

**IN THE MATTER OF THE LEVESON INQUIRY
PURSUANT TO THE INQUIRIES ACT 2005**

**WITNESS STATEMENT OF
JILLIAN ANNE BRADY**

I, **JILLIAN ANNE BRADY**, of The Office, Crawley Business Quarter, Manor Royal, Crawley, West Sussex RH10 9NU, **WILL SAY** as follows:

1. I make this statement in response to a Notice issued under section 21(2) of the Inquiries Act 2005 (the “**Notice**”) from the Leveson Inquiry (the “**Inquiry**”) dated 11 April 2012.
2. I attach to this statement a paginated exhibit marked “**JAB1**” containing true copies of documents to which I refer below. References to page numbers in this statement are to pages in the exhibit.
3. The Notice sets out certain issues which Virgin Atlantic Airways Limited (“**Virgin Atlantic**”) is required to address in this statement and I answer each point in turn following the order in the Notice (the paragraphs in bold are the issues as set out in the Notice). Virgin Atlantic is a very large company and a number of employees have been involved in addressing the issues referred to in the Notice. As Virgin Atlantic’s General Counsel and Director of HR and External Affairs I am the most appropriate person to provide this statement on behalf of the company, although some of the information it contains is not within my personal knowledge but has been provided to me by the respective personnel who have handled the matter.

(1) Who you are and a brief summary of your career history

4. Virgin Atlantic is a well-known British airline which provides flights from the UK to various destinations across the world.

5. I am General Counsel and Director of HR and External Affairs at Virgin Atlantic. In addition to heading up the human resources function, I sit on the management board and I oversee the government affairs, legal and sustainability departments.
 6. I am a qualified solicitor and worked for London law firm Lovell White Durrant prior to joining Virgin Atlantic in 1994, first as a Legal Adviser and then as General Manager of the Legal Department.
 7. Between 2000 and 2003 I was Head of Legal and Business Affairs at lastminute.com and then General Counsel for Opodo Limited. I then re-joined Virgin Atlantic in 2003 as General Manager of the Legal Department. In 2007 I was appointed as General Counsel for the airline and in 2009 my portfolio was expanded to include the position of Director of HR and External Affairs.
- (2) The Inquiry is aware of allegations published in The Guardian newspaper on 5 April 2012 to the effect that a Virgin Atlantic employee had leaked confidential information about a number of celebrities to the agency Big Pictures in 2010.**
- a. Please give a full account of what happened and how it came about**
8. One minor point arises from the Inquiry's Question 2(a) of the Notice: the allegations were published in the hard copy edition of The Guardian dated 6 April 2012, although this appeared in the online version of the newspaper late on the previous day.
 9. On 4 April 2012, Virgin Atlantic's Press Office was contacted by a journalist from The Guardian newspaper who said that they had a story about the flight details of some of Virgin Atlantic's high-profile passengers being provided by one of its employees to a well-known paparazzi agency, Big Pictures.
 10. The Guardian journalist provided to Virgin Atlantic a copy of an email dated on or around 29 June 2010 apparently between [redacted] of Big Pictures and a person operating a Yahoo email account [redacted] in which it appeared that the Virgin Atlantic flight details of eight celebrities were listed.

The journalist alleged that the author of the email was a Virgin Atlantic employee who they had identified as [redacted] They provided a copy of this email to Virgin Atlantic in the form of a forwarded email chain from which some of the header information was missing which is exhibited at pages 1 - 3 of Exhibit JAB1. In the email, [redacted] states that she is "*Just trying to sort you out some money with accounts...*". This was the first time that Virgin Atlantic was aware of any potential unauthorised disclosure of passenger flight information. It was immediately recognised that this was a very serious matter and by lunchtime on the same day, the business had commenced an internal investigation. Later the same day, the Press Office was also contacted by the Press Gazette which had the same story.

11. Shortly before the call to the Virgin Atlantic Press Office, a journalist from The Guardian also telephoned [redacted] then a Virgin Atlantic employee in the Contact Centre Upper Class Support Team, directly to make the same allegation. [redacted] made her manager aware of the call and this was also referred to the Press Office team.
12. In view of what was being alleged, the obvious sensible starting point for that investigation was to ask [redacted] about the allegation and the contents of the email. On that day [redacted] who had worked for Virgin Atlantic since 1988, denied to her manager that she was the author of the email and also that she had ever disclosed the flight details or other information of Virgin Atlantic's celebrity passengers. She said that, as a result of other events in her home life, she believed that she had been the victim of identity theft and that she had reported this to the police and had a crime reference number. At that stage, it had not yet been possible to establish whether any of the information contained in the email comprised genuine passenger data of individuals' flights with Virgin Atlantic.
13. However, on 5 April 2012 our investigation showed that the information contained in the email corresponded to the flight details of the eight individuals named. It therefore appeared likely that there had been an unauthorised disclosure of confidential passenger data, and accordingly, prior to publication of the story on The Guardian website, Virgin Atlantic self-reported the matter to the Information Commissioner's Office ("ICO"). Attempts were made to contact

the eight passengers apparently affected. Virgin Atlantic has also subsequently reported the matter to the police.

