

THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES
AND ETHICS OF THE PRESS

WITNESS STATEMENT OF LOUISE ANN HAYMAN

I, LOUISE ANN HAYMAN of Independent Print Limited, 2 Derry Street, London W8 5HF, WILL SAY:

1. I am the General Counsel of Independent Print Limited ("IPL"). I confirm that the contents of this witness statement are true insofar as they are matters of my own knowledge, observation and impression. Insofar as this statement covers matters not within my own knowledge, I believe them to be true.
2. I make this witness statement in response to the letter to me dated 8 August 2011 from Kim Brudenell, Solicitor to the Leveson Inquiry into the culture, practices and ethics of the press (the "Inquiry"). For ease, I have set out the questions in Ms Brudenell's letter below and respond to each question in turn. The questions broadly relate to my role as in-house legal advisor, and legal advice given to IPL regarding corporate governance, methods and sources of obtaining information and ethics.

Summary

3. I have worked on the Independent titles through a series of owners since August 1996. Immediately before the purchase of the titles by IPL from Independent News and Media Limited ("INML") I was General Counsel of INML and I was appointed General Counsel of IPL on the purchase date of 30 April 2010 (the "Purchase Date"). As such, my answers are limited to events, information and procedures after the Purchase Date, except where I expressly say otherwise. Should the tribunal wish to obtain any evidence from me dating back to my previous employment I would need to seek the authority of my then employers, and INML has the benefit of legal privilege in relation to such evidence.
4. I note that Lord Justice Leveson has asked IPL to waive legal privilege in relation to my evidence and the documents requested from me. IPL is not willing to do that and nothing in this statement amounts to, or shall be taken to amount to, a waiver of

privilege in any legal advice. In this regard, I refer the Inquiry to the statement of Andrew Mullins, IPL's Managing Director.

5. While this is not in any way to be taken as a waiver or breach of IPL's claim to legal privilege, I will describe in outline how the legal department interacts with the editorial staff so that, in the absence of information about specific legal advice given, the Inquiry is able to understand how the legal function works at IPL.
6. The legal department at IPL (which consists of two full time lawyers and a team of twelve freelance locum and night lawyers) is closely integrated with the editorial staff. It is located on the same floor and next to the editorial staff. Editorial staff are encouraged to work closely with the legal team in seeking and obtaining legal advice. Both the Managing Editor and a member from the legal team attend the morning conferences for the three titles (The Independent, the Independent on Sunday and i, together the "Titles") during which the day or week's stories are discussed. Any legal issues can be identified and a lawyer can then work with Editorial throughout the day up to publication (or for a longer period depending on the circumstances) to ensure that advice is readily available for editorial and legal compliance. While my department uses the services of locum and night lawyers, I am available to be called upon when something significant happens or when it is out of hours.
7. My department operates a hands-on system of training and education for editorial staff, which encompasses both formal training sessions (e.g. on the PCC Code and recent legal and compliance changes) and interaction with individuals to deepen their understanding of legal and compliance issues. Sometimes specific training is necessary. For example, it is customary that if a mistake is made which leads to a correction being published in one of the Titles, a member of the legal team will meet with the staff involved in the publication to discuss what happened and how their practices can be improved. The relationship between the legal team and the editorial staff is collaborative. The legal department sends out a large number of emails to editorial staff with points of advice on recent legal or compliance issues, to notify court orders, complaints received or sensitivities relevant to current news stories, for example. All these notices are stored on the legal warnings database which has thousands of items. This database is housed in the core content management system on which the editorial staff create and edit stories and send them to pages for lay-out. Hence the database is accessible to editorial and legal staff at all times and is readily searchable.
8. The PCC Code is the cornerstone of IPL's ethical approach to its role as a publisher. We work closely with the PCC and compliance with the Code is integral to the legal

department's work with editorial staff. Copies of the Code are distributed regularly to all editorial staff, they are reminded frequently of their obligation to comply with it, and we carry out training sessions and engage with them on Code issues. IPL's intention at all times is to comply fully with both the law and the Code as it is its view is that full compliance with the PCC Code will ensure the highest standards of journalism and is key to legal risk management.

