

## STATEMENT OF THOMAS GERALD CRONE

The following is a statement of my answers to the questions set out in the letter to me of 23 August, 2011, from Mr Kim Brudenell, Solicitor to the Leveson Inquiry. In each case the answer appears below in bold type after the question.

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

**Until July 13<sup>th</sup> of this year I held the titles of Legal Manager, News Group Newspapers Ltd ("NGN") and Legal Manager, News International Ltd ("NI").**

**I was called to the Bar in 1975 and practised as a barrister until July 1980 when I joined the legal department of Mirror Group Newspapers Ltd ("MGN").**

**I joined NGN in January, 1985, as Deputy Legal Manager, NGN. In 1989, I became Legal Manager, NGN, and in 1991 I was given the title of Legal Manager, NI.**

- (2) What your responsibilities as in house legal adviser were?

**Since leaving the Bar in 1980, I have been an in house newspaper lawyer. All newspaper groups have them and their responsibilities are broadly the same across the industry.**

**The newspaper lawyer's role is twofold.**

- a) **Pre-publication: to advise newspaper editors, executives and individual journalists on legal risk and danger in connection with stories they are proposing to publish and/or in relation to journalistic investigations or other journalistic projects they are considering. The newspaper lawyer's professional objectives in advising are to protect both the title and the individual journalists from legal liability. The legal persona of the title is the publishing company, the individual journalists are those working on the relevant story (which, because of his/her office invariably includes the editor) and the legal liability could be civil, criminal or both. The legal service provided is thus both corporate and personal.**
- b) **Post-publication: to manage and oversee legal complaints and litigation arising from publication. Generally, the newspaper lawyer keeps legal complaints in-house unless and until legal proceedings are issued. At that stage outside solicitors are instructed to go on the record by formally Acknowledging service of the proceedings on behalf of the publishing company and any individual journalists named on the Claim Form. The newspaper lawyer will then usually become the point of liaison between the outside lawyers and the newspaper and its staff regarding evidence-gathering and any further instructions which may be needed. On litigation matters he/she reports to the editor of the title involved. The editor will**

usually be the person who makes the decision on whether or not to settle the Claim, though in some cases the editor would seek the authority of the Chief Executive. Should the post-publication legal issues involve potential criminal liability the newspaper lawyer would normally get specialist outside lawyers involved on behalf of the company and/or individual journalists at as early a stage as possible.

The "job description" above is how I have operated as a newspaper lawyer since 1980. Obviously, until I became Legal Manager of NGN in 1989 I would report and seek clearance from the head of the relevant legal department on important matters.

Although I was given the title of Legal Manager, NI, in 1991, my responsibilities continued to focus almost entirely on The Sun and the News of the World, i.e. on NGN. The wider NI role consisted only of liaising with senior management regarding the budgets for both legal departments, TNL (The Times and the Sunday Times) and NGN.

- (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).

I am answering this question on the basis that the relevant "legality" relates to compliance with criminal law. I can remember very little by way of detail over such a long period, but during the 31 years I was a newspaper lawyer there were occasions when my advice was sought by journalists on the legality of methods of receiving or obtaining information. Since these conversations were in the context of advising an individual about his/her potential legal liability in specific situations (as well as advising for the protection of NGN) I believe them to be covered by legal professional privilege.

I am not aware of any journalist after receiving advice in these circumstances going on to break the criminal law in relation to the specific matters discussed.

- (4) What training, guidance and policies were provided to you by News International 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 was adequate?

At News International, I cannot recall any training, guidance or policies being provided to me for this purpose. When I joined as Deputy Legal Manager of NGN in 1985 the position of Legal Manager was held by a former journalist. I think I was the first fully qualified lawyer to be in house at the company and, not surprisingly, there was a strong element of self-starting in my role. My previous years at NGN's legal dep't, where guidance from the senior lawyers there was constant, meant that I was fairly well equipped to get on with things at NGN.

I may be wrong, but I don't think any newspaper group until, perhaps, recently has provided training, guidance or policies to internal lawyers. We

would all attend CPD training days of lectures and seminars at least twice each year. Invariably, the days I attended were devoted to various aspects of media law. I cannot, though, recall attending any lecture on the legality of information gathering methods.

- (1) 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).

I am answering this question on the basis that the relevant "legality" relates to compliance with criminal law. Again, I can remember very little by way of detail over such a long period, but during the 31 years I was a newspaper lawyer there were occasions when my advice was sought by journalists being offered a story based upon information which came directly or indirectly from a police officer or a public servant and that person, i.e. the source, was looking to be paid. Since these conversations were in the context of advising an individual about his/her potential legal liability in specific situations (as well as advising for the protection of NGN) I believe them to be covered by legal professional privilege.

I am not aware of any journalist after receiving advice in these circumstances going on to break the criminal law in relation to the specific matters discussed.