14. On the same day, [] manager received an email from her in which she tendered her resignation. She did not refer to the allegations that had been made against her, but gave as her reason for leaving personal issues including that she was suffering from stress and health problems. In view of her denial of involvement with Big Pictures given the previous day and the personal matters cited in her resignation email, we did not feel at that stage able to conclude with sufficient certainty that she was the source of the unauthorised disclosure and therefore the investigation continued.
15. On the evening of the same day (5 April 2012), The Guardian published an article on its website based on the allegation. On 6 April 2012 a further article was published by The Guardian on the front page of its print edition. There was subsequently widespread media coverage. A copy of The Guardian article of 6 April 2012 is exhibited at pages 4 - 5 of Exhibit JAB1.
16. Following publication of the story, the Press Office was contacted by the journalist from the Press Gazette who alleged that more celebrity passengers were affected than the eight that had previously been suggested. The journalist supplied a document which seemed to be extracts from further emails sent to [] at Big Pictures, the first of which he said related to flights from March 2011. These extracts disclosed the travel plans of a further sixty-three celebrities. A copy of the email referred to is exhibited at pages 6 - 10 of Exhibit JAB1. These allegations were widely publicised on 7 April 2012.
17. Faced with [] denial of wrongdoing, Virgin Atlantic continued its investigation to establish what had taken place. This included interviewing all staff in the Upper Class Support Team (save for two who were on holiday and one who is on sick leave). No employee was aware of any unauthorised disclosure of passenger details to the media, nor admitted any involvement in such disclosure.
18. We requested that [] meet with the investigating team and that

meeting took place on 16 April 2012. [] was invited to bring a legal representative with her to the meeting but she declined the offer. In that meeting, [] confirmed that she was, contrary to her previous denial, responsible for the unauthorised disclosures that had been alleged. She said that she first made contact with Big Pictures sometime during 2010 and then, over a period of time, provided information about flights being taken by some Virgin Atlantic's customers to Big Pictures in return for payment. As a member of the Upper Class Support Team she needed to have, and indeed did have, access to information about when and where some of the airline's high profile customers were flying. According to [] from time to time she would write down some of that information on a piece of paper and take it home with her. She would then re-type it into a new email on her web-based Yahoo! email account, which she would then send to Big Pictures.

19. She said that she has since deleted all of her emails to Big Pictures and deactivated the Yahoo! email account. She could not remember the precise number of occasions on which she had provided information to Big Pictures or the number or identity of the passengers concerned. On being shown the copies of the emails supplied to Virgin Atlantic, she acknowledged that she had written them and that she thought this looked like it may be the totality of information she supplied. I am not in a position to give evidence as to what took place between Virgin Atlantic's former employee and Big Pictures or how this came about.

20. One further issue arose regarding the allegations of unauthorised disclosure when on 9 April 2012 the Press Office was told that the former Metropolitan Police Service ("MPS") officer John Yates had alleged that he believed that details of his flights with Virgin Atlantic may have been leaked to the media and that as a result an article had been published by the Mail on Sunday. I can confirm that Mr Yates' name is not amongst those contained in the emails from [] that we have seen and we have no other reason to believe that his information was disclosed by our former employee. I understand from media reports that the publisher of the Mail on Sunday has said that no part of its story was based on information from Virgin Atlantic.

b. What steps were in place at the material time to prevent the unauthorised disclosure of confidential information and (insofar as Virgin Atlantic accepts that there have been unauthorised disclosures) how they were defeated on this occasion.

21. It may be helpful for the Inquiry if I provide background information regarding some of Virgin Atlantic's measures regarding confidentiality generally and its particular arrangements for its high profile customers before addressing the unauthorised disclosures in question.

22. All of Virgin Atlantic's employment contracts include obligations of confidentiality for employees which prohibit the disclosure of, amongst other things, confidential information about its customers. The breach of this obligation may constitute gross misconduct and result in dismissal. The employment contract is supported by written employment policies, including a Professional Standards Policy (which contains detailed guidance for employees on confidentiality and security of information), an Information Security Policy and a Data Protection Policy.

