains unresolved, as is explained below.

A number of conversations took place on the Friday evening with Scottish government officials who were, seeking clarification of the decision from the Chief Adviser Politics and the Director, Scotland.

The FM did not appear on the BBC's coverage of the Calcutta Cup on Saturday 4th February.

On 14th March, the BBC received a letter of complaint, dated 9th March, from the First Minister's Principal Private Secretary, Mary McAllen.

Chronology and Initial Communication

There is no dispute as to the chronology or the content of the email exchanges appended to the complaint by the First Minister's office, with the sole exception of whether or not there was a third interview offer (in addition to TV Sport and Five Live) made to Radio Scotland.

There does, however, in the first instance, appear to be a misunderstanding about invitations, their acceptance and whether or not arrangements were either confirmed or withdrawn. A text message from the FM's Special Adviser, Geoff Aberdein, to the Chief Adviser Politics on the evening of Friday February 3rd confirmed that the initiative for possible appearances by the FM on BBC programmes came from the FM's office and not from any invitation initiated by the BBC:

"Our comms team quite rightly contacted the BBC to alert them to the fact FM was attending the game and to explore opportunities..."

So individual producers were considering and responding to offers from the FM's office, not issuing their own invitations as a result of any editorial judgment that such appearances might be appropriate.

BBC Editorial Guidelines

In these circumstances, there are a number of relevant BBC Editorial Guidelines:

10.4.4 We must take care when inviting politicians to contribute to non-political output whether on the basis of their expertise outside politics or of their celebrity. We must not give them such prominence as to gain undue advantage over their opponents...

10.4.5 Any proposal to invite a politician to be a guest on a programme or area of content where to do so is the exception rather than the rule must be referred to Chief Adviser Politics.

10.4.6 Except for brief news interviews, gathered on the day without pre-arrangement, any proposal to interview or profile any of the main party leaders in the UK must be referred in advance to Chief Adviser Politics. Similarly, offers of interviews from the parties* must be referred before they can be accepted.

4.4.24. Special considerations apply during the campaigns for elections and referendums and in some cases, the period running up to campaigns will involve greater sensitivity with regard to due impartiality in all output genres. Chief Adviser Politics will offer specific advice....

(*In the context of these events, the fact that the offers were coming from the Scottish government, rather than the party, does not change the clear intention of the Guideline).

Actions of BBC Sport and Involvement of the Chief Political Adviser

It is clear at no stage was an interview with the FM on either the TV Six Nations coverage or on Five Live finally confirmed. Such discussions as there were remained conditional and provisional and were not finalised.

When Carl Hicks was telephoned by Ms Winslow, in the FM's office, on the Thursday afternoon (2nd February), he made a number of things clear:

- That it would not be appropriate for there to be an appearance by the FM in the immediate build-up to the match.
- That he would think about whether an appearance earlier in the day might be appropriate.
- That he was not in a position to make such a decision himself and that he would need to refer it to senior colleagues.

It is implicit in Ms Winslow's first email (16.41, 2nd February) - "To reassure you..." - that CH had already raised the issue of political impartiality during the earlier phone conversation. So although it is evident from their email exchange that his own response to the offer from Ms Winslow was positive, CH again made the point on Thursday evening (email 18.28 2nd February) that he would be "checking this out with our Editorial Policy team" (that is, with the Chief Adviser Politics) before there could be any confirmation. It is unfortunate that an attempt by BBC Sport to ensure that in a short timescale practical arrangements would be possible meant that the FM's office gained the impression that the appearance would be confirmed.

It is evident, however, that the normal editorial process was followed; a process which takes place regularly across the BBC for interview arrangements involving politicians of all parties. The mandatory referrals to the Chief Adviser Politics (10.4.5 and 10.4.6) are there to ensure consistency across the BBC, especially with regard to programmes in genres which do not normally deal with political issues, with politicians, or with party leaders. It is not a question of the Chief Adviser Politics "over-ruling" editorial decisions: his role is central – and indeed mandatory in the Editorial Guidelines – in helping to make those decisions.

