



**METROPOLITAN
POLICE**

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SPECIALIST OPERATIONS

John Yates QPM
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Mr John Whittingdale OBE MP
Culture, Media and Sports Committee
House of Commons
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9th February 2010

Dear Mr Whittingdale,

Re: Enquiry into Press Standards, Privacy and Libel

I refer to your letter of 4 February 2010. For the reasons that I have set out below, I hope you will understand my surprise that you have chosen to write in such strong terms about these matters before seeking any form of explanation.

At the time of giving evidence to the Committee in September 2009, I responded as fully as possible to all questions asked. I was not privy either then or now to the Committee's mindset or direction but in response to questions, I did share as much information as I could to assist the Committee in its work. It would never be my intention to mislead the Committee and I am most concerned that you consider that to be the case.

The Metropolitan Police Service (MPS) have subsequently answered additional questions posed by the Committee as fully and comprehensively as possible. We have also received a number of requests for additional information from third parties. It was for this very reason that as soon as we had any additional information, it was supplied to you to ensure our complete openness and transparency. If these issues had been asked by the Committee at the time of my evidence session and if the information had been available, then it would have been quite rightly shared at that time.

The specific figure supplied in the FOIA request on 28 January 2010 was not available at the time I came before your Committee in September 2009. Since that appearance, and in accordance with my initial press statement, I have been attempting to ensure that

police have taken all proper, reasonable and diligent steps to inform all those individuals where there is any evidence or suspicion that they may have been the subject of any form of interception. This has involved considerable and time consuming work, in particular the use of an IT process previously unavailable. Even now we cannot with any certainty answer questions relating to identifying individuals and whether or not they were a victim of interception. It was only after some extensive research that we were able to answer the specific FOIA request regarding pin code numbers. You will note that we also had to express some caution about that figure supplied, as it could not be stated with any certainty how accurate that was.

I will also take the opportunity in this letter to respond to the recent question from the Committee, which reads as follows;

'Please provide the number of victims for whom they have tape and transcript evidence of calls and who were subsequently not informed of the potential security breach'

It is not possible to determine with any degree of accuracy, an answer to the question in terms of 'victim' on the recordings because for the majority of tape recordings there is either no mention of who is calling who or there is only a part name. Equally, some recordings are not 'voicemails' for example, we believe some are of Mulcaire tape recording his own conversations.

To assist you with understanding our difficulty, the material seized as part of the criminal investigation is believed to include data of individuals that may be family, friends, acquaintances and/or contacts of Goodman and Mulcaire that have nothing to do with the offences for which the two men were prosecuted. Given the nature of their work, both men would have had data about individuals that was entirely reasonable and legitimate.

Furthermore, whenever a name in whatever context was identified it was captured and put onto an MPS system. The name could range from initials, single names right through to multiple variations and spellings of a host of fore and/or surnames. To even attempt to discern from the material to what extent this data refers to distinct individuals or for what purpose would have required extensive work beyond the scope of the criminal investigation and would not have been a proportionate use of police resources.

A similar process would then have had to be undertaken to link phone numbers and or voicemail messages to these individuals.

What we can say is that where information exists to suggest some form of interception of an individual's phone was or may have been attempted by Goodman and Mulcaire, the MPS has been diligent and taken all proper steps to ensure those individuals have been informed.

I trust this sufficiently clarifies the circumstances that led to you being supplied with this further information and once you have had the opportunity to consider my response, I

would be grateful if you could perhaps write to me anew with any additional points or observations you may wish to make.

Yours sincerely,

A rectangular box with a thin black border, used to redact the signature of John Yates.

John Yates
Assistant Commissioner