

<p>1 Monday, 14 November 2011</p> <p>2</p> <p>3 (The luncheon adjournment)</p> <p>4 (2.00 pm)</p> <p>5 LORD JUSTICE LEVESON: Yes, Mr Jay.</p> <p>6 MR JAY: Sir, I'm now moving off the issue of phone hacking</p> <p>7 because I need to turn to an overview of the existing</p> <p>8 regulatory system. This Inquiry will no doubt reach</p> <p>9 a range of findings on culture, practices and ethics,</p> <p>10 but its most important work will be in relation to the</p> <p>11 recommendations it makes of any change.</p> <p>12 The existing regulatory system covers the criminal</p> <p>13 law, the civil law and what may be described as internal</p> <p>14 and external self-regulation. Each of these is seeking</p> <p>15 to achieve a different objective.</p> <p>16 The Inquiry has already received a detailed briefing</p> <p>17 from Mr Mark Warby, Queen's Counsel, on these matters.</p> <p>18 I will aim to identify some key areas for further</p> <p>19 consideration. First, the criminal law.</p> <p>20 Phone hacking is an offence under RIPA as it was</p> <p>21 under the 1985 Act. The unlawful interception of</p> <p>22 communications is punishable on indictment by a term of</p> <p>23 imprisonment of up to two years. The Act covers the</p> <p>24 interception of any communications, including postal</p> <p>25 communications. There is an issue as to the true</p> <p style="text-align: center;">Page 1</p>	<p>1 subsection 7 as "clear".</p> <p>2 MR JAY: Indeed, for the reason which I'm about to</p> <p>3 ventilate.</p> <p>4 One would have thought that the closing words of</p> <p>5 subsection 7 cater for this possibility, and I quote "or</p> <p>6 otherwise to have access to it". That would be the</p> <p>7 natural and ordinary meaning of those words, although it</p> <p>8 has been suggested in some quarters that the relevant</p> <p>9 communication is no longer being transmitted at that</p> <p>10 point, just as a letter ceases to be transmitted by the</p> <p>11 postal service once it has been delivered.</p> <p>12 This issue is touched upon but it did not really</p> <p>13 feature in the criminal proceedings before</p> <p>14 Mr Justice Gross in January 2007, largely because the</p> <p>15 evidence in those proceedings appeared to be along the</p> <p>16 lines that Mulcaire or Goodman had listened to the</p> <p>17 relevant voicemails before their intended recipients.</p> <p>18 In relation to counts 16 to 20, however, the</p> <p>19 position was less clear. At all events, Mulcaire was</p> <p>20 prepared to plead guilty and not to take unattractive</p> <p>21 technical points.</p> <p>22 Possible doubts as to the true construction of</p> <p>23 section 2, subsection 7, were ventilated before the</p> <p>24 Select Committee as a reason for the police's arguably</p> <p>25 restrictive approach to their initial investigation. If</p> <p style="text-align: center;">Page 3</p>
<p>1 construction of section 2(7) and 8 of RIPA. These</p> <p>2 provide, under subsection 7:</p> <p>3 "For the purposes of this section, the times when</p> <p>4 the communication is being transmitted by means of</p> <p>5 a telecommunications system shall be taken to include</p> <p>6 any time when the system by means of which the</p> <p>7 communication is being or has been transmitted is used</p> <p>8 for storing it in a manner that enables the intended</p> <p>9 recipient to collect it or otherwise to have access to</p> <p>10 it."</p> <p>11 Then subsection 8:</p> <p>12 "For the purposes of this section, the cases in</p> <p>13 which any contents of a communication are to be taken to</p> <p>14 be made available to a person while being transmitted</p> <p>15 shall include any case in which any of the contents of</p> <p>16 the communication, while being transmitted, are diverted</p> <p>17 or recorded so as to be available to a person</p> <p>18 subsequently."</p> <p>19 Subsection 8 is clear and covers the recording of</p> <p>20 voicemails. It does not address the issue of timing.</p> <p>21 The issue under subsection 7 is whether a voicemail</p> <p>22 can be lawfully intercepted after it has been first</p> <p>23 listened to by its intended recipient and thereafter</p> <p>24 stored in the system as a read voicemail.</p> <p>25 LORD JUSTICE LEVESON: I notice that you don't describe</p> <p style="text-align: center;">Page 2</p>	<p>1 it could not be proved in all cases exactly when</p> <p>2 voicemails were intercepted, that might have been</p> <p>3 a reason for prosecutorial caution.</p> <p>4 Whether you need to consider that issue is unclear</p> <p>5 but if you were to conclude that the meaning of section</p> <p>6 2, subsection 7 was opaque, or still worse, failed to</p> <p>7 cater for subsequent listening of already-read</p> <p>8 voicemails, you would no doubt wish to recommend</p> <p>9 legislative changes.</p> <p>10 For the avoidance of doubt, however, my submission</p> <p>11 to you is that the meaning of section 2, subsection 7 is</p> <p>12 clear and that it does cover the case of accessing read</p> <p>13 voicemails.</p> <p>14 LORD JUSTICE LEVESON: Just a moment, Mr Jay.</p> <p>15 MR JAY: Yes.</p> <p>16 LORD JUSTICE LEVESON: Let me think about what that means</p> <p>17 I can construe the legislation and it may be that what</p> <p>18 I consider it means may consider some persuasive weight.</p> <p>19 It certainly wouldn't bind anybody. The only way I make</p> <p>20 it certain is by saying to Parliament: "Well, make it</p> <p>21 certain", isn't it?</p> <p>22 MR JAY: Yes. You are sitting, if I may say so,</p> <p>23 ex cathedra.</p> <p>24 LORD JUSTICE LEVESON: Yes.</p> <p>25 MR JAY: Any pronouncement you make on a point of law,</p> <p style="text-align: center;">Page 4</p>

<p>1 although persuasive and interesting, would not even -- I 2 can put it in these terms -- bind a first instance 3 judge. 4 LORD JUSTICE LEVESON: So it may be unpersuasive and 5 uninteresting. 6 MR JAY: It would always be interesting. 7 So if one detects a possible legal or linguistic 8 weakness in section 2, subsection 7, maybe you should 9 point to it and make a consequent recommendation. All 10 I am submitting is that the better view is that there is 11 no lack of clarity in section 2, subsection 7. 12 The offence under section 1 of RIPA is not subject 13 to an express public interest defence. In deciding 14 whether or not to prosecute any individual case, the CPS 15 will always consider the strength of the evidence as 16 well as the public interest. One could postulate an 17 extraordinary scenario in which public interest issues 18 might arise for the CPS, perhaps the sort of scenario 19 described by Mr Witherow in his July 2007 article, 20 modifying the facts slightly. I say "perhaps" and 21 emphasise that this scenario is an Olympic distance away 22 from any of the recent examples. 23 I've already touched on the issues relating to the 24 Data Protection Act of 1998. A voicemail system 25 contains personal data for the purposes of our statute</p> <p style="text-align: center;">Page 5</p>	<p>1 section 1 which prevent a journalist from paying 2 a source "to induce him to perform a relevant function 3 or activity" or "to reward him for the improper 4 performance of such a function or activity". But if the 5 source is a public official, it could well be argued 6 that it is not the proper performance of his functional 7 duty to supply information to a newspaper. 8 That said, one can quite see that there will be 9 issues around the margins in relation to whistle-blowing 10 activities. It is also to be noted that prosecutions 11 cannot be instituted under the Bribery Act, save with 12 the consent of the DPP or the serious fraud office or 13 the director of Revenue & Customs prosecutions, as the 14 case may be. These individuals would doubtless have to 15 consider the public interest. 16 LORD JUSTICE LEVESON: The criminal chunk of that activity 17 is the payment. 18 MR JAY: Yes. 19 A number of press institutions have expressed 20 concern to your Inquiry about the reach and penetration 21 of the new Bribery Act. This may well be an issue which 22 you are invited to consider. 23 The Inquiry does not have the time or the resources 24 to consider wide-ranging reform to the criminal law, 25 nor, frankly, would this be a remotely worthwhile</p> <p style="text-align: center;">Page 7</p>