So CH quite properly referred the issue as required in the Guidelines. Early on Friday, the Chief Adviser Politics liaised with the Director, Scotland. They agreed that the proposed appearance was not appropriate. Their reasons are outlined below.

At around the same time, similar discussions were taking place between the FM's office and sports producers at Radio Five Live. Again, there was no confirmation of any appearance by the FM in connection with the rugby on Five Live. There were discussions, but these were subject – as per Editorial Guidelines – to the advice of the Chief Adviser Politics.

With regard to Radio Scotland, the BBC statement of 8th February notes that: "A similar suggestion that the First Minister might take part in BBC Radio Scotland's rugby coverage had already been declined." Ms McAllen's letter says this is "misleading" and that "no such contact was made." The BBC statement did not say the approach had come directly from the Scottish government. In fact, the suggestion had come, on Thursday afternoon, via the Press Officer of the Scottish Rugby Union. BBC Scotland understood the offer to have been made with the knowledge and permission of the First Minister's office. It remains unclear as to whether the bid via the SRU was actually sanctioned

by the First Minister's office. However, the Head of Sport for BBC Scotland decided it was not something he wished to pursue, and the suggestion was not followed up.

The Chief Adviser Politics' Assessment of the Appropriateness of the first Minister's appearance on BBC Rugby coverage

Having established that these judgments were correctly subject to the input of the Chief Adviser Politics, the substantive issue is whether his advice on this matter was appropriate, that is, that the FM should not appear on the BBC's Calcutta Cup coverage either on BBC One or BBC Radio Five Live.

Firstly, there is some misunderstanding about what is considered to be "political". The BBC often has political figures on "non-political" programmes, giving them an opportunity to speak about other issues – their own lives, interests, and activities – what Denis Healey described as their "hinterland". This is as it should be: it gives BBC audiences the chance to learn more about the people they elect away from the world of political controversies, policies and party difference. However, such opportunities are also valuable for politicians in presenting themselves to the public. For that reason, therefore, it is important that those opportunities are offered in a fair and impartial way. Programmes which only occasionally include politicians as guests, often not speaking directly about politics, must ensure that over a suitable timescale, opportunities are offered to a range of politicians from different parties and viewpoints. To give an example: the FM's appearance on Desert Island Discs last year was in the context of the appearance of a number of other senior politicians over several series of the programme. The programme's producers liaise with the Chief Adviser Politics to ensure such opportunities are distributed appropriately and impartially over time.

In giving his advice and ensuring due impartiality, the Chief Adviser Politics has to consider a number of factors, including: the political context, the prominence or role of the politician involved; the nature of the programme; the likelihood of similar opportunities – over a reasonable timescale – being available for politicians of other parties; and the political calendar (in particular, the proximity of elections).

Based on these considerations the Chief Adviser Politics came to the following conclusions:

Regarding the political context: It is clear that the constitutional future of Scotland is centre stage on the political landscape at the moment (and indeed was so at the time of the Calcutta Cup), including the relationship between Scotland and the rest of the United Kingdom and, in particular, the relationship between Scotland and England. It is "active" politics. Two public consultation processes regarding the referendum and Scotland's constitutional future, one organised by the UK government (from 11th January to 9th March) and the other by the Scottish government (from 25th January to 11th May) were taking place at the time.

In this context, big sporting fixtures between Scotland and England have a particular resonance. Thus, the timing of the proposed appearances was directly related to an issue which is politically active now. The key factor was not the timing of the referendum itself, but the current level of political debate. So if the FM's office had been proposing, for instance, an appearance before the

Scotland-France match, then the bearing of the political context would have been significantly different, although the final decision may have been the same.

This was - by definition - a "one-off". As explained above, usually those programmes which do not regularly include politicians will achieve due impartiality by including a range of such guests over a long timescale. That is much more difficult to achieve in a single programme or in a programme devoted to a single event. In the circumstances of the Six Nations coverage and the sort of guests the BBC's audiences would expect, it would have been quite inappropriate to begin looking for other opportunities for other party leaders or representatives to appear, for instance, at other games.

