

11 November 2011

Khaleel Desai
Assistant Solicitor
The Leveson Inquiry
Royal Courts of Justice
Strand
London
WC2A 2LL

Dear Khaleel Desai

Thank you for your letter of 3 October, to which I respond as follows.

1. In my capacity as managing editor of the London Evening Standard I have been asked by the Leveson Inquiry to provide documents relating to a number of discrete matters and I am happy to do so. The documents in question are listed at the conclusion of this statement (and are set out in Exhibit DW1). I also describe and refer to them below, using the same lettering sequence employed in your letter.
2. I have been managing editor of the Evening Standard for the whole period of its ownership by Evening Standard Ltd (ESL). My response to the Inquiry's request is confined to that period (beginning on the date of purchase – 27 February 2009), except where I might indicate otherwise.

A description of the documents supplied in response to your request (see Exhibit DW1 enclosed)

(a) Any current training materials, guidance, practices, codes of practice, codes of conduct, handbooks or policies on, or bearing upon: sources; use of sources; use of private detectives; checking of sources; payments of sources; Regulation of Investigatory Powers Act 2000; Data Protection Act 1998; Computer Misuse Act 1990; editorial policy (limited to matters within the scope of the inquiry); oversight of editorial policy (limited to matters within the scope of the inquiry); editorial guidance (limited to matters within the scope of the inquiry); editorial decision making (limited to matters within the scope of the inquiry); compliance (limited to matters within the scope of the inquiry); risk register

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(limited to matters within the scope of the inquiry); internal inquiries into phone hacking and/or bribery and/or corruption.

3. The key document relevant to this request is ESL's internal Code of Conduct, of which I enclose the extracts that are relevant to the scope of the Leveson Inquiry. The Code was drawn up earlier this year, primarily in response to the passing of the Bribery Act 2010. All ESL editorial staff have been sent copies of the Code of Conduct and have been reminded that failure to adhere to the provisions of the Code may result in disciplinary proceedings. The Code is also available on the company's intranet site.
4. The Editorial Provisions of the Code of Conduct set out how we go about our business of gathering and reporting news. The Provisions are addressed and applicable to all ESL employees, workers and contributors. They explain the steps our journalists should take before publication, during the publication process and – in the event of any subsequent complaints – after publication.
5. In the context of the current inquiry it may be helpful if I draw your attention to the following key sections:
 - i. "Payments for information/sources: We do not pay individuals or agencies for information about third parties that breach their rights. That is the Company's rule, but there might be exceptional circumstances when it could be acceptable, that is where it would be in the public interest...Please note the relevant terms of the PCC Code in relation to payment to witnesses/criminals and that any payment to a police officer or public health official will breach the law."
 - ii. "Privacy and the Data Protection Act: In accordance with the PCC Code, the Human Rights Act and the Data Protection Act, we should avoid intrusions into people's privacy, that is reporting details about their personal lives, unless there is a clear public interest in doing so. For example, you should take care if thinking about reporting addresses or giving locations like street names or images of the street where a person lives, or reporting any potentially sensitive medical information...Please refer any queries to the relevant desk head and the legal department."
 - iii. "Use of improper or illegal journalistic methods: Phone-hacking, subterfuge, 'blagging', trespass: it is established Company policy that no one should break the criminal law in their work for the Company. Anyone engaging in any form of

deception for journalistic purposes...needs *approval in advance*...To be clear: it is no defence to the criminal offense under certain legislation (eg the Regulation of Investigatory Powers Act 2000, which covers phone-hacking) that any resulting story would be or was likely to be in the public interest.”

6. In addition to these provisions of the Code of Conduct, there are a number of specific Policies that are adjuncts to the Code of Conduct. They, like the Code of Conduct, are binding on all ESL employees. The only one which is relevant to the scope of the Leveson Inquiry is our Data Protection Policy, which provides detail as to the requirements of the Data Protection Act and explains how those requirements must be met in practice. A copy is enclosed.
7. As well as receiving copies of the Code of Conduct and the Policies noted above, all staff are directed to the Codes operated by the Press Complaints Commission (PCC) and the Advertising Standard Authority. The Editors' Code of Practice (Editors' Code) overseen by the PCC is of course the most relevant for the majority of ESL's employees and compliance with the Editors' Code is a requirement of our own Code of Conduct. For this reason, a copy of the Editors' Code (which, as you know, is amended from time to time by the Code of Practice Committee) is circulated to all editorial staff periodically. A direct link to the current edition of the Editors' Code is provided from our intranet site, as is a link to the Press Complaints Commission's website. I enclose a copy of the Editors' Code of Practice.
8. Other current documents from which I am happy to supply relevant extracts in response to this part of your request are:
 - i. ESL's standard editorial contract of employment
 - ii. ESL's standard terms for freelance contributors
 - iii. ESL's standard terms for retained contributors