23. The Virgin Atlantic Contact Centre is a telephone call centre through which customers are able to book a flight or change an existing reservation. Within the Contact Centre, there is a dedicated team called the Upper Class Support Team which handles the needs of passengers who are travelling with fares booked in Virgin Atlantic's Upper Class. There are currently 17 members of the Upper Class Support Team, of which prior to her resignation, was a member. All employees working in the Contact Centre receive additional information and specific training on data protection law and its application to their role and the data they handle. This includes a requirement that all new Contact Centre staff are given thorough training on data protection during a 5-week training programme and must pass an evaluation which includes demonstrating data protection compliance. All Contact Centre staff are subject to ongoing random quality checking of their customer calls each month and a failure to demonstrate awareness of data protection standards results in the call being rated unacceptable, additional training being provided, and the employee will lose any bonus earned. Consistent failure of this element results

in disciplinary action.

24. In addition, Virgin Atlantic has created a key customer recognition scheme, the UNIQ Programme, which comprises the airline's top frequent fliers, VIP customers and high profile individuals. The purpose of the UNIQ Programme is to ensure, when providing air passenger transportation, that, as far as possible, any specific needs of high profile passengers are met. This includes the provision of special services and personalised preferences. On occasions this might also include assisting so as to reduce, to the extent reasonably possible, unwanted attention from members of the media and/or the general public. All staff across the various relevant teams who are involved in providing services to VIP passengers within the UNIQ Programme are given special training and they are not allowed to access VIP data or handle VIP clients until that training has been completed. One part of that training is to emphasise again the importance of customer confidentiality. Virgin Atlantic handles all customer information carefully and securely, but the business recognises that special issues arise in relation to well-known passengers. I refer to page 11 of Exhibit JAB1 which is a copy of an extract from the handbook provided to employees undergoing training in the UNIQ Programme and which outlines the company's requirements for those staff. Amongst other matters, it reminds employees that the passenger's confidentiality and privacy must be ensured and prohibits any gossip or rumour surrounding the UNIQ passengers, even within Virgin Atlantic.
25. Turning to the specific unauthorised disclosures in question, [] who had received the training in the UNIQ Programme referred to above, has told Virgin Atlantic that she obtained the passenger flight details from the booking system used by the business for making flight reservations and managing flight bookings. As part of the Upper Class Support Team, [] [] was an employee who needed access to this system in order to perform her duties.
26. We have conducted searches of [] Virgin Atlantic email account (both archived and current) from 2010 onwards using key word searches. This did not show any evidence of use of Virgin Atlantic's systems to communicate

with Big Pictures or any other media organisation. This is consistent with the account she herself has now provided, that she would write down the information contained in the booking system on paper and then re-type this in her Yahoo! email account at home. Virgin Atlantic has no control over or access to this email account.

27. Our investigation has shown that the unauthorised disclosures occurred as a result of an employee, who legitimately had access to the flight details of all passengers including high profile passengers as a necessary part of her job, using such information in a way which was expressly prohibited by Virgin Atlantic. It is plainly necessary for some Virgin Atlantic employees to have access to the flight details of celebrity passengers. As I have explained above, Virgin Atlantic has special training for employees in the Contact Centre and those providing services to its VIP customers. Unfortunately it is difficult, if not impossible, to devise systems and procedures which cannot be defeated if an employee is determined to act outside of their contract of employment and Virgin Atlantic's policies and procedures in return for payment by the media.

- c. Have there been any other instances of unauthorised disclosure of confidential information about celebrities being made by Virgin Atlantic employees to the media, or media-related persons? If so, please explain.**

28. In light of the allegations recently made, an internal investigation was commenced by Virgin Atlantic which is wider in scope than the allegations published by The Guardian (and other newspapers). Virgin Atlantic is a very large business with in the region of 9,000 employees. As the incident described above has shown, it is possible that such unauthorised disclosures could be made, outside of Virgin Atlantic's strict policies and procedures, without the same being known to the business or being discoverable by a review of our own systems. One other unsubstantiated allegation regarding unauthorised disclosures was made following publication of the initial story in the media and has been investigated as part of this work. However, as far as we are aware from the information presently known and all the investigations

we have undertaken, there have not been any other instances of unauthorised disclosure of confidential information about celebrities made by Virgin Atlantic employees to the media.

I believe the facts stated in this witness statement are true.

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Jillian Anne Brady

Date

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