So what was being proposed was a single, prominent appearance at a very high profile game by just one of the party leaders in Scotland. In a different political context, that may have been appropriate - in these particular circumstances of the state of the constitutional debate in Scotland, it was not.

The other relevant factor was election timing - though this was of a secondary order, adding weight to the decision, rather than being the primary issue.

First, to clarify on timing, the reference to the game taking place "six weeks ahead" was to the election period - which begins on 28th March - not, as Ms McAllen's letter states, to the polling day.

Second, there is generally some misunderstanding about the particular obligations of "balance" and impartiality in the run-up to elections. The BBC, during the election period, is required by section 93 of the Representation of the People Act 1983 to adopt a code of practice with respect to the participation of candidates at a local government election in items about the constituencies or wards (this is covered by Section 4 of the recently approved Election Guidelines for the elections due on 3rd May 2012). However, the overarching Editorial Guidelines under which the BBC operates, as elections approach, relate to the BBC's own Charter and Agreement obligations of "due impartiality". This means that specific consideration - taking account of the context - must be given in ensuring impartiality is shown regarding political parties not just in the formal election period, but at all times - and even more so during election periods. The Election Guidelines for polling in May - when they were published in draft form in January - made it clear that as election campaigning often begins before the formal election period, content producers should, even before that period commences (ie in January), be sensitive to the need for particular care.

There is not, therefore, a sudden change in approach on 28th March. Although it will vary from election to election (usually depending on prominence), it is normal BBC practice for there to be increased sensitivity during the so-called "pre-election" period. In the run-up to a General Election, that sensitivity is likely to begin at least six months before a probable polling date; in a Mayoral election - where individuals may be canvassing support directly even a year before voting - their appearances may be carefully considered in that context for an even longer period. (To give a specific example from four or five years ago, an edition of "Who Do You Think You Are?", featuring Boris Johnson, was postponed from the BBC One schedules a full eight months before the Mayoral election in 2008 and not broadcast until after polling day). Ahead of local elections, such pre-election sensitivity is normally less pronounced and for a relatively shorter period - but it is routinely a factor in these sorts of decisions when formal election periods are approaching. This is an approach endorsed by the BBC Trust in its finding on Lord Sugar.

So a further consideration in deciding whether an appearance by a politician is appropriate on a particular programme will be the political calendar. Immediately after elections – usually the second half of the year – it is reasonable to have a more relaxed attitude towards such appearances, knowing that they are unlikely to have a lasting impact on voters. As elections approach, however – usually from the New Year onwards – we begin to factor in an increased level of sensitivity and the need to interpret due impartiality in the changing context of parties campaigning for votes. This does not mean that such appearances cannot take place – but it does mean particular consideration needs to be given, including the inevitably shorter timescale for giving other parties similar opportunities. The Chief Adviser Politics was not required to give consideration to other sporting events but it is for this reason that consideration of appearances by politicians of all parties ahead of the Olympics – or for that matter, the next Commonwealth Games – are likely to be in a very different political and electoral context. The approach taken at the Calcutta Cup was specific to those circumstances alone – albeit applying consistent criteria. Similarly, it should not be regarded as a simple precedent regarding all appearances by politicians between now and the referendum in 2014.

All these considerations are applied irrespective of party. Exactly the same factors would apply no matter who was involved. The hypothetical question is raised about what would have happened if the Calcutta Cup match had been at Twickenham and the Prime Minister had offered to appear. The issue was not whether the Scottish National Party would have complained, the issue was about consistency and even-handedness. The Chief Adviser Politics was clarifying that his advice would have been exactly the same had Downing Street suggested that the Prime Minister was available to appear ahead of a Calcutta Cup match at Twickenham in the current political context.

Conclusion

The two key complaints from the Scottish government are the manner in which the Chief Adviser Politics became involved in the decision and the substance of his advice that the First Minister's appearance in the rugby coverage would be inappropriate.

My view is that there can be no doubt the Chief Adviser Politics was properly fulfilling his specific role, as set out in the Editorial Guidelines, in the way the BBC makes such editorial decisions. Importantly, he ensured the Director, Scotland was properly and fully consulted at the first opportunity and throughout. I am confident that he acted correctly, that he came to the right judgment, that his reasoning, as set out above, was sound and that the BBC's decision was, consequently, duly impartial.