9. As has been mentioned by others from IPL who have provided statements to the Inquiry, it is not the policy nor the intention of the Titles to publish stories which require staff to break the law, either in how information is gathered or in how it is published. That is not what the Titles stand for and it is not the way they operate. IPL's interests are tied to its aspiration for good and responsible journalism – something the Titles have always stood for.
10. The success of the working relationship between the legal and editorial teams is reflected by IPL's PCC complaint and libel claims record. Since the Purchase Date, no complaints to the PCC have been upheld and IPL has only had one libel claim issued against it, now settled.
11. Whilst I am unable to provide detailed information about the advice given by the legal team, I hope that the information above goes some way to explain the department's working relationship with editorial staff and IPL's approach to legal and compliance issues.

Question (1): Who you are and a brief summary of your career history in the media and as a lawyer.

12. After I did my Law Finals, I trained at Herbert Smith and then stayed there for a year post-qualification in the Corporate department. I was then employed by Thames Television PLC as the Programme Legal Advisor. I stayed in that role for around five years until I was appointed the Managing Director's strategy advisor. After six years I left Thames Television and moved back into private practice, working as a Consultant to Oswald Hickson, the now-defunct firm of media solicitors. During my seven years there I did a lot of pre-publication work, including for the FT, The Independent, and other publications and TV producers. At the same time I also worked under the badge of my own media firm with clients such as The Spectator and Prospect magazine
13. In August 1996, I became the sole in-house legal advisor at The Independent, and I have advised those titles ever since. When IPL purchased The Independent and the Independent on Sunday I was appointed to the role as General Counsel to IPL.

Question (2): What your responsibilities as in house legal adviser are.

14. I am responsible for delivering the legal function at IPL. In terms of editorial, I and my team are responsible for delivering pre-publication advice including both legal advice and advice on compliance with the PCC Code. As part of my department's role, we notify IPL's editorial staff about legal and compliance developments. I am also responsible for complaints handling, supervising any litigation as and when it ensues, and supporting and advising on commercial activities across the spectrum of the company's business. We also give employment and IP advice, both in terms of editorial content and in terms of rights clearance and administration.

Question (3): Whether you have ever been asked to advise upon the legality of methods of obtaining information including (but not limited to) phone hacking, computer hacking and "blagging"? If so, please give the best particulars that you can about who sought the advice, when, in what context and the advice that you gave (please see the penultimate paragraph of this notice in relation to legal privilege).

15. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (4): What training, guidance and policies have been provided to you by your employer in order to enable you accurately to advise upon the legality of methods of obtaining information (including keeping up to date)? Do you consider that it has been adequate?

16. I have been a media lawyer for well over two decades and I ensure that I keep fully up to date. I receive legal updates from various sources (such as law firms, media and legal publications and judicial/ government providers) and I read relevant case law in the field. I fulfil all of my Continuing Professional Development requirements, with focus on media and general counsel areas, and give lectures and talks which also count towards those requirements. As mentioned above, we work very closely with the PCC and I attend specific Code issues and regular round-table discussions with them. All in all, as head of legal at a group of national newspapers it is my job to keep up to date with relevant developments and I believe I am well-placed to advise on all relevant issues.

Question (5): Whether you have ever been asked to advise upon the legality of paying public servants (including police constables) for information either in cash or kind. If so, please give the best particulars that you can about who sought the advice, when, in what context and the advice that you gave (please see the penultimate paragraph of this notice in relation to legal privilege).

17. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (6): What training, guidance and policies have been provided to you by your employer in order to enable you accurately to advise on issues of bribery and corruption? Do you consider that it has been adequate?

