

THE LEVESON INQUIRY

Witness statement of Julian Darrall

1. I am a solicitor and group legal adviser employed by Associated Newspapers Limited ("ANL"). I am making this statement to answer the Inquiry's question, first put to Paul Dacre when he gave oral evidence on 6 February 2012, about whether information obtained from Steve Whittamore had been retained by ANL and continued to be accessible to its journalists. The information contained in this witness statement about that is derived from my conversations with journalists. I do not myself have any personal knowledge of these matters.
2. ANL, through its solicitors RPC, has previously written to the Inquiry about this. In RPC's letter to the Inquiry dated 14 June 2012, RPC wrote as follows:

"On a separate matter, we refer to... Paul Dacre's statement in his evidence on 6 February that he would enquire into whether the information [from Whittamore] must have been stored somewhere and retained.

As the Inquiry is aware, ANL endorse the oral submissions of Antony White QC, on behalf of NI, and Desmond Browne QC, on behalf of Trinity Mirror, of 11 May 2012 (p72 line 11 – page 86 line 18). It is a misunderstanding of how journalists work to assume that information, such as names, addresses and telephone numbers, obtained in the course of journalistic enquiries is necessarily retained by journalists. Information obtained from Mr Whittamore by journalists working for ANL may have been written down by the journalist concerned in a notebook or file and he or she may have kept their old notebooks and files, but as submitted by NI and Trinity Mirror, it would be a huge and disproportionate effort for press core participants to try and identify in 2012 what in nearly all cases is very old, low grade personal information (i.e. pre-2003 ex-directory telephone numbers, vehicle registration numbers and occupancy searches), if any, is retained on systems separately from their presence on systems through other means. Any individual who is concerned as to whether their personal data is being processed by the press fairly and lawfully may make a complaint under the DPA. If current processing by newspapers (such as it is) is lawful under the DPA, the press cannot be criticised for any retention and continuing processing."

3. We did not respond to the Inquiry earlier about retention of information provided by Mr Whittamore as we had not realised the Inquiry required us to do so, the Inquiry team having in the meantime omitted that matter from the list of matters on which it sought further information from us. As soon as ANL became aware, following the Chairman's ruling of 11 June 2012, that the Inquiry did need this information, we provided it almost immediately. We did so by letter from RPC as that was the means requested by counsel to the Inquiry in a conversation with ANL's counsel.
4. By way of further assistance to the Inquiry, I have now made inquiries of a sample of five journalists still employed by ANL who were provided with information by Mr Whittamore. The results of my inquiries are as follows:
 - 4.1 When I asked what the journalists did with the information they received from Mr Whittamore, they said that while they may have noted the information in their notebooks and/or personal contacts books, they had no memory of recording it elsewhere and they thought it unlikely they would have done so.
 - 4.2 The practice of these journalists is not to keep notebooks indefinitely. None of the journalists questioned had retained any of their notebooks from the period pre-dating the ICO's 2003 investigation and reports.
 - 4.3 The journalists' notebooks and personal contacts books do not record the provenance of the contact details they contain.
 - 4.4 It is a misapprehension that newspapers maintain central databases of information about people who have been the subject of stories. Not only would this be impractical, but journalists know the value of maintaining good personal relations with individuals who have helped them on stories and are therefore wary of making contact details such as telephone phone numbers and email addresses available to other journalists on a general basis. Nonetheless journalists do sometimes work together on stories, and in such circumstances it is possible that the journalists involved may have passed on some of the information they received from Mr Whittamore to others (e.g. other staff and/or freelance journalists who may then have used it to make contact with the potential sources involved). Those others may then have recorded it somewhere. It would be impossible this far after the event to ascertain whether this actually occurred.
5. This exercise supports the statements made in RPC's letter of 14 June 2012. In short, it appears unlikely that any information provided by Mr Whittamore to ANL journalists has

been retained. It would be a huge and disproportionate exercise to try and reach any firmer conclusions, particularly given the fact that the information concerned is in the majority of cases very old, low grade personal information (i.e. pre-2003 telephone numbers and addresses).

6. Requiring such an exercise would also seem to run contrary to what the Chairman said in his ruling of 11 June 2012:

"I do not consider it proportionate to my purposes to instigate a detailed and time consuming exercise to look comprehensively at the state of information obtained from Mr Whittamore and still held (some ten years on) by journalists: such an exercise would inevitably descend to the level of 'who did what to whom' and beyond; it would have to involve an analysis in each case of any potential public interest justification for the original enquiry as well as an investigation into what has happened to the information in the years that have passed. Furthermore, it would not sufficiently advance the task of preparing recommendations for the future."

7. On a final point, I note that Counsel for the Core Participant Victims said during his closing submission on 24 July 2012 (see p.36 of the morning transcript) that *"Mr Dacre... said he would carry out a further investigation. That was in March. It is now July, and perhaps Mr Caplan will outline, when he makes his closing speech, what has been done and what has been discovered as a result"*. Should this have been intended to be a criticism of Mr Dacre and/or ANL for failing to respond on this subject in a timely manner, I draw the Inquiry's attention to paragraph 3 above.

I believe the contents of this witness statement are true

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