AS120

Rt Hon Alex Salmond MSP
First Minister of Scotland

St Andrew's House, Regent Road, Edinburgh EH1 3DG
T: 0845 774 1741



Mark Thompson
Director-General
BBC White City
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201 Wood Lane
London
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DELIVERING
A GAMES LEGACY FOR SCOTLAND

Email: mark.thompson@

19th April 2012

Dear Mr Thompson

Thank you for your letter of 20 March and the attached copy of a report by David Jordan, Director, Editorial Policy and Standards. I note your decision not to uphold the official complaint, lodged in my letter of 9 March.

While there are many details and points of interpretation in the report from David Jordan which we could dispute I welcome his acknowledgement that it was 'unfortunate that an attempt by BBC Sports to ensure that in a short timescale practical arrangements would be possible meant that the FM's office gained the impression that the appearance would be confirmed.'

One area where it is important for the Scottish Government to have further clarification, is the interpretation of the BBC's approach to handling and coverage of the Referendum. In his report David Jordan pays a lot of attention to political context and the extent to which this influences editorial judgements of the kind made around interviews with the First Minister at the time of the Calcutta Cup. He refers to the constitutional future of Scotland being 'centre stage on the political landscape at the moment' and as "active politics".

In considering how this kind of judgement might be made around the Olympics or Commonwealth Games he remarks that appearances by politicians at those times are 'likely to be in a very different political and electoral context'. He adds that the decision on the Calcutta Cup interviews 'should not be regarded as a simple precedent regarding all appearances by politicians between now and the referendum in 2014'.

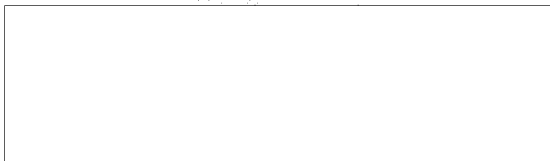
This suggests a high degree of case-by-case decisions made against a backdrop of perpetually re-calibrating the political context. This is not satisfactory for those outside the BBC seeking to understand the basis for editorial judgements. There is a strong case for the BBC to be more open about its thinking around what kind of pre-election approach will apply

from now until the formal referendum campaign period in the interests of clarity and consistency.

Given that the debate has started, with publication of the Scottish Government's consultation and the responses to the UK Government's consultation, and that both governments take different views on a matter which affects a shared electorate into which all BBC programmes are broadcast, it is all the more necessary for the BBC to set out clear and understood arrangements.

Could you confirm whether you intend to consult with the BBC Trust before deciding on your approach?

I would welcome your observations on the points raised above.



MARY McALLAN
Principal Private Secretary

cc. Lord Patten, Chairman, the BBC Trust

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Director-General's Office

30 April 2012

Mary McAllan
Principal Private Secretary
St Andrew's House
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Dear Ms McAllan

Thank you for your letter of 19 April.

May I first address your view that "one area where it is important for the Scottish Government to have further clarification is the interpretation of the BBC's approach to handling and coverage of the Referendum."

As you will be aware, following the meeting between the Chairman of the BBC Trust and the First Minister in February, Lord Patten said that it was "the BBC's usual practice before any election to take soundings from all parties before setting out the approach it intends on all details of election plans; and the same applies to referendums." He went on to say that those discussions would take place with the main political parties in Scotland and that the BBC Executive would also be writing to the political parties in relation to election guidelines, referendum guidelines and a number of other matters.

The meetings have now taken place and the letters, from the Chief Adviser, Politics, were sent to the parties earlier this month. I have enclosed a copy for your convenience. The BBC takes the view that in order to be clear about its editorial independence, this is a more appropriate channel for these discussions, rather than with either the Scottish Government or the UK Government.

With regard to the BBC's position in relation to the constitutional future of Scotland, I can assure you that our current Editorial Guidelines provide the proper framework in which we will ensure due impartiality is maintained. As the letter from the Chief Adviser Politics makes clear, at the appropriate time the BBC Executive will publish and consult on draft guidelines for the referendum. I have also written today to your colleague Alex Bell, making it clear that the views of the Scottish Government would be welcome and would be considered, along with others, before those guidelines are approved by the BBC Trust.