18. I consider that my awareness and knowledge on bribery and corruption is appropriately high, having seen it as part of the proper performance of my role as General Counsel that I should develop an appropriate expertise in such an important area. With regard to bribery and corruption, I understand that Manish Malhotra has mentioned our new Code of Conduct in his witness statement. This Code refers to the Bribery Act and contains IPL's new Anti-Bribery Policy.

Question (7): Have you had input into any internal inquiry into phone hacking, computer hacking, "blagging" or bribery or corruption? If so, please describe the same, setting out your role and the outcome?

19. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (8): How you understand the system of corporate governance to work in practice at the above newspapers owned by your company with particular emphasis on systems to ensure lawful, professional and ethical conduct.

20. I have read the statement of IPL's Managing Director, Andrew Mullins, who explains that editorial independence is fundamental to the Titles, but that such independence is only tenable where the conduct of the editorial staff and the content of its publications are lawful, professional and ethical. If there are failings, he explains that the Board would become very involved.

Question (9): What your role is in ensuring that the system of corporate governance and all relevant policies are adhered to in practice. If you do not consider yourself to have any responsibility for this, please tell us who you consider to hold that responsibility.

21. Given the separation Andrew Mullins describes between the Board and the editorial team, it is the senior editorial team, with its access to legal advice, that is fundamental in ensuring that the editorial staff's conduct is lawful, professional and ethical whereas the Board clearly sees its role in terms of corporate governance. I have described my function elsewhere in this statement.

Question (10): Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge.

22. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (11): Whether these practices 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.

23. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (12): Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to news editor/showbiz editor/royal editor to editor, and how this is done in practice (with some representative examples to add clarity).

24. I have read the witness statements of Chris Blackhurst, Stefano Hatfield and John Mullin and have nothing to add to their comments.

Question (13): To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in the above newspapers each day (including the method by which the information was obtained).

25. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (14): 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.

26. I consider upholding ethical standards to be central to the media and in particular to IPL as a business and the Titles as publications. Ethics in this context relates to the way that material is prepared for publication, the way it is published and how complaints are handled – I see it as vitally important that conduct in all these matters should be fair and ethical. The PCC Code embodies the ethical code for the print media. IPL is known as a company that places great importance on behaving ethically. It is important to me that IPL is an ethical company and the Titles embody those high values.
27. Freedom of expression is also important to IPL, not just its right to impart information to its readers, but its readers' rights to receive that information.

Question (15): The extent which you, as a legal adviser, felt any financial and/or commercial pressure from the proprietors of the above newspapers or anyone else, and whether any such pressure affected any of the decisions you made as legal adviser (such evidence to be limited to matters covered by the Terms of Reference).

28. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To address this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (16): The extent (if any) to which you, as a legal adviser, had a financial incentive in the above newspapers printing exclusive stories (NB. It is not necessary to state your precise earnings)

29. I have never had, nor do I currently have, any financial incentive in the Titles printing exclusive stories.

Question (17): Whether, to the best of your knowledge, the above newspapers 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 occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within the above newspapers or otherwise).

30. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (18): What your role was in instructing, paying, advising on, or having any other contact with such private investigators and/or other external providers of information including advising on any of these activities.

31. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (19): 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).

32. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer.

Question (20): If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters.

33. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer.

Question (21): 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?

34. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer.

Question (22): The extent to which you are aware of protocols or policies operating at the above newspapers in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by the above newspapers or not). There is no need for you to cover 'official' sources, such as the Press Association.

35. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Question (23): Whether you, or the above newspapers (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason.

36. As mentioned in paragraph 4 above, IPL is not willing to waive privilege. To answer this question would amount to a waiver of privilege and, as such, I am unable to answer it.

Request for documents

37. Manish Malhotra has disclosed documents with his witness statement, save for such documents as are covered by privilege and which as a consequence IPL is not willing to disclose.

STATEMENT OF TRUTH

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

Signed

LOUISE ANN HAYMAN

Dated 2 September 2011

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