- (2) What training, guidance and policies were provided to you by News International in order to enable you accurately to advise on issues of bribery and corruption? Do you consider that it was adequate?

The answer to this question is the same as that given to Q4 above.

- (3) 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?

I have had no input into any NI internal inquiry into computer hacking, "blagging" or bribery or corruption.

With regard to phone hacking, in the aftermath of the arrests of Glenn Mulcaire and Clive Goodman in August 2006 Burton Copeland were instructed to represent NGN in relation to whatever further inquiries or requests the Metropolitan Police had of the company. I was abroad on holiday when the arrests occurred and they were first instructed but upon my return to work I was one of the primary points of contact for them within the company. I had no (or hardly any) direct dealings with the police that I can recall but Burton Copeland would report to me about dealings and developments between themselves and the police and, when required in order to deal with police requests, would ask me to search out documentation or to put them in contact with the appropriate NGN person who had the relevant documentation.

The only other input I had regarding phone hacking was by making specific internal inquiries in relation to issues arising through pleadings, disclosure and correspondence in the various civil actions we faced from 2007 onwards

and through discussions with our outside lawyers and NI management about the same. I have difficulty remembering much by way of detail (there has been a great deal of litigation) but this area would normally fall within legal professional privilege.

- (8) How you understand the system of corporate governance to work in practice at News International and the newspapers owned by that company with particular emphasis on systems to ensure lawful, professional and ethical conduct;

I have never really looked upon it as "corporate governance", but in relation to the NI newspapers the employment of in house newspaper lawyers and a team of part-time "night lawyers" for late nights and Sundays was the system for dealing with legal risk. The availability of in house legal advice to journalists every day and night of the week meant that journalists and editors should always have been in a position to make informed decisions on legality and potential legal liability.

Professional and ethical conduct on the editorial side overlapped with the role of the in house lawyer but tended more to be handled by the Managing Editor or whoever dealt with Press Complaints Commission ("PCC") complaints. From time to time a series of lecture half-days would be organised for the editorial staff which covered PCC, legal, ethical and other matters.

As, I think, with most newspaper groups, there is a division between editorial departments and corporate departments. The top of the editorial tree and generally the most senior person the newspaper lawyer would be advising is the editor. On the corporate side, NI had a separate legal department dealing with heads of corporate departments and the top management.

- (9) What your role was in ensuring that the system of corporate governance and all relevant policies were adhered to in practice. If you do not consider yourself to have had any responsibility for this, please tell us who you consider held that responsibility;

As explained in answer to Q8 the newspaper lawyer's most senior point of advice-giving would be the editor. Again, as said above, I would not normally think of this as "corporate governance" but it certainly involved protecting the company against legal liability.

Above the editor, there is really only the Chief Executive. My experience was that, on editorial content, the Chief Executive would rarely, if ever, try to overrule an editor.

- (10) Whether the documents and policies referred to above were adhered to in practice, to the best of your knowledge;

I can only speak of my own experience of journalists and, in particular, editors accepting the advice of newspaper lawyers which is that in the vast majority of instances such advice would be accepted and followed.

- (11) Whether these practices changed, either as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were;

After the arrest and conviction of Clive Goodman, a new editor (Colin Myler) came to the News of the World and introduced a number of measures to tighten controls and procedures in order to eliminate illegal or unethical practices. I am aware that all editorial staff were written to, cash payments were virtually eliminated, a fresh programme of training days were initiated and the use of private detectives was forbidden.

- (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);

Editorial information, i.e. potential stories, can come from a wide variety of sources e.g. documents, pictures, film, sound recordings, computer print-outs, telephone texts, voicemail messages and simple word of mouth. There can obviously be occasions where the particular source of the information raises issues of legality but generally the sourcing of a story has most relevance to assessing accuracy.

In terms of ensuring accuracy of information the primary responsibility lies with the reporter on the story. The reporter is answerable to the news desk or, for features stories, to the features desk. Each desk is run by the news and features editor respectively and by their deputy or deputies. These desk heads direct the reporter in terms of first assigning the project (unless it has emanated from the reporter or one of his/her sources), monitoring progress of the story, sending the reporter back to check information with the original source or via other sources and frequently by giving guidance on how the story should be written. The desk heads have a responsibility for checking and ensuring accuracy where possible and in the majority of cases would have precise knowledge as to the source of the relevant information.

If the information comes from a reporter's confidential source it is not uncommon that the particular reporter will not divulge the person's identity to any other person on the newspaper. Assessments of the accuracy of the information and the safety of running a story based upon it would then be based upon the source's "track record" for getting it right in the past together with whatever judgements can be made about independent corroborative evidence.

On other occasions a source might ring in to the news or features desk but insist that he/she will only provide the information under a written undertaking of confidentiality. This is not uncommon. Depending on the particular circumstances, the identity of this source would be limited to one or two people on the newspaper or to slightly more, but not many.