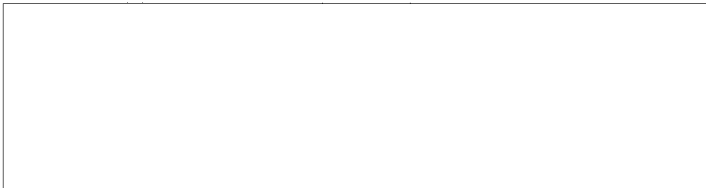
INVESTOR IN PEOPLE

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I note also your view regarding the "case-by-case" nature of decisions "made against a backdrop of perpetually re-calibrating the political context." I make no apology for that, because it is precisely the nature of due impartiality to take careful account of the particular circumstances when making editorial judgements.

Whilst I agree, therefore, that the BBC should be open in its thinking and that it will listen to the range of views on these issues, I would emphasise to you – as I have to Mr Bell – that there can be no question of the BBC negotiating its own editorial content with the Scottish Government, or any other political interest, including the UK Government. We will continue to deal with all the political parties in an impartial and even-handed way and will continue to adopt the same impartial and even-handed approach to the different sides in the debate over Scotland's constitutional future.

Best wishes



Mark Thompson

Letter to parties in Scotland (18th April 2012)

Dear

Thank you for seeing John Boothman and me at short notice last month – I hope you and your colleagues felt it was a useful meeting. As I mentioned, I am now writing to you and other political parties with the intention of clarifying a number of issues relating to the BBC's general editorial approach towards referenda and election periods. You will be aware this follows a meeting between the First Minister and the Chairman of the BBC Trust in February.

Editorial Guidelines and Election Guidelines

The BBC's Editorial Guidelines set out the standards expected of everyone making or presenting the BBC's output. The obligations of "due impartiality" are set out in Chapter 4 (Impartiality) and Chapter 10 (Politics, Public Policy and Polls). This obligation applies not just in the formal election period, but at all times, and means that in ensuring due impartiality is achieved, we must take account of the political context – for instance the approach of elections.

The BBC publishes Election Guidelines in advance of specific elections setting out a framework within which BBC content producers can deliver impartial and independent reporting of the campaign, giving fair coverage, rigorous scrutiny and due weight to the policies and campaigns of all parties. The Election Guidelines also include a "code of practice" as required by section 93 of the Representation of the People Act 1983 (as amended by the Political Parties, Elections and Referendum Act 2000). This code of practice governs the participation of candidates at a parliamentary or local government election in items about the constituencies or wards. It is sent to the Electoral Commission (under the PPERA 2000) as the BBC must have regard to any views it expresses on the code.

The Election Guidelines for the coming election, on 3rd May, may be found on the BBC's Editorial Policy website:

<http://www.bbc.co.uk/guidelines/editorialguidelines/>

The BBC's Editorial Guidelines (at 4.4.24 Elections and Referendums) make it clear that special considerations apply during the campaigns for elections and referendums, and, that in some cases, the period running up to campaigns will involve 'greater sensitivity' with regard to due impartiality in all output genres. This is because election campaigning often begins before the formal election period. There is a common misunderstanding that something called 'purdah' kicks in on the first day of the formal election period which dictates that an entirely different approach is taken to impartiality and "balance". This is not the case; there is no sudden change in approach, with an absence of rules one day and stringent rules applied the next.

Although it will vary from election to election (usually depending on prominence), it is normal BBC practice to ensure, during the so-called pre-election period, that greater sensitivity regarding the election is shown as soon as the politics of the campaign are 'active'. In a Mayoral election – where individuals may be selected as candidates and begin campaigning a year or so before voting - their appearances may, in some

circumstances, be carefully considered in that context over a long period. In the run-up to a General Election, a level of extra sensitivity may well begin more than six months before a probable polling date. There was a similar approach before last year's Scottish Parliamentary elections. Ahead of local elections, such pre-election sensitivity is normally less pronounced and for a relatively shorter period but it is routinely a factor in these sorts of judgements when a formal election period is approaching.