<p>1 and proceedings could have been brought on the Goodman 2 Mulcaire facts for a breach of section 55. The reason 3 why they were not is that the offence under RIPA is 4 clearly regarded as more serious and more closely 5 fitting the criminal conduct in question. 6 One possible difficulty with the public interest 7 defence under section 55 is that it is not statutorily 8 defined. The courts are therefore left with the 9 obligation to interpret it, although on my understanding 10 have not done so in this context. Doubtless if the 11 issue were ever to arise, the courts would be 12 considering other materials, such as the opinion of 13 Lord Nicholls of Birkenhead in Reynolds and the Editors' 14 Code, as well as the mass of cases on articles 8 and 10 15 of the Convention. 16 The other area of the criminal law which is highly 17 salient to this Inquiry is the anti-corruption 18 legislation bearing on module two in particular. Under 19 the Prevention of Corruption Act of 1906, which replaced 20 a late Victorian statute, it was an offence to bribe 21 a public official. The 1906 Act has been repealed by 22 the Bribery Act in 2011. It contains a range of quite 23 complex provisions, including the corporate offence, 24 under section 7, of failing to have systems in place to 25 prevent bribery. It also contains provisions under</p> <p style="text-align: center;">Page 6</p>	<p>1 exercise. I have focused on just three potential areas 2 and I doubt whether we will need to go any further. 3 The relationship between the criminal law and what 4 I have called internal and external self-representation, 5 will need to be considered. Plainly, one of the 6 objectives of criminal law is to deter crime, but it is 7 a fact of life that its measure of success in this 8 regard is patchy. 9 This is not to criticise the criminal law in 10 any way. It is the harsh reality. In relation to white 11 collar crime, which is what we're talking about, 12 deterrents often involve a crude cost/benefit analysis 13 in the mind of the criminal. If he can see that people 14 are not being prosecuted for similar offences, he may 15 well plough on in the belief that, for whatever reason, 16 the police will not come after him. This may be one of 17 the reasons why a culture within News International may 18 have grown up in the first place. Even if the criminal 19 law were as effective as it could be, it would not 20 follow that there is no need for better internal or 21 external regulation. 22 LORD JUSTICE LEVESON: To be fair, when you're talking about 23 culture there, you're really talking about 24 News of the World rather than other organs of 25 News International?</p> <p style="text-align: center;">Page 8</p>

<p>1 MR JAY: Yes.</p> <p>2 I turn now to the civil law, which is a potentially</p> <p>3 vast area. Inevitably, I will only be skating the</p> <p>4 surface.</p> <p>5 The Inquiry will not be directly concerning itself</p> <p>6 with the law relating to defamation, which is already</p> <p>7 the subject of much parliamentary scrutiny. We are</p> <p>8 concerned with the developing law of privacy, which in</p> <p>9 terms of our domestic law, and some would argue our</p> <p>10 common law, has grown out of the interplay between and</p> <p>11 the consequent need to balance articles 8 and 10 of the</p> <p>12 European Convention of Human Rights. I stress domestic</p> <p>13 law because the effect of the Human Rights Act 1998,</p> <p>14 which mostly came into force on 2 October 2000, is to</p> <p>15 require judges as public authorities to give effect to</p> <p>16 Convention rights.</p> <p>17 Article 8 of the Convention provides a right to</p> <p>18 respect for private and family life, home and</p> <p>19 correspondence, article 10 to freedom of speech. It is</p> <p>20 immediately apparent that these rights must, on</p> <p>21 occasion, intersect with each other and the convention</p> <p>22 itself recognises that. Thus, under article 8,</p> <p>23 subarticle 2, a public authority may interfere with</p> <p>24 private life where such interference is in accordance</p> <p>25 with the law and necessary for the protection of the</p> <p style="text-align: center;">Page 9</p>	<p>1 article 10 intersection, privacy will always win out in</p> <p>2 relation to phone hacking.</p> <p>3 Complaint has consistently been made that the need</p> <p>4 to balance article 8 and article 10 rights places too</p> <p>5 much power in the hands of the judges to create a</p> <p>6 privacy law without democratic accountability. But</p> <p>7 judges have to rule on individual claims and since the</p> <p>8 year 2000, claimants have been entitled to allege that</p> <p>9 their article 8 rights have been violated. Judges are</p> <p>10 duty-bound under the Human Rights Act to apply the</p> <p>11 Convention, whether directly or via existing common law</p> <p>12 concepts inherent in the law breach of confidence and</p> <p>13 a burgeoning privacy law has begun to emerge through an</p> <p>14 admittedly limited number of cases decided over the past</p> <p>15 ten years: Naomi Campbell in the House of Lords in 2003,</p> <p>16 Max Mosley at first instance in 2008 and Rio Ferdinand,</p> <p>17 again at first instance, in September of this year.</p> <p>18 It is not possible fully to define what the common</p> <p>19 law of privacy constitutes, particularly when one notes</p> <p>20 that Rio Ferdinand's case is en route to the Court of</p> <p>21 Appeal. All that one can say is that on particular</p> <p>22 facts, the judicial outcome was as follows. Thus, on</p> <p>23 the facts of Naomi Campbell's case, the intrusion into</p> <p>24 her privacy went too far in view of the photograph of</p> <p>25 her that was published alongside the article. The</p> <p style="text-align: center;">Page 11</p>