(b) Any past training materials, guidance, practices, codes of practice, codes of conduct, handbooks or policies on, or bearing upon: sources; use of sources; use of private detectives; checking of sources; payments of sources; Regulation of Investigatory Powers Act 2000; Data Protection Act 1998; Computer Misuse Act 1990; editorial policy (limited to matters within the scope of the inquiry); oversight of editorial policy (limited to matters within the scope of the inquiry); editorial guidance (limited to matters within the scope of the inquiry); editorial decision making(limited to matters within the scope of the inquiry); compliance (limited to matters within the scope of the inquiry); risk register

(limited to matters within the scope of the inquiry); internal inquiries into phone hacking and/or bribery and/or corruption.

9. Prior to the production of the current Code of Conduct, guidance for ESL employees was embodied in an Employee Handbook. It was inherited from Associated Newspapers Ltd (ANL) when ESL bought the title from that company and remained in use pending the production of a new Code of Conduct, which is now in force (as noted above). I enclose relevant extracts from the Handbook.
10. As noted above, copies of the Editors' Code (i.e. that Code overseen by the PCC) are sent to all staff periodically (usually when there is a change to the Code). I enclose sample copies of the letters I have written to staff since the purchase of the Evening Standard by ESL, which remind them of their responsibilities (and the newspaper's policies) in respect of the Editors' Code of Practice and/or the Data Protection Act.
11. I also enclose a copy of a letter sent by the editor of the Evening Standard, Geordie Grieg, to the Press Complaints Commission earlier this year, setting out the Evening Standard's policy in respect of its requirements that journalists abide by the law and the Editors' Code of Practice. This was in response to further enquiries made by the PCC about the practice of phone-hacking by journalists.

(c) Any disciplinary action taken by or on behalf of the company in the period 1 January 2005 to the date of this notice to enforce the company's ethical and/or professional standards in relation to journalist and/or editing and/or uses of sources of information.

12. Since the purchase date there has been one instance of disciplinary action taken against a member of staff by ESL. This related to a basic journalistic failure to put information to the subject of a story prior to publication. A document exists in relation to this matter but is not submitted since the focus of the disciplinary action was not one that falls within the scope of the Inquiry.

(d) Any documents recording or relating to fees or expenses paid to private investigators, police, public officials, mobile phone companies or others with access to the same (you may exclude official sources such as the Associated Press but must

state which official sources you are excluding) in the period from 1 January 2005 up to the date of this notice.

13. Never to my knowledge have fees or expenses been paid by ESL to private investigators, police, public officials, mobile phone companies (apart for normal usage) or others with access to the same (except for payments to stories from freelancers who, to the best of my knowledge, have not made payments for information to sources such as private investigators and the police etc).

(e) Any documents recording or relating to the payment of bonuses or other performance incentives to editors, sub-editors or journalists and/or the qualifying requirement/s for such payments.

14. ESL does not pay performance related bonuses or other performance incentives to its editorial staff except in the rare instances of there being an obligation arising from the employment contract of a senior editorial executive. Such payments have either been guaranteed by the employment contract or have been entirely discretionary in nature and were not expressly related in size, timing or frequency to a specific performance goal or detailed indicators such as circulation, prizes or numbers of exclusive scoops for instance.

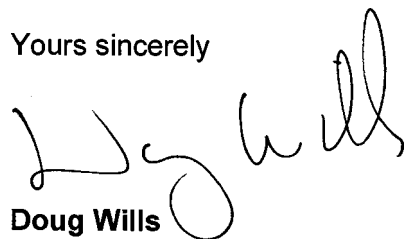
(f) Any minutes of board meetings at which matters within the scope of this inquiry were discussed in the period from 1 January 2005 up to the date of this notice.

15. To the best of my knowledge there have not been any ESL board meeting discussions about such matters and I am not aware of any minutes recording otherwise.

I trust that the Inquiry will find the documents I have enclosed, and which I describe above, useful to its deliberations. If Lord Justice Leveson would like any further information about any of the matters referred to in my letter or any of the supplied documentation please do not hesitate to contact me.

Please note that nothing in what I have said in this response amounts to, or should be taken to amount to, a waiver of legal privilege in any legal advice given to ESL, ANL or me.

Yours sincerely



Doug Wills
Managing Editor