When the story is written it is passed to the editorial production departments, e.g. night editor, chief sub-editor and sub-editors who design the presentation of the story on the page and edit it for size and style. These production journalists also have a responsibility to check back with the desk heads and/or the reporter where the accuracy of information seems questionable. If these production departments are told that the source is confidential they would be very unlikely to press for an identity.

At any stage the in house lawyer might be consulted about the legal risks in publishing the information or about other legal risks associated with the

journalistic project. Knowing the identity and/or the quality of the source will be high on the lawyers list of priorities if the publication of the story carries obvious legal risks. There will, however be occasions where the reporter or the desk head would decline to reveal the identity of confidential sources to the in house lawyer.

On any substantial story, or one that he/she takes a particular interest in, the editor and, possibly, deputy editor will want to be reassured about accuracy and, where there is possible doubt, about legality. The supporting evidence is provided to the editor by the desk head and, if legal issues are raised, he/she would or might consult the in house lawyer. Again, there would be occasions where the reporter or the desk head would decline to reveal the identity of confidential sources to the editor.

- (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 newspapers owned by News International each day (including the method by which the information was obtained);

This is touched upon in the previous answer. Editors always want to feel confident about the accuracy and legality of what they publish. Given the size of modern newspapers it is not possible for editors to scrutinise closely every item in every edition of their newspaper. They will, however, expect to be informed about the provenance and background of the major stories. Unless accuracy is not in doubt (often the case, for example, with first-person interviews) they are likely to want reassurance about accuracy and, if there is doubt, about legality.

- (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;

Ethics have a clearly recognised role in the print media. The Code of Practice administered by the PCC was created and is constantly updated by the industry itself. At NI (and I believe at other newspaper groups) it is incorporated into individual journalist's contracts. The preamble reads as follows.

*All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.*

*It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.*

*It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external*

*contributors, including non-journalists, in printed and online versions of publications.*

- (15) The extent to which you, as a legal adviser, felt any financial and/or commercial pressure from the proprietors of News International 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);

**I have never felt a personal financial or commercial pressure in relation advice given. Since the publication of newspaper stories can lead to heavy financial and commercial loss e.g. the substantial cost of unsuccessful (and successful) civil litigation, I was constantly aware that giving the wrong legal advice could have a damaging financial and commercial impact on my employers.**

- (16) The extent (if any) to which you, as a legal adviser, had a financial incentive in the newspapers owned by News International printing exclusive stories (NB. It is not necessary to state your precise earnings);

**I have always been on a fixed salary reviewable annually. I have never had a financial incentive related to exclusive stories or anything else published in NI newspapers.**

- (17) Whether, to the best of your knowledge, the newspapers owned by News International 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 newspapers or otherwise);

**I have no direct knowledge about the use of or payment to private investigators for those purposes apart from what I have read in connection with Operation Motorman and the Information Commissioners report which followed it and what has come out since 2006 in relation to Glenn Mulcaire. The second part of the first sentence above is, with respect, very confusing but I have no knowledge of police, public officials or mobile phone companies being paid in any way.**

- (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;

**I cannot remember details, but on a handful of occasions over the years we (i.e. usually our outside lawyers and I) have agreed to commission private investigators to check certain matters relevant to the defence of litigation arising post-publication. To the best of my knowledge, this did not involve any illegal activities.**

- (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);

**Again, I cannot remember the details but there was no established policy or protocol relating to the few occasions referred to above.**

- (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;

**As stated, the use was limited to a few occasions in the context of litigation. I am not aware of anything done which was illegal.**

- (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?

**See above.**

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

**See above. This is really a question for the Editorial Managers of the newspapers.**

- (23) Whether you, or the newspapers owned by News International (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.

**No.**

- (24) If you cannot answer these questions, or take the view that they could be more fully answered by someone else, you must nonetheless provide answers to the extent that you can, and to the extent that you cannot you must provide the Inquiry as soon as possible with names of those who would be able to assist us further.

The documents you should provide to the Inquiry Panel should relate to the following matters or issues:

- (a) Any in house training documents, policies, protocols, handbooks, guidance, code of conduct, or practice relating to your role as in house adviser.

**I am not in possession or control of any such documents.**

- (b) Your job description and/or the person specification for your role.

**I cannot remember ever being given a written job description.**

- (c) Any document containing communications between you and private investigators in the course of your employment.

**I am not in possession or control of any such documents.**

- (d) Any document containing communications between you and the editor, sub-editor, or any journalist concerning the legality of any method of obtaining information including (but not limited to) phone hacking, computer hacking and "blagging".

**I am not in possession or control of any such documents nor can I remember any such documents relating to the three above identified categories ever existing.**

- (e) Any document requesting your advice or containing advice from you concerning the payment in cash or kind of public officials (including police officers) for information.

**I do not have possession or control of any such documents nor do I believe any ever existed.**

Signed ...

**Date: 30<sup>th</sup> September, 2011**