<p>1 rights and freedoms of others, and under article 10,</p> <p>2 subarticle 2, the right of freedom of expression can be</p> <p>3 curtailed or restricted "for the protection of the</p> <p>4 rights of others or preventing the disclosure of</p> <p>5 information received in confidence."</p> <p>6 LORD JUSTICE LEVESON: And confidence is the tort which</p> <p>7 a lot of these claims are based upon?</p> <p>8 MR JAY: Yes.</p> <p>9 The courts have consistently recognised that in</p> <p>10 a situation where article 8 potentially clashes with</p> <p>11 article 10, each human right has equal status. It is</p> <p>12 a question of balancing one right against the other, of</p> <p>13 calibrating the degree of infringement in any given case</p> <p>14 and in deciding whether the infringement in question is</p> <p>15 in accordance with the law and proportionate to the</p> <p>16 intended gain and the avoidance of foreseeable harm.</p> <p>17 The concept of proportionality is perhaps key to</p> <p>18 this exercise. Whether all newspapers are fully alive</p> <p>19 to this concept may lie at the heart of this Inquiry's</p> <p>20 investigation.</p> <p>21 I mentioned that for the purposes of article 8.2 of</p> <p>22 the Convention, the interference with private life, if</p> <p>23 it is to be justified, must be in accordance with the</p> <p>24 law. Phone hacking is not in accordance with the law.</p> <p>25 It follows that for the purposes of the article 8,</p> <p style="text-align: center;">Page 10</p>	<p>1 latter by itself would not have been objectionable,</p> <p>2 since there was a public interest in the subject matter.</p> <p>3 In Max Mosley's case, there might well have been</p> <p>4 a public interest in publishing the material in question</p> <p>5 had the Nazi allegation been true, but critically, it</p> <p>6 was not. The public therefore had no legitimate</p> <p>7 interest in the details of Mr Mosley's private life,</p> <p>8 which were a matter for him.</p> <p>9 LORD JUSTICE LEVESON: In that case, the decision of</p> <p>10 Mr Justice Eadie did not go to the Court of Appeal.</p> <p>11 MR JAY: It did not.</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 MR JAY: And we'll be hearing much evidence about that case</p> <p>14 next week, sir.</p> <p>15 In Rio Ferdinand, the outcome is different because</p> <p>16 for Mr Justice Nicol, the role model argument found</p> <p>17 favour. There was a legitimate public interest in</p> <p>18 contradicting the public persona of a high profile</p> <p>19 sportsman by evidence of private misdemeanour.</p> <p>20 The Court of Appeal may provide greater certainty in</p> <p>21 this area before this Inquiry reports. In the meantime,</p> <p>22 or perhaps in any event, there will be calls for</p> <p>23 statutory privacy law. Such a law could go further than</p> <p>24 the rights already protected by article 8 of the</p> <p>25 Convention. At the very least, this Inquiry will need</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 to address those calls in deciding whether to make any 2 relevant recommendations. 3 Two matters should be noted. First, a statutory 4 privacy law would not remove power from the hands of the 5 judges, since they would still have to interpret and 6 apply it. Such a law would do no more than set out the 7 general principles to be applied in particular cases, 8 not algorithms for mechanistic application. 9 Secondly and more importantly, recourse to the civil 10 law is expensive and risky. Newspapers complain about 11 the cost to them in the form of what they describe as 12 unscrupulous lawyers' fees and conditional fee 13 arrangements, but the latter are probably already on 14 their way out in their current form, and recently have 15 been held by the European Court of Human Rights as being 16 in breach of article 10 of the Convention in a freedom 17 of speech context. See <i>Mirror Group Newspapers v the</i> 18 <i>United Kingdom</i>. 19 The other side of the coin is that the litigation 20 risk is often too high for private individuals with 21 means and often theoretical for those without means. 22 They can't afford even to go to a lawyer to tell them 23 what the risks might be. 24 The position is not dissimilar in relation to the 25 prior notification issue and the possibility of</p> <p style="text-align: center;">Page 13</p>	<p>1 behaviours by what may loosely be described as a series 2 of sticks and carrots. The manner in which a good 3 regulator achieves is this is not merely by dealing with 4 problems after they arise but in setting standards which 5 reduce the risk of those problems occurring in the first 6 place. 7 By "internal regulation" I mean the range of systems 8 within an organisation which promote or induce good 9 behaviours and tend to expose bad behaviours if they 10 occur. Appropriate synonyms are "corporate governance" 11 or, more broadly perhaps, "corporate ethos". The 12 absence of such systems will render it more likely that 13 dysfunctional cultures will start and be permitted to 14 drive. 15 We're therefore looking at a range of internal 16 checks and balancing, including the following: rule 17 books, codes of practise, clearly spelt out obligations 18 in employment contracts, training and internal seminars, 19 proper involvement of and oversight by in-house legal 20 advisers, proper accounting systems for approving 21 expensive payments, in particular cash payments to 22 sources, risk management systems and proper 23 whistleblowing policies. 24 The evidence submitted to the Inquiry demonstrates 25 a wide range of corporate governance systems within the</p> <p style="text-align: center;">Page 15</p>
<p>1 acquiring newspapers to warn likely targets of impending 2 publications to enable them to obtain immediate 3 restraining orders from a High Court judge. 4 But although the civil law is important, this 5 Inquiry is unlikely to be attracted by solutions which 6 are limited to the wealthy and the bold. The greater 7 imperative may be to find solutions which work for 8 everyone and which are, therefore, efficient, quick and 9 cheap. 10 LORD JUSTICE LEVESON: That might mean, might it not, 11 considering a system whereby litigants and newspapers, 12 or those who complain about newspaper practices and 13 newspapers, can obtain a resolution without the 14 expensive paraphernalia of litigating through the 15 Chancery Division or the Queen's Bench division. 16 MR JAY: Yes. 17 LORD JUSTICE LEVESON: Yes. 18 MR JAY: I turn now to the systems of internal and external 19 regulation, since these lie at the heart of the 20 Inquiry's work during part one. 21 Before explaining the difference between internal 22 and external regulation, I should make this general 23 observation: the purpose of regulation in general is to 24 maintain the public confidence, to declare appropriate 25 standards of behaviour and conduct and to modify</p> <p style="text-align: center;">Page 14</p>	<p>1 industry, from the virtually non-existent on the one 2 hand to the extremely detailed on the other. Some 3 witnesses have said that these systems are no substitute 4 for journalists being trusted to use their own moral 5 intuitions fashioned by experience, but this rather 6 assumes that their moral compasses are pointing in the 7 right direction in the first place and the pressures do 8 not exist to cause that compass needle to want to 9 deviate from the right direction. The relevant evidence 10 in these issues will all be examined when the Inquiry 11 hears from the key press witnesses. 12 The concept of external regulation scarcely needs to 13 be defined. Self-evidently, we're looking at systems 14 outside the organisation in question. Here I propose to 15 start with the Editors' Code of Practice, which it is 16 the obligation of the Press Complaints Commission to 17 enforce. 18 Typically, journalists have an express contractual 19 obligation to comply with the code of practice, and so 20 this might also be seen as an example of internal 21 regulation. Whereas the PCC comprises both press and 22 lay members, the latter being in the majority, the 23 Editors' Code of Practice Committee, responsible for 24 revising the code, comprises 13 editors across a range 25 of publications. The current position is that the code</p> <p style="text-align: center;">Page 16</p>

