

NI Group Limited  
S. Hamilton  
First Statement  
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**IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES  
AND ETHICS OF THE PRESS**

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**WITNESS STATEMENT OF**

**SEAN HAMILTON**

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**(1) State who you are and a brief summary of your career history to date.**

- 1** I am currently Features Editor for The Sun. I joined the Bizarre desk of The Sun in 2003 as a Showbiz Reporter and was made Deputy Bizarre Editor in 2005. In 2007 I moved across to the Sunday Mirror where I worked as Showbiz Editor until 2009. I returned to The Sun in 2009 and worked for a year on Bizarre as Deputy Showbiz Editor before joining the Features department in October 2010.
- 2** I trained to be a journalist at Goldsmiths College, University of London, where I did an MA in Radio (1996-1997) which included the NCTBJ Diploma. After graduation I worked as a freelance radio producer for two years on a variety of news and entertainment shows for BBC and commercial radio. I then took a staff job at entertainment news agency WENN, filing print and radio news. After that I worked at the Daily Record and the Daily Star before joining The Sun.
- 3** Bizarre is effectively the showbiz desk of The Sun. Bizarre staff provide content for the daily Bizarre gossip/music column but also file showbiz news stories and features (usually interviews). All their work goes through the Showbiz Editor who runs the department. During my two periods on Bizarre I reported to Victoria Newton 2003-2007 and then Gordon Smart 2009-2010. At The Sun the Showbiz Editor attends daily morning conference (held at around 11.30am each day) and presents stories to the Editor for consideration.
- 4** At the Sunday Mirror, despite the title Showbiz Editor, I did not run a department. I answered to the newsdesk and Head of News and worked on my own stories and any that the newsdesk asked me to. I worked alongside a TV Editor and Showbiz Columnist who also answered to the newsdesk. I attended conference but in a passive capacity - i.e. I heard what stories were being offered but did not present a list myself.

- (2) **How you understand the system of corporate governance to work in practice at the newspapers where you have been and are employed with particular emphasis on systems to ensure lawful, professional and ethical conduct.**

*The Sun*

- 5 At The Sun, all staff know they are expected to work within the PCC Code of Practice from the moment they join. The need to do so is written into my employment contract and I was given a copy of the Code in my 'welcome pack'. More recently I have been issued with a new copy of News Corporation's Standards of Business Conduct and the new Payment Policy. I have also attended recent briefings on payments and bribery law conducted by the Managing Editor and legal team.
- 6 I consider it to be every journalist's responsibility to comply with all policies. Desk Heads and more senior staff have a responsibility to ensure reporters and writers adhere to them. In turn, senior staff might raise issues with someone above them. It is very common to have conversations about legal and ethical matters. There is also a legal department available at any time to call to discuss issues and a duty lawyer who reads copy before publication.
- 7 On Bizarre I discussed PCC and legal issues as they came up with my colleagues Victoria Newton and Gordon Smart. The most common issues were privacy and libel. We also made judgements about the tone of the column - for example, being sensitive to discussing women's weight in picture captions.

*Sunday Mirror*

- 8 At the Sunday Mirror, I also received a copy of the PCC Code in my joining pack and it was written into my contract of employment. I discussed any issues with the newsdesk as they came up. The in-house lawyer was very hands-on and attended conference every day where he contributed thoughts on stories as they were discussed. He was also available by phone at any time. There was a lot of discussion of legal and privacy issues in the newsroom and amongst the newsdesk on stories as they came up and before publication.
- (3) **What your role was/is in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If you do not consider yourself to have been/be responsible for this, please tell us who you consider to hold that responsibility and why.**

*The Sun*

- 9 I would consider the Showbiz Editor responsible for making sure members of the Bizarre department adhere to the PCC Code and other policies. The Managing Editor and the Editor have overall responsibility above them.

- 10 In my current role as Features Editor I am responsible, alongside my immediate superior, the Head of Features, for ensuring members of the Features department comply with policy. I sign off payments at desk level, assign jobs and commission work. Within the department we discuss relevant ethical and legal issues as they come up – most commonly privacy, libel and contempt. It could be a conversation about whether to pursue an idea a writer has had or a discussion about copy changes before publication.
- 11 For example, we recently ran an interview with a woman who had been in the news last year for having an affair with a high profile footballer. In the article, she was looking back on her year and giving an insight into how she felt about the past and future. We were very careful to run nothing in the new interview which intruded into the footballer's privacy even though she was keen to make new claims. We felt she was free to comment about her feelings but not to make any fresh revelations which were not in the public interest and not to talk about the specifics of their affair.
- 12 A second example of us considering ethical and legal issues prior to publication comes from an interview we were offered by a press agent with an individual who had stabbed a burglar to death when four men broke into his home. We agreed terms and spoke to him once the police decided no charges would be brought for the stabbing, but we did not run the story until the verdict in the burglars' criminal trial had been delivered.
- 13 We also make regular judgments about columnists to decide if their comments are funny or in bad taste, and to ensure that they do not make any statements that could be construed as libellous.