None of this means that candidates cannot appear on air, or that every single appearance of a party politician has to be mathematically 'balanced': but it does mean that extra care and consideration must be given to such judgements, to ensure that the BBC is acting with due impartiality.

With regard to consultation on Election Guidelines: I normally write to political parties around six months before polling day explaining the process both for Party Election Broadcasts and giving the timescale for the drafting of Election Guidelines. In the New Year (for a May poll), I write again on both these issues providing political parties with an opportunity to comment on the draft Guidelines, providing a link to the BBC's Editorial Policy website, where they are published. The Electoral Commission is also kept informed in order that it is able to perform its statutory role (see above), but also so it can redirect any other interested parties.

Following the relevant consultations, the Election Guidelines are considered for approval by the BBC Trust, usually at the beginning of March.

If individuals or political parties believe there has been a breach either of the BBC's Editorial Guidelines and/or the Election Guidelines there is a three stage Editorial Complaints Procedure. Further information about this Procedure, is available on the BBC Trust website:

http://www.bbc.co.uk/bbctrust/assets/files/pdf/regulatory_framework/protocols/2011/e3_editorial_complaints.pdf

In the circumstances of an election period, however, this three stage process can be accelerated to ensure that it is completed within an appropriate timeframe.

Referendum Guidelines

The BBC's Referendum Guidelines are intended to operate in a similar way to the Election Guidelines, that is, they offer a framework within which BBC content producers can deliver impartial and independent reporting of the referendum campaign, giving fair coverage and rigorous scrutiny of the policies and campaigns of all relevant parties and campaigning groups.

The legislation regarding referenda involves a somewhat different timeframe from elections, but, to give an example, this is how the Referendum Guidelines operated ahead of the AV vote in May 2011:

The formal Referendum Period, during which spending by campaigners was regulated by the Electoral Commission, began 10 weeks before polling day. (The exact date normally depends on the specific legislation that sets the rules for each referendum.)

There were two phases to the Referendum Period:

PHASE ONE: Pre-Campaign – beginning when the date of the Referendum was confirmed and ending when the Electoral Commission published its decision on “designation” (see NB below).

PHASE TWO: Referendum Campaign Period – which began when the Electoral Commission published its decision on “designation”, and ended when polls closed.

NB When the Referendum Period begins, campaigners can register with the Electoral Commission. They have to become “registered campaigners” (referred to as “permitted participants” in the legislation) if they intend to spend more than £10,000 on campaigning during the period. In the first four weeks of the period, campaigners can also apply to the Electoral Commission to be designated as the “lead campaign group” (referred to as “designated organisations” in the legislation) on one side or the other of the referendum question. The Electoral Commission must either designate lead campaign groups on both sides, or not designate lead campaign groups at all. It makes its decision within six weeks of the start of the Referendum Period.

The BBC introduced its Referendum Guidelines for the AV campaign at the beginning of the “pre-campaign” (PHASE ONE), although some parts, including specific guidance regarding designation, applied only for the duration of the Referendum Campaign Period (PHASE TWO).

Regarding the Referendum on the constitutional future of Scotland, there are a number of issues which will need to be clarified before the BBC is in a position to decide the scope or timeframe of Referendum Guidelines. However, on the present timescale, it is likely that the BBC Executive will recommend to the Trust that the draft Guidelines will be published up to one year before the vote. There will be a period of consultation, the results of which will be taken into account before the BBC Trust will be asked to approve the Guidelines up to six months before the referendum. This timescale would be in line with the recommendation of the Electoral Commission that confirmation of the referendum should be at least 28 weeks before polling day. It also takes account of the Electoral Commission’s view that there should be a minimum 16 week regulated referendum period. Until those Referendum Guidelines come into effect, I would emphasise that, as with elections, the BBC’s over-arching Editorial Guidelines continue to apply in ensuring that due impartiality is achieved with regard to coverage of all issues relating to the constitutional future of Scotland, including the referendum. Again, the Editorial Guidelines (4.4.24: Elections and Referendums), point out the ‘greater sensitivity’ which may be needed in “the period running up to campaigns”.

As with elections, normal BBC practice involves a judgement about whether the politics of a particular vote are ‘active’ in deciding the level of sensitivity required. It is clear that Scotland’s constitutional future is a matter now for prominent political debate and that is likely to continue until the referendum itself. Therefore, the BBC is already exercising the particular care required in these circumstances. Once again, I would emphasise that this does not preclude appearances by politicians or others on any particular output, nor does it imply any necessity for mathematical ‘balance’: it does mean that specific consideration will be given to the political context to ensure due impartiality.

The process for formal complaints regarding alleged breaches either of the Editorial Guidelines, in relation to the constitutional future of Scotland or, in due course, the Referendum Guidelines, are as outlined above. However, as I hope we made clear when

we met, John Boothman and I are always available for discussion of any such issues at an early stage.

Training

The Chairman of the BBC Trust has also asked the Executive to outline in this letter the staff training it plans to put into place now and over the next two years regarding the approach to coverage of the referendum. Last year, the Director-General set up a Referendum Steering Group chaired by the Director Scotland, Ken MacQuarrie, and including senior editorial figures from News and other genres in the Corporation. As well as overseeing our coverage of the referendum, this group has set in train a programme of seminars and briefings on an ongoing basis for Executives, Editors and staff across the UK, led by editorial staff from BBC Scotland. It is also working with the BBC College of Journalism in developing appropriate material for dissemination to staff, collating and commissioning research and analysis for our internal journalistic purposes. We also plan to invite protagonists in the debate to contribute to various events for staff in raising awareness of all the key issues.

I apologise for the length and detail of this letter, but I hope it will help you to appreciate that the BBC does go to considerable lengths in its approach to elections and referenda, in striving to achieve due impartiality. If anything is unclear, or you have further questions, please do get in touch.

Yours sincerely

Ric Bailey
Chief Adviser, Politics

Rt Hon Alex Salmond MSP
First Minister of Scotland

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Nicholas Ferguson
Chairman
BSkyB
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24 April 2012

Dear Nicholas

I am writing to congratulate you on your appointment as Chairman of BSkyB. I am sure that your past experience will be of great benefit as you take up your new responsibilities.

BSkyB has a significant presence in Scotland directly employing over 6400 people at its sites across the country, and almost 2000 more indirectly employed as a result of your outsourcing strategy. As First Minister I attach great importance to open and constructive dialogue with all major investors in Scotland. I would welcome the opportunity to discuss how the Scottish Government can continue to support your company's current and future activities.

If this is acceptable to you, I would be grateful if your office would contact my diary secretary [redacted] (telephone [redacted]).

Alex Salmond

ALEX SALMOND



14 May 2012

Rt Hon Alex Salmond MSP
First Minister of Scotland
St Andrew's House
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EH1 3DG

Dear Alex,

Many thanks indeed for your very courteous and generous letter of 24th April. You probably think I'm very rude taking so long to reply, but it actually went to an old BSkyB subsidiary address, so I only received it at the end of last week.

On behalf of BSkyB, I very much welcome your interest and offer of support to the company and I would indeed like to discuss this with you. If I may, I will bring Jeremy Darroch, the Chief Executive, with me and my assistant, Lee Clements, will be in touch with Craig Smith as you requested.

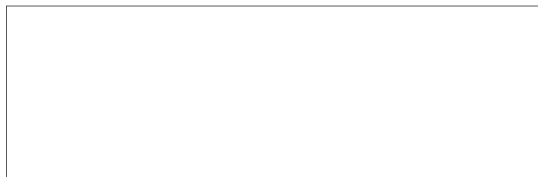
Many thanks for taking the initiative on this.

On a personal note, you may be interested that I was brought up in Tighnabruaich, Argyll and still spend about a quarter of my time in Kilfinan. Also, I understand that you know Martin Gilbert who recently joined the BSkyB Board.

I look forward to meeting with you.

With best wishes.

Yours sincerely,



Nicholas Ferguson
Chairman

cc: Jeremy Darroch, Chief Executive, BSkyB