<p>1 is reviewed annually. The latest edition of the 2 Editors' Code was ratified by the PCC in January 2001. 3 LORD JUSTICE LEVESON: Probably '11? 4 MR JAY: 2011. 5 LORD JUSTICE LEVESON: Yes. 6 MR JAY: Sorry. 7 It's to be found in our document system. I give the 8 reference and I hope it might be possible to produce it 9 on a screen. Indeed it is, but whether we can see it at 10 that level of magnification is another matter. 11 LORD JUSTICE LEVESON: If you want to focus on bits of it, 12 we might even be able to do that. 13 MR JAY: Let's see how we get on. 14 There is also a handbook to the Editors' Code of 15 Practice, the 2011 of which, only available online, the 16 Inquiry will need to consider. The handbook is 17 a commentary on the code and expands on and interprets 18 its provisions. Given that the code of practice 19 encapsulates so many of the issues which are central to 20 module one of this Inquiry, I will take time to dwell on 21 it. 22 The preamble to the code, which I think is at the 23 very top, states that it provides the benchmark for 24 ethical standards, protecting both the rights of the 25 individual and the public's right to know:</p> <p style="text-align: center;">Page 17</p>	<p>1 while free to be partisan, must clearly distinguish 2 between comment, conjecture and fact. 3 Article 1, as we can see, is not made subject to any 4 public interest exception. Logically, there cannot be 5 any public interest in publishing facts which are 6 inaccurate. But if an individual complains that facts 7 about him or her are inaccurate and this complaint is 8 upheld, then the press have an obligation to set the 9 record straight, although they are accorded considerable 10 discretion and latitude as to the means of doing so. 11 This is separate from any issues which arise in the 12 context of privacy, because in that context, the 13 individual may have a complaint, even if the facts are 14 accurate. However, the issue becomes particularly acute 15 when an inaccuracy complaint is coupled with a privacy 16 complaint, since the inaccuracy compounds the violation 17 of privacy. 18 Article 1 also covers the publication of matters 19 such as inaccurate statements of scientific fact. 20 I have already alluded to this. Sometimes inaccurate 21 statements of scientific fact are dangerous because they 22 cause unnecessary public concern or prompt people to 23 fail to take sensible health measures. 24 The difficulty here is that the boundary between 25 fact and opinion is very often hotly debated. If it is</p> <p style="text-align: center;">Page 19</p>
<p>1 "Both the letter and the spirit of the code should 2 be fulfilled. Editors should co-operate fully with the 3 PCC in the resolution of complaints. Any publication 4 judged to have breached the code must print the 5 adjudication in full and with prominence, including 6 headline reference to the PCC." 7 As I hope you can see, even if I can't, there are 16 8 separate provisions of the code, eight of which are 9 asterisked; in other words, made subject to the express 10 public interest exception mentioned at the bottom 11 right-hand side of the document. I hope you can see 12 that. 13 LORD JUSTICE LEVESON: Yes. So this is the public interest? 14 MR JAY: The public interest, yes. 15 LORD JUSTICE LEVESON: Is that what you're going to turn to? 16 MR JAY: In a moment. I'm just going to press one button 17 and see whether I can yield -- 18 LORD JUSTICE LEVESON: We now have the public interest -- 19 MR JAY: Actually, I'm going to article 1, first. 20 LORD JUSTICE LEVESON: You were asked, Mr Jay. 21 MR JAY: Yes. I caused myself to go off piste. May I start 22 with article 1 before I get to public interest? 23 Article 1, which has been found, obliges the press 24 to take care not to publish inaccurate, misleading or 25 distorted information, including pictures. The press,</p> <p style="text-align: center;">Page 18</p>	<p>1 clear that facts have been inaccurately stated, they 2 must be corrected. 3 However, I should not be interpreted as encouraging 4 an overly philosophical approach. A robust and common 5 sense approach is required, particularly where the 6 rights of individuals are concerned. Demonstrable 7 errors must be corrected and in a condign manner. 8 Article 1(ii) of the code expressly recognises this, as 9 does article 2, but questions have been raised as to the 10 extent to which organs of the press honour this 11 obligation and the PCC enforces it. 12 Article 3 of the code, which, broadly speaking, 13 mirrors article 8 of the Convention, is absolutely 14 critical. Intrusions into a person's private life must 15 be justified -- 16 LORD JUSTICE LEVESON: Let's see if we can do that for the 17 people who are able to see one of these screens. Can we 18 do article 3? 19 MR JAY: Just a bit higher. I think we're on 4. I think 20 we're on harassment. (Pause) Great. 21 LORD JUSTICE LEVESON: Thank you. 22 MR JAY: We can see from article 1, subarticle (i), the 23 mirroring of article 8 of the Convention, although not 24 word for word. Intrusions into a person's private life 25 must be justified, likewise must the taking of</p> <p style="text-align: center;">Page 20</p>

<p>1 photographs in private places; in other words, public or 2 private prospect where there's a reasonable expectation 3 of privacy. The handbook contains a useful section on 4 what is meant by the concept of a reasonable expectation 5 of privacy. Before publication, editors are required to 6 decide whether the person was photographed out of the 7 public view -- that is not visible or identifiable with 8 a naked eye to someone in a public place -- and whether 9 he or she was engaged in a private activity at the time. 10 Thus the taking of photographs of a famous person in 11 prayer at Notre Dame Cathedral was deemed by the PCC to 12 be a private intrusion, whereas the photography of 13 another famous person on the Majorcan beach in the 14 height of summer is not. 15 As we will hear the week, the PCC has taken 16 a different view in relation to a beach in Mauritius in 17 low season. 18 LORD JUSTICE LEVESON: That can't be the balance, whether 19 it's high or low season. 20 MR JAY: There is an issue as to whether beaches in 21 Mauritius are public or private places, but the evidence 22 in that case -- and we will hear about it -- is it was 23 probably a private beach because it belonged to the 24 hotel and the public did not have untrammelled access to 25 it.</p> <p style="text-align: center;">Page 21</p>	<p>1 not confined to the three categories we see as (i) (ii) 2 or (iii). The paradigm case would be "detecting or 3 exposing crime or serious impropriety", perhaps another 4 equally important case is "protecting public health and 5 safety" and then the more controversial case, because 6 its meaning is less precise, "preventing the public from 7 being misled by an action or statement of an individual 8 or organisation". 9 The public interest exception in the code, as we can 10 see, makes it clear that there is a public interest in 11 freedom of expression itself. This, of course, is true, 12 see article 10 of the Convention, but what this wording 13 does not quite achieve is to make it explicit that one 14 competing public interest must be weighed against 15 another. Otherwise, there is a danger that editors will 16 simply identify the article 10 interest, which by 17 definition will always exist, and deploy it as a trump 18 card. 19 Nor is there any express reference in the code to 20 the concept of proportionality or to the nature of the 21 subject matter, although it should be noted and 22 emphasised that the editors' handbook stresses the 23 importance of this, observing: 24 "It is here that editor as often fall down." 25 The public interest exception raises a number of</p> <p style="text-align: center;">Page 23</p>