*Sunday Mirror*

- 14 I would consider the newsdesk and the Head of News to have been responsible for me and the other showbiz journalists on the paper - and the Editor and Managing Editor above them.
- (4) **Whether the documents and policies referred to above are adhered to in practice to the best of your knowledge.**

15 In my experience at both The Sun and the Sunday Mirror there was and is a strong emphasis placed on working within the PCC Code and the law.

- (5) **Whether these practices or policies have changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were.**

*The Sun*

16 At News International there has been a recent overhaul of payment policy to introduce an additional level of authorisation. There has also been an obvious effort within the company

to promote high standards. News Corporation recently issued staff with copies of an updated Standards of Business Conduct document. Each employee had to sign for a copy and undertake to read it. All staff also had to attend briefings on bribery law and payments. I believe any changes in policy have been partly a result of the Bribery Act. But I presume the tighter controls are also to ensure that there can be no repeat of the wrongdoing at the News of the World. The new CEO has been very proactive in pursuing the highest standards of behaviour and making it clear that anything less will not be tolerated and will result in dismissal.

*Sunday Mirror*

17 I don't recall any changes to practices or policies while I was at the Sunday Mirror.

**(6) Where the responsibility for checking sources of information lies (including the method by which the information was obtained): from reporter to showbiz editor to editor, and how this is done in practice (with some representative examples to add clarity).**

*The Sun*

18 Showbiz Reporters working on the Bizarre desk at The Sun generate their own stories by speaking directly to celebrities, their agents and other sources. They will also go to events, premieres, parties, gigs etc. to report on them, speak to people, get quotes and find stories. Unlike other desk heads, the Showbiz Editor is also a reporter himself.

19 The reporters 'list' their stories every day (around three) to the Showbiz Editor who then prepares a concentrated list of the best stories (around six in total) to take into morning conference to present to the Editor. Other stories will break as the day goes on and will be discussed as they develop.

20 It is a reporter's own responsibility to ensure that their stories are accurately sourced. The Showbiz Editor also bears responsibility for knowing where stories offered by his/her team have come from and how they were obtained.

21 In most cases stories, information and content will have come from regular and trusted contributors. If the source is new then the Showbiz Editor will want to know who they are, how they know and whether they want paying - and why. If there is any doubt about the accuracy of a story it will need to be stood up separately.

22 If a reporter wishes to keep their source confidential that would be respected but the story would have to be corroborated or not used.

23 The Editor might seek assurances from the Showbiz Editor about sourcing, usually in morning conference, and could ask at any time. The bigger the story the more the Editor will want to know everything about it. However, in practice I would say it's rare for the

Editor to want to know the sourcing on every small story on Bizarre. Like most situations in journalism, it's a question of alarm bells ringing when necessary.

*Sunday Mirror*

- 24** At the Sunday Mirror I listed my stories, tips and information to the newsdesk who expected to know the sourcing. My relationship with the newsdesk there was similar to my relationship with the Showbiz Editor at The Sun.

*General practice*

- 25** I have generally put stories to the official agent or spokesman before publication on top of other sourcing. It is considered good practice and helps to maintain good relations with publicists. The best publicists appreciate knowing what stories are running on their clients the next day, no matter how small.
- 26** However, there are times when that relationship breaks down because agents do not always tell the truth. It may be that their client has not told them the truth so they are not in full possession of the facts. Sometimes the agent denies a true story because there is a financial deal in place to tell the story elsewhere. Sometimes there is a planned PR plot and the timing of your story does not fit in with that so they seek to deny your story to prevent publication.
- 27** It requires judgement to decide whether the other unofficial sources for the story are correct even if an agent is denying it. A decision needs to be made whether there is a justification for running a story which an agent has claimed to be untrue. Agents might attempt to negotiate a version of the story they prefer in return for co-operation.
- 28** Another problem which can arise is if a person you have a story on does not have a publicist who represents them day-to-day or has a publicist who refuses to comment on stories which they consider to be outside their remit (i.e. a personal story when it's a record company or film PR).
- 29** I provide some examples below.
- 30** In 2007, whilst at the Sunday Mirror, I was told by a contact that a celebrated band were reforming for an historic one-off show. It was something that had been wrongly rumoured for years. The contact had very specific detail about the nature of the concert and the reasons behind it. They told me in confidence how they had heard about the reunion and it was a very good source. However, when I put the story to the individual PRs for the band members – i.e. through official channels – they all denied that it was happening. I was able to get some guidance off-the-record from another record company source that the story was correct. I discussed the story with the newsdesk and we decided we had enough confidence in the story to run it. I told the newsdesk who my source was but not who they had heard it from. The newsdesk made a payment to my contact for the story.

