

RELEVANCE ASSESSMENT

Throughout this document, the period of relevance is generally assessed to be between June 2010 and July 2011, being the period of time that the proposed merger between News Corporation and BSkyB was active.

Evidence to be disclosed

1. All exchanges between Jeremy Hunt (JH) and representatives of News Corporation (NC)

These are assessed to be relevant in their entirety as they go to the issue of real or perceived bias in the decision making process.

Exchanges include emails, written correspondence, and, where available, text messages and records of telephone calls. These include records from both Departmental and personal accounts.

Records of telephone calls do not include incoming telephone calls, where no records or notes of those calls exists.

2. All exchanges between Adam Smith (AS) and NC

These are assessed to be relevant in their entirety as they go to the issue of what information NC was receiving and from whom, and to the issue of JH's real or perceived bias. The exchanges extend back as far as NC's initial bid for BSkyB.

Exchanges are comprised of emails from both official and personal accounts. Phone records are unavailable owing to a change of handset.

3. All relevant exchanges between legal and policy officials at DCMS and NC.

Exchanges have been included where those exchanges suffice to progress consideration of the merger. This includes several chasing items of correspondence. They do not include exchanges which were simple formal routine exchanges (such as setting up meetings and arrangements for those meetings) unless they have a bearing on issues already raised.

Exchanges include emails, written correspondence between policy and legal officials, and NC, including the latter's legal advisers. Also included are transcripts of text

messages between DCMS officials and Frédéric Michel. These include records from both Departmental and personal accounts where they exist.

4. All exchanges between JH and his Special Advisers in relation to NC.

These are assessed to be relevant so far as they pertain to the NC/BSkyB merger; emails which mention other policy considerations have been omitted or redacted.

Exchanges include emails and text messages. These include records from both Departmental and personal accounts.

5. All exchanges between JH and his Private Office with the Prime Minister and his Private Office

These are assessed to be relevant in their entirety as they go to the issue or real or perceived bias in the decision making process. These are assessed to be relevant so far as they pertain to the NC/BSkyB merger; emails which mention other policy considerations have been omitted or redacted.

Exchanges include emails and text messages where available.

6. DCMS officials' submissions made to JH concerning NC

These are assessed to be relevant as they demonstrate what advice and recommendations were being made to the Secretary of State throughout the process.

No draft submissions have been disclosed, as these are not deemed to be relevant, as the Secretary of State would not have seen (and would not expect to see in the usual course of business) draft submissions.

7. Relevant correspondence between officials.

Not all correspondence between officials has been included. Relevant correspondence is assessed to be any correspondence which progresses the Secretary of State's consideration of the merger.

Correspondence which is comprise simple formal routine exchanges, or which relate to draft documents has not been disclosed.

8. Legal advice received by JH and by officials

Legal advice from Counsel is assessed to be relevant to the issue of what JH was being advised, and whether or not he took that advice. Such advice is released whether it was received directly by the Secretary of State or not. Legal advice from Pinsent Masons is not being disclosed, because this is assessed to not be relevant as being wholly in

relation to the commercial aspects of the merger, rather than relations between DCMS and NC.

Privilege is being waived in relation to this advice.

9. Documents already released by the Department

These are assessed to firstly be of assistance to the Inquiry, but to be relevant in the context of their existence and volume, particularly when contrasted with the existence and volume of other material.

Caveat

Some routine documents which might otherwise have been retrieved through searches and subsequently disclosed may have been deleted from systems (either official or personal). This is particularly the case in relation to emails, where storage capacity may have dictated that officials either file or delete sent or received emails. We do not assess that any vital or otherwise important emails have been deleted, but make this caveat so that the Inquiry is aware that we cannot warrant that this is an entire record of otherwise relevant documents.

We have tried to eliminate duplicates, save in relation to emails and text from personal accounts. In relation to the latter, some duplicates may have been discarded at earlier stages of the disclosure exercise, but we have tried to ensure that the disclosure is as full as possible. We have attempted to ensure that no exchange other than duplicates has been discarded.

Redactions have been made in relation to commercially confidential information. This is because we do not have consent of the merging parties (or from one consultation resposdee) to disclose their information, and to do so is an offence under the Part 9 of the Enterprise Act without a gateway. In any event, however, we do not assess this information to be relevant, as it is wholly in relation to commercial aspects of the merger, and does not shed light on the relationship between DCMS/JH and NC. We have attempted to ensure that the Inquiry is aware of the nature of the subject discussed where we have not been able to reflect its detail.

Redactions have also been made to documents which deal with wholly other policy areas, where there may be items of particular sensitivity which are not relevant to the considerations of this Inquiry.