<p>1 LORD JUSTICE LEVESON: There are also issues about 2 photographing famous people simply walking along the 3 street. 4 MR JAY: Mm. The Mauritian case, to be absolutely clear, 5 was the eight year old child of a famous person. 6 LORD JUSTICE LEVESON: Yes. 7 MR JAY: I accept that sentence is slightly elliptical, but 8 I have now expanded upon it. 9 The term justified clearly requires a balancing 10 exercise. Factors to be placed in the balance include: 11 the complainant's own public disclosures of information 12 and the extent to which the information in question is 13 already in the public domain or may become so; detecting 14 crime or serious wrongdoing; protecting public health 15 and safety; and preventing the public from being misled 16 by an action or statement of an individual or 17 organisation. 18 LORD JUSTICE LEVESON: Should we just see the public 19 interest exception -- 20 MR JAY: Yes, that's likely to be the bottom right hand -- 21 LORD JUSTICE LEVESON: -- going back to the bit we were on 22 before. 23 MR JAY: Yes. 24 LORD JUSTICE LEVESON: Maybe you could just go through it. 25 MR JAY: There's an inclusive definition and therefore it's</p> <p style="text-align: center;">Page 22</p>	<p>1 massive issues. I propose to list just some of them. 2 First, under the terms of the exception, I quote: 3 "Whenever the public interest in invoked, the PCC 4 will require editors to demonstrate fully that they 5 reasonably believe that the publication or the 6 journalistic activity undertaken with a view to 7 publication would be in the public interest." 8 This sentence has been well-crafted. It draws 9 a helpful distinction between means and ends, between 10 new journalistic news-gathering methods and the end 11 product. Sometimes the complaint relates to both but 12 very often the focus is on the means. 13 Secondly, the journalist is required to demonstrate 14 that the activity would be in the public interest. In 15 a case where news-gathering methods are called into 16 issue, the appropriateness of the methods must be 17 demonstrated before the event and not after. 18 Lastly, the test is whether the journalist 19 reasonably believed that publication et cetera would be 20 in the public interest. Honest belief is insufficient. 21 The belief must be reasonable. Journalists are already 22 given a large measure of discretion here, since two 23 reasonable people may differ and the question arises as 24 to whether the test should be made more objective. 25 Very often, the editor makes a rapid judgment under</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 considerable pressure of time and commercial 2 imperatives. These judgments are rarely recorded, still 3 less second-guessed or vetted. The question arises as 4 to whether, as a matter of good practice, these 5 decisions should be entered into a contemporaneous 6 written record with the gist of the reasons given. In 7 the absence of such a record, the PCC should be much 8 slower to find that any justification exists. 9 This is my third point. The public interest 10 exception includes a reference to the public being 11 misled by an action or statement. In principle, 12 therefore, it might be argued there is a public interest 13 in exposing any mismatch between an individual's public 14 persona and his or her private life. This is the 15 hypocrisy argument I have mentioned before. 16 One does wonder whether, in maintaining such an 17 argument, those who propound it are placing too much 18 weight on the terms "action or statement". What may 19 well be required is the identification of some express 20 statement or specific action by the individual under 21 scrutiny. Implied mismatches may well be insufficient. 22 In any event, another difficulty here, regardless of 23 the view which might be taken on the precise language of 24 the public interest exception, is there's a range of 25 factual scenarios and each is capable of being treated</p> <p style="text-align: center;">Page 25</p>	<p>1 In this difficult middle ground, there are no hard 2 and fast rules and certainly no clear answers. 3 Ultimately, it's a question of public expectation. Do 4 we expect our footballers to be role models once we've 5 taken care in defining what that term means? Do we 6 expect our politicians to abstain from breaking the 7 seventh commandment, or more precisely, does the press 8 have the right to publish a failure to abstain? 9 Even this superficial analysis I have attempted 10 demonstrates that the issues are subtle and complex 11 ones. In terms of substance, the public interest 12 exception probably needs to say more than it currently 13 does. 14 In his witness statement to the Inquiry, Mr Alan 15 Rusbridger, the editor of the Guardian, refers to the 16 five Omand principles which have been incorporated into 17 the Guardian's own editorial code. We will be hearing 18 about these in due course. 19 Perhaps the key principle is this: that the methods 20 used must be in proportion to the seriousness of the 21 story and the public interest, using the minimum 22 possible intrusion. Here one is back to the 23 distinction -- which some would say is an entirely 24 judgmental one -- between investigative journalism on 25 the one hand and the quest for gossip and entertainment</p> <p style="text-align: center;">Page 27</p>
<p>1 differently. On the one hand, there may be the 2 celebrity who employs public relations consultants 3 positively to depict a particular image or persona 4 designed to enhance his or her standing and to earn more 5 money. If evidence is unearthed to show that the 6 cultivated image is false, then, depending on how that 7 evidence has come to light, it's certainly arguable that 8 there's a public interest in disclosure. 9 On the other hand, they may be individuals who are 10 celebrities simply by virtue of the fact that what they 11 are good at doing interests the public. These people 12 may be doing absolutely nothing to cultivate 13 a particular image of themselves and they contend, with 14 some force, that they're not public figures and that 15 their private lives are not for public consumption. 16 Then there may be a range of cases which fall in the 17 middle: role model cases such as Rio Ferdinand and cases 18 of those who find themselves in the public eye because 19 they have chosen to place themselves there; for example, 20 a politician. If a politician makes a statement about 21 the virtues of family life, one can quite readily see 22 that certain consequences will flow if that politician's 23 private life suggests adherence to different standards, 24 but at this stage I'm putting that sort of stark example 25 to one side.</p> <p style="text-align: center;">Page 26</p>	<p>1 on the other. 