31 In 2009, whilst at The Sun, I heard from a music industry contact that a high profile pop star had split up with their partner after major rows. They had been an item for many years and were a very well-known couple. The pop star's agent denied the story and insisted they were still together. It was difficult to corroborate elsewhere so we relied on guidance from the agent and did not publish the story. Two years later the celebrity publicly confirmed that the couple had not been an item for over two years and that was reported.

32 In May 2010, whilst at The Sun, I received a tip from a trusted contact that a high profile soap actress was quitting. I listed the story to the Showbiz Editor before putting in any other calls and revealed the source to him. It was someone we both knew well and trusted. We decided to put in calls both to the publicist for the soap and the actress's agent. They rang back confirming the story and agreed to keep the story exclusive - i.e. not to put out a statement. I was given an official quote by the actress, spoke to the agent to get direct quotes and was given a quote from the editor of the soap. We ran the story the next day as a page lead. The Editor wanted assurances that the story was stood up officially but did not question the original source.

(7) **To what extent a showbiz editor is aware, and should be aware, of the sources of information which make up the central stories featured in your newspaper each day (including the method by which the information was obtained).**

*The Sun*

33 I would expect the Showbiz Editor to know how stories generated within the Showbiz department had been sourced, but I would not expect him to know about stories other than those generated within their department. There could be other showbiz stories in the paper which come from reporters who work in other departments – for example, news or TV. It is the responsibility of the respective head of department to know about the sourcing of stories coming from their reporters. However, if it was a big showbiz story then I would expect the Showbiz Editor to be consulted about it.

34 The head of department might respect their reporter's wish to protect their sources and not necessarily share it with the Showbiz Editor. The department head would take responsibility for the accuracy and background to the story.

*Sunday Mirror*

35 As described above I was not responsible for other people's stories at the Sunday Mirror nor for all showbiz content. I attended daily news conference so I did hear about other stories - when the news editor, sports editor etc. were presenting their lists – but would rarely know the sources. I was sometimes asked by the newsdesk to put in calls on other showbiz stories to stand them up or to liaise with agents when it was someone with whom I had a good relationship. It would be the responsibility of the respective head of department to know about the sourcing.

**(8) The extent to which you consider that ethics can and should play a role in the print media, and what you consider "ethics" to mean in this context.**

36 It seems to me a necessary and fair condition of the free press that the press behaves ethically in return for that freedom. I take 'ethics' to be about the consideration individual journalists and companies must give to moral and practical issues arising from print journalism. It can be about considering issues of privacy versus public interest. It is about considering how news is gathered, what constitutes news and observing high standards of conduct and integrity. In practice it is about understanding how to get good stories people want to read without stepping outside boundaries we all agree on. It is about treating confidential information with sensitivity and having the integrity to keep information private which is not suitable for publication. It is about knowing the law - criminal and civil - and acting within it. It is ultimately about applying sound judgement in your actions. In practice, I find that the PCC Code of Conduct raises and covers the common ethical areas well.

**(9) The extent to which you, as a showbiz editor, felt any financial and/or commercial pressure from the proprietors of your newspaper, the editor or anyone else, and whether and such pressure affected any of the decisions you made as showbiz editor such evidence to be limited to matters covered by the Terms of Reference.**

37 I have never felt financial pressure to perform well but I have faced pressure to generate content. The job is to generate exclusive content and you are judged by how much you bring in. Reporters strive for bylines, driven by their own ambition to do a good job.

**(10) The extent to which you, as a showbiz editor, had a financial incentive to print exclusive stories**

38 I have never been offered any financial incentive to print exclusive stories. There was no bonus scheme at all at the Trinity Mirror. At The Sun there is an annual appraisal with your line manager after which you are awarded a performance number 1-5 which comes with a corresponding annual rise (or not). However, that scheme applies to all News International workers not just editorial staff. The rating is based on all areas of work performance, including, for example, punctuality. I have never been offered money by any third party to print a story.

**(11) Whether, to the best of your knowledge, your newspaper used, paid or had any connection with private investigators in order to source stories or information and /or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasion on which such investigators or other external providers of information were used and the amounts paid to them.**

39 I am not aware of any payments being made to any of those people at The Sun or the Sunday Mirror for such information.

**(12) What was your role in instructing, paying, or having any other contact with such private investigators and/or external providers of information.**

**40** I have never had contact with anyone who could be described as a private investigator. I have paid contacts for information. I have used freelance journalists and recognised press agencies. I have occasionally commissioned searches on publicly available databases such as the electoral register or Companies House. I have sometimes booked photographers to cover jobs although that is usually done through the picture desk.

**(13) If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on).**

**41** Working in showbiz and features the external people you have most dealings with are publicists and celebrities. Sometimes (and increasingly so) they take money for interviews. Those payments are covered by the payment policy and placed on the system like any other.

**42** Reporters also take stories from, and commission, freelance journalists and press agencies. Sometimes freelancers and agencies cover 'jobs' on shift rates on your behalf. for example, a press launch or an interview. Freelance journalists tend to be trusted former staff reporters who have set up on their own. There are recognised press agencies in all major cities in the country. Any freelancer or agency would be expected to work to the same standards as a member of staff.

**43** Freelancers are sometimes paid to conduct searches of publicly available databases such as the electoral register or Companies House. Any searches conducted by an external supplier have to be legal and subject to the same rules as for any member of staff.

**44** All journalists cultivate contacts who can provide information or have expertise. In showbiz journalism those contacts will mainly be people in the entertainment industry who you meet through work.

**45** The Bizarre phone number is printed in The Sun so sometimes calls come in from people offering information. It is usually accepted that the reporter who answers the calls works on the story. But they would immediately flag up the call to the Desk Head. It is a matter of judgement and experience to work out whether it is a genuine person with accurate information and how seriously to treat the call. Any ring in would need to be corroborated separately. We usually negotiate payment on publication so the person would get paid only if the story works out and there were no ethical concerns.



- 46 At the Sunday Mirror my number was not printed so I did not get 'ring ins'. Any such calls would have been handled by the newsdesk.
- (14) If there was such a policy or protocol, whether it was followed, and if not, what practices were followed in respect of all these matters.**
- 47 See my answer above.
- (15) Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?**
- 48 I do not recall any such situations.
- (16) The extent to which you are aware of protocols or policies operating at newspapers you have worked for in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need for you to cover "official" sources, such as the Press Association.**
- 49 As described above, a new policy for payments was recently introduced at The Sun in response to the Bribery Act. It increased the amount of authorisation required for payments and made it much harder to make a cash payment. All staff have recently had to attend briefing sessions about payment policy.
- (17) The practice of your newspaper in relation to payment of expenses and/or remuneration paid to other external sources of information. (whether actually commissioned by your newspaper or not). There is no need for you to cover "official" sources, such as the Press Association.**
- 50 At The Sun all payments to contacts and freelancers are processed through the online ECS system. There is a process of online approval (all payments have to be approved by Desk Heads and the Managing Editor) before payment is made. Most contacts and freelancers are paid by bank transfer into their accounts. Their home address and full details are kept on the system. It is increasingly difficult to make a cash payment at The Sun under the new payment policy. Reporters are aware of the restrictions to whom they can make a payment – i.e. under the PCC Code. Expenses for entertaining contacts are submitted through the Online "NewsPeople" system and are subject to the same authorisation process as payments.
- (18) In respect of editorial decisions you have made to publish stories, the factors you have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources in the circumstances outlined under paragraph 11) against the public interest in a free**

**Press. You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest.**

- 51 Most of the stories I have been involved with have not been contentious – for example, interviews with celebrities, and stories, announcements and pictures which have come directly from their publicists.
- 52 Much showbiz reporting is tied into the promotional activities of the stars or of TV shows and is consensual. Much of the access to celebrities is controlled by their agents and publicists. We strive to have good relations with them.
- 53 There is a grey area left open to interpretation in the PCC Code between expectation of privacy and the public interest and in my experience that is taken seriously and debated when necessary.
- 54 On Bizarre it was common to question whether pictures offered to us by third parties such as picture agencies and freelancers had been taken on private property or whether they could compromise a celebrity's location or home.
- 55 In 2008, whilst at Sunday Mirror, I discovered that a British pop star who had lived abroad for many years had bought a luxury country house in order to move back home to England. There was interesting detail about the house, its proximity to a famous village and its facilities. However we decided that we could not run the story at all for fear of alerting fans and compromising their privacy. I can recall numerous stories about stars' houses which have not run for privacy reasons – even when planning submissions might be publicly available on council websites.
- 56 In 2009, whilst at The Sun, I learned that a high profile actress was pregnant and had told friends and family. Since she was less than 12 weeks' pregnant, we could not run the story without the actress's permission following the PCC privacy ruling which followed Charlotte Church's complaint. Out of courtesy, I informed the agent that we knew and asked if we could be allowed to run the story later on with the actress's approval. Instead, the actress put out a public statement some weeks later and everyone ran the story.
- 57 In 2009, whilst at The Sun, I learned that a high profile singer had cancelled a tour because she was suffering depression and was seeking treatment for it. There was some public interest in the story because people had bought tickets to the tour that had been cancelled. But that was heavily outweighed by the singer's right to privacy in relation to matters relating to her health. We never ran the story.
- (19) **Whether you or your newspaper ever engaged in or procured others to engage in "computer hacking" in order to source stories, or for any reason.**
- 58 No.

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

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Signed

Dated 4<sup>th</sup> January 2012