2 The final massive question relates to process. 3 Editors make these decisions and they are unaccountable, 4 save to their proprietors and to their readers. If they 5 fail, they will be sacked, but failure means not selling 6 enough newspapers. It does not mean consistently making 7 the wrong judgment calls in this context. 8 LORD JUSTICE LEVESON: Or does not necessarily mean. 9 MR JAY: Yes, because some proprietors would say that it 10 does include that. 11 Their readers may vote with their feet, as they 12 might well have done in the face of the Milly Dowler 13 revelations, had it come to it, but extreme facts would 14 surely be required. Editors are rarely slow to judge 15 the private lives of others, but those whose privacy is 16 claimed to have been invaded will want to know who is 17 judging, controlling or peer-reviewing the editors. On 18 rare occasions, the civil courts have been asked to do 19 this but the drawbacks here have already been discussed. 20 Beyond this, the custodians of the press are the PCC 21 but the question has been raised as to whether they have 22 consistently done enough to constitute a break on 23 editorial power. 24 LORD JUSTICE LEVESON: The other question is whether they 25 are truly custodians.</p> <p style="text-align: center;">Page 28</p>

<p>1 MR JAY: Yes.</p> <p>2 LORD JUSTICE LEVESON: Are they --</p> <p>3 MR JAY: Are they regulators properly so-called, a matter</p> <p>4 which I'm about to turn to.</p> <p>5 LORD JUSTICE LEVESON: Yes.</p> <p>6 MR JAY: My final point on the Editors' Code relates to</p> <p>7 article 10 of the code. By this provision, the press</p> <p>8 must not obtain or publish material --</p> <p>9 LORD JUSTICE LEVESON: Let's see if we can get that up.</p> <p>10 MR JAY: Okay. It's in the middle somewhere. It's the</p> <p>11 third column. Yes, thank you.</p> <p>12 LORD JUSTICE LEVESON: Thank you.</p> <p>13 MR JAY: It's one of the asterisked provisions.</p> <p>14 By this provision, the press must not obtain or</p> <p>15 publish material acquired by the use of hidden cameras,</p> <p>16 et cetera, interception of telephones or voicemails,</p> <p>17 unauthorised removal of documents or by accessing</p> <p>18 digitally held information without consent.</p> <p>19 As I've said, this is one of the asterisked</p> <p>20 provisions and is therefore subject to the public</p> <p>21 interest exception. The difficulty here is that many of</p> <p>22 the activities referred to are illegal under the</p> <p>23 criminal law: the RIPA for telephonic interception, the</p> <p>24 Theft Act for removal of documents without consent and</p> <p>25 the Computer Misuse Act for the unauthorised access to</p> <p style="text-align: center;">Page 29</p>	<p>1 public interest test. I've also mentioned the issue of</p> <p>2 process, of what happens in editor's make arguably wrong</p> <p>3 decisions and of how the record might be set straight.</p> <p>4 The entity responsible for enforcing the code is the</p> <p>5 Press Complaints Commission, which was set up in the</p> <p>6 wake of the Calcutt reforms in the early 1990s. Then,</p> <p>7 apparently, the press was in last chance saloon, and</p> <p>8 many of the issues which will trouble this Inquiry were,</p> <p>9 as it happens, also addressed by Sir David Calcutt.</p> <p>10 Your terms of reference require the Inquiry to consider</p> <p>11 the extent to which there was a failure to act to</p> <p>12 previous warnings about media misconduct and the</p> <p>13 response to Calcutt is one of the main issues here.</p> <p>14 It will probably be more valuable, however, if</p> <p>15 I were to concentrate on the PCC as presently</p> <p>16 constituted, and consider whether it ticks all the</p> <p>17 relevant boxes. The truth is that both the public and</p> <p>18 politicians appear to have lost faith in it. The</p> <p>19 reasons for this are likely to be multifactorial, but</p> <p>20 one important consideration is likely to be the PCC</p> <p>21 report in 2009, effectively siding with</p> <p>22 News International over its interpretation of the phone</p> <p>23 hacking scandal and criticising the Guardian for</p> <p>24 overdramatising the issue. The PCC has since withdrawn</p> <p>25 that report, but the damage has been done.</p> <p style="text-align: center;">Page 31</p>
<p>1 digitally held information.</p> <p>2 The Editors' Code does not make this clear, and in</p> <p>3 treating hidden cameras in the same way as telephone</p> <p>4 interceptions it is in danger of misleading its target</p> <p>5 audience. Illegal conduct should be described as such,</p> <p>6 so as to avoid any confusion.</p> <p>7 I could have touched on other provisions of code,</p> <p>8 but in the time available I've been selective. My</p> <p>9 critique has been largely textual and I hope a neutral</p> <p>10 one. I confine myself to unremarkable matters.</p> <p>11 If the Inquiry wished to read a less neutral but,</p> <p>12 some might say, more trenchant approach, there's always</p> <p>13 chapter 14 of "Media Law", written by Geoffrey Robertson</p> <p>14 QC and Andrew Nicol QC as he then was. This book</p> <p>15 chapter, which has been copied and exhibited to witness</p> <p>16 statement of Mark Thompson, from whom we will hear next</p> <p>17 week, also contains a powerful attack on the PCC.</p> <p>18 Overall, the Editors' Code, as a document enshrining</p> <p>19 good practice, may not require wholesale revision. I've</p> <p>20 indicated the respects in which it might be improved or</p> <p>21 clarified and there may be others.</p> <p>22 That said, what a brief analysis of the Editors'</p> <p>23 Code achieves is to focus the Inquiry on some of the key</p> <p>24 issues with which it will have to grapple. I have</p> <p>25 covered the issue of approach to and application of the</p> <p style="text-align: center;">Page 30</p>	<p>1 A broad consensus emerged during the seminars as to</p> <p>2 the strengths and weaknesses of the PCC. It offers</p> <p>3 a relatively quick complaints and mediation service at</p> <p>4 no cost to the complainer. At its best, it sends out</p> <p>5 desist notices to newspapers, warning them off potential</p> <p>6 breaches of privacy. It offers useful advice to editors</p> <p>7 and journalists working in the coalface and in many</p> <p>8 cases it efficiently brokers compromises which may well</p> <p>9 be satisfactory to the complainant. This work is</p> <p>10 largely done behind the scenes and the public cannot</p> <p>11 therefore assess its value. The public hears far more</p> <p>12 from dissatisfied customers than satisfied ones, but</p> <p>13 this is the nature of the beast.</p> <p>14 However, the limited resources of the PCC means that</p> <p>15 its role is largely reactive, not proactive, and that</p> <p>16 its ability to investigate and probe is circumscribed.</p> <p>17 It mainly operates by seeking to find middle ground</p> <p>18 because it constantly needs to retain the support of the</p> <p>19 press for what it does.</p> <p>20 The PCC cannot require a newspaper to print</p> <p>21 a correction or apology on the same page as the original</p> <p>22 offending article. It can advise and recommend, but</p> <p>23 there's no sanction for disobeying its rulings. Nor has</p> <p>24 the PCC the power to fine newspapers or order them to</p> <p>25 pay compensation. All of this gives the expression that</p> <p style="text-align: center;">Page 32</p>

<p>1 the PCC is operating largely without teeth and that in 2 the occasionally ruthless world in which it's forced to 3 operate, something altogether sharper is required.</p> <p>4 Another obvious weakness in the PCC is that 5 newspaper groups cannot be compelled to sign up to its 6 scope and in January this year, Northern & Shell 7 withdrew its subscription to Presboff, and thereby from 8 the formal jurisdiction of the PCC, with immediate 9 effect.</p> <p>10 The Inquiry will need to consider Northern & Shell's 11 reasoning for withdrawing before coming to any clear 12 conclusions about the significance of this, but the very 13 fact that an important newspaper group can extricate 14 itself from the discipline of self-regulation without 15 any fallout necessarily calls into question the efficacy 16 of the current system. Other publications have also put 17 themselves beyond the PCC's reach.</p> <p>18 The time has come to attempt to draw some of these 19 strands together. Inevitably, the recommendations you 20 will make as to the future will depend to some extent on 21 the factual findings you make in relation to the 22 culture, practices and ethics of the press. Put 23 bluntly, the fewer the problems you identify, the less 24 it may be said that you need to recommend changes to the 25 status quo. Naturally enough, the converse is also</p> <p style="text-align: center;">Page 33</p>	<p>1 always has been illegal. It follows, they say, that the 2 correct response to phone hacking is more effective 3 enforcement of the criminal law rather than enhanced 4 regulation of the industry. Additional, it could be 5 said that the appropriate response also lies in 6 improving access to the civil courts and bringing 7 newspapers to account in this way, as indeed will be 8 happening in the civil litigation to be tried by 9 Mr Justice Vos in January.</p> <p>10 But the fact that the criminal law is, in principle, 11 involved is unlikely to be a complete answer to this 12 issue. Improvements in the criminal law, in particular 13 improvements in law enforcement, can and should be 14 considered. However, white collar crime of this sort is 15 notoriously difficult to detect, and even a wholly 16 effective criminal law would be unlikely to supply all 17 the answers. Improvements in the civil law can always 18 be envisaged and effectuated but here, again, any such 19 improvements would be unlikely to be all-embracing.</p> <p>20 Overall, the Inquiry will be considering 21 a tripartite regulation: Criminal law, civil law and 22 internal, external regulation, properly so-called, with 23 perhaps the most important element being possible 24 enhancements to the last of these.</p> <p>25 The point can be made by looking at examples in</p> <p style="text-align: center;">Page 35</p>
<p>1 true.</p> <p>2 But regardless of the findings you make in relation 3 to culture, practices and ethics, you will need to 4 consider whether the existing system of self-regulation 5 is fit for purpose on a number of levels.</p> <p>6 First, systems regulation must command the 7 confidence of the public, as well as being effective in 8 regulating and improving behaviours.</p> <p>9 If the confidence of the public has been lost, 10 changes may be needed for that reason alone.</p> <p>11 Secondly, systems of regulation must be responsive 12 to rapid technological change, and in our context, to 13 the formidable challenges presented by the Internet and 14 other similar means of mass communication.</p> <p>15 Thirdly, systems of regulation must continue to 16 reflect the needs and expectations of the public and the 17 rights and responsibilities of the press itself, and 18 achieve the right balance between these competing 19 interests. Most importantly, any effective regulatory 20 system needs to deliver remedies which are efficient, 21 quick and cheap.</p> <p>22 Some have commentated that this Inquiry should not 23 be beguiled into overreacting to the News of the World 24 phone hacking scandal for this straightforward reason. 25 They point out correctly that phone hacking is and</p> <p style="text-align: center;">Page 34</p>	<p>1 other regulatory spheres. Dame Janet Smith's Inquiry 2 into the serial murders of Harold Shipman led to 3 wholesale changes in the system of medicine regulation. 4 Whereas the immediate subject matter of the Inquiry was 5 the criminal acts of one GP, she has not seriously 6 suggested that the only appropriate response to this 7 should have been a series of recommendations limited to 8 enhancing criminal law enforcement. The domestic 9 regulator clearly had a role to play.</p> <p>10 LORD JUSTICE LEVESON: Before you go on to discuss aspects 11 of medical regulation, there is one feature of recent 12 events that actually underlines the point that you're 13 making, doesn't it? That is the recent revelations of 14 those who perhaps should not have been the subject of 15 surveillance being the subject of surveillance and the 16 activities of private detectives, which may not breach 17 the criminal law --</p> <p>18 MR JAY: Yes.</p> <p>19 LORD JUSTICE LEVESON: -- at all --</p> <p>20 MR JAY: Yes.</p> <p>21 LORD JUSTICE LEVESON: -- but which, if various commentators 22 are right, certainly were not appropriate.</p> <p>23 MR JAY: Sir, yes.</p> <p>24 There's one additional important point I should make 25 about medical regulation because it assists in defining</p> <p style="text-align: center;">Page 36</p>

<p>1 the terms of the discourse. Registered medical 2 practitioners are self-regulated, notwithstanding that 3 the general medical council was established under 4 statute and its fitness to practice panels operate 5 within the legislative scheme. Plus a self-regulated 6 system can be statute-based even if the regulator is not 7 government-run. As it happens, we can see the same sort 8 of model in operation in relation to solicitors and 9 barristers.</p> <p>10 In all of these examples, it should be noted that 11 the subject matter is the regulation of a body of 12 professionals. Viewed in those terms, the immediate 13 dissimilarities with press regulation are manifest, 14 since professionals do not exercise article 10 rights.</p> <p>15 At your seminars, there appeared to be little or no 16 enthusiasm in those present for a government-run 17 regulatory system, which would be a form of statutory 18 regulation, still less for a system of state licensing 19 of journalists.</p> <p>20 LORD JUSTICE LEVESON: That doesn't really work because if 21 journalists are merely exercising article 10 rights it's 22 rather difficult to say, "You can't do that." You can 23 say a doctor can't practice medicine or a lawyer can't 24 appear in court.</p> <p>25 MR JAY: Yes.</p> <p style="text-align: center;">Page 37</p>	<p>1 record and publish its findings, and the setting up of 2 some sort of tribunal, panel or assessor to provide 3 binding arbitral rulings in breach of privacy in similar 4 cases much.</p> <p>5 Some might say that prior notification is an 6 essential ingredient of such a system. Others might say 7 that the perspective of consumer is the wrong 8 perspective and the press should be allowed to continue 9 their work in a free and open society. These are the 10 sorts of issues which are likely to occupy our time in 11 the months ahead.</p> <p>12 I said I would touch on the scope and subject matter 13 of modules two and three of the Inquiry. Module two 14 concerns the relationship between the press and the 15 police. The public perception -- and we will have to 16 investigate whether it has some grounding in fact -- is 17 that the police are often paid by the press in order to 18 provide tips, leads, information and stories. Such 19 payments, if made, are likely to have been in breach of 20 the Prevention of Corruption Act 2006 and now the 21 Bribery Act 2010. Such payments may also be part of 22 a wider picture and a wider vice, namely the extent to 23 which the police acts collusively with the press in 24 failing to investigate the latter's criminal wrongdoing 25 because there's some sort of Faustian pact or symbiotic</p> <p style="text-align: center;">Page 39</p>
<p>1 LORD JUSTICE LEVESON: Yes.</p> <p>2 MR JAY: This lack of enthusiasm does not place the issue 3 wholly beyond the agenda of this Inquiry, but is 4 something which we can have noted. The real point 5 though is that the true dichotomy is not between 6 self-regulation on the one hand and a government-run 7 regulatory system on the other.</p> <p>8 It remains to be seen whether the Inquiry will be 9 attracted by a solution which entails what might be 10 called enhanced self-regulation without any legislative 11 changes, or whether the way forward will be 12 statute-based regulation in some shape or form, where 13 the standing in its own right was part of 14 a co-regulatory regime. The possible merits and 15 demerits of the latter will be considered by the Inquiry 16 in the context of the evidence adduced by Ofcom and the 17 BBC and more generally.</p> <p>18 I mention for the third time now the need for 19 a system of redress which is quick, efficient and cheap. 20 From the perspective of the consumer, the attributes of 21 such a system may include an enhanced right of reply, 22 the mandatory correction of frank errors in a manner 23 proportionate to the original offending article, an 24 enhanced role for the PCC or any successive body in 25 adjudicating on complaints and compelling newspapers to</p> <p style="text-align: center;">Page 38</p>	<p>1 relationship existing between them.</p> <p>2 LORD JUSTICE LEVESON: Of course, there has to be 3 a relationship between the police and the press in one 4 sense because the police use and legitimately use the 5 press in order to seek out witnesses.</p> <p>6 MR JAY: Yes.</p> <p>7 LORD JUSTICE LEVESON: And to gain publicity for particular 8 lines of Inquiry that they're seeking to pursue.</p> <p>9 MR JAY: Yes.</p> <p>10 LORD JUSTICE LEVESON: There's a balance.</p> <p>11 MR JAY: Indeed.</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 MR JAY: These are all important issues, but the extent to 14 which this Inquiry will be able to penetrate 15 institutional shields, palisades, moats and portcullises 16 is questionable. It will be dependent on witnesses 17 coming forward prepared to spill the beans, and as we 18 know, there is an ongoing police investigation.</p> <p>19 Module three, the relationship between the press and 20 politicians, will not be constrained by any ongoing 21 police investigation. Here the issues are as important 22 as they are obvious.</p> <p>23 We are talking about the trade in influence and 24 power, or at least that perception. The press have sway 25 over politicians to the extent that it is within their</p> <p style="text-align: center;">Page 40</p>

<p>1 power to endorse particular political parties or causes 2 and certain newspaper groups are seen as floating 3 voters. Accordingly, the existing political settlement 4 encourages a state of affairs in which powerful 5 institutions and powerful men and woman within those 6 institutions are wooed by politicians in order to retain 7 or change their political allegiances as the case may 8 be.</p> <p>9 What is the quid pro quo for this? On one level, it 10 might simply be said that press proprietors and editors 11 enjoy the wielding of an unaccountable power and that 12 this enjoyment is enough to constitute the price for the 13 bestowing of favour. On the other hand, it may be said 14 that for some the quid pro quo is a higher price, namely 15 the bestowing of commercial favours by government.</p> <p>16 The unaccountable power of the press, or of certain 17 parts of it, is a consistent theme here, and if that 18 power is concentrated in a limited number of 19 individuals, the problem is capable of being visualised 20 as all the more menacing.</p> <p>21 This Inquiry will start by hearing evidence from the 22 core participant victims from a range of individuals in 23 various walks of life who claim to have suffered from 24 various manifestations of press misconduct and who wish 25 to bring these matters to the Inquiry's attention. Then</p> <p style="text-align: center;">Page 41</p>	<p>1 I understand it, witnesses have been arranged to 2 commence from next Monday?</p> <p>3 MR JAY: Sir, yes.</p> <p>4 LORD JUSTICE LEVESON: So we have the rest of the day and 5 the next couple of days, on the basis of our seven-day 6 format, sitting four days next week, to hear the 7 remaining opening submissions.</p> <p>8 MR JAY: Yes.</p> <p>9 LORD JUSTICE LEVESON: Do I gather that your informal 10 discussions suggest that that won't necessarily take up 11 all the time that I have available?</p> <p>12 MR JAY: We have plenty of time to hear the remainder of the 13 opening submissions on Tuesday and Wednesday. The 14 programme for the moment, so that I can make it clear -- 15 I've discussed it with the individuals concerned but not 16 necessarily with everybody collectively -- is that 17 Mr Jonathan Caplan QC will be starting tomorrow at 18 either 10 am or 10.30 am on behalf of Associated News, 19 and Mr Rhodri Davies QC --</p> <p>20 LORD JUSTICE LEVESON: Why is that this way around? I'm not 21 terribly excited about it, but why is Mr Rhodri Davies 22 not starting?</p> <p>23 MR JAY: It doesn't matter.</p> <p>24 LORD JUSTICE LEVESON: Oh, I see.</p> <p>25 MR JAY: If you feel that we should hear from Mr Davies</p> <p style="text-align: center;">Page 43</p>
<p>1 we will move on to hear evidence from those directly 2 involved in Operation Motorman and the work of the 3 Information Commissioner's office in this respect.</p> <p>4 Thereafter, the work of the Inquiry will branch out 5 into hearing a number of witnesses who are critical of 6 the culture, practices and ethics of the press before we 7 move on to hear the substantial body of press evidence, 8 which is likely to give us a different perspective.</p> <p>9 Then we will hear from the BBC and other broadcasters 10 before concluding module one with evidence from the 11 regulators. This undoubtedly is a challenging programme 12 and I have not even mentioned the witnesses for modules 13 two and three.</p> <p>14 I said at the outset that this Inquiry will set some 15 unprecedented challenges. I do not believe that I was 16 guilty of any exaggeration.</p> <p>17 LORD JUSTICE LEVESON: Nor, for the avoidance of doubt, 18 Mr Jay, do I. I think that's possibly a convenient 19 moment to have a break. We'll come back in about 20 quarter of an hour. Thank you very much indeed.</p> <p>21 (2.58 pm)</p> <p>22 (A short break)</p> <p>23 (3.12 pm)</p> <p>24 LORD JUSTICE LEVESON: Right. Mr Jay, let's see if we can 25 work out where we're going to go from here. As</p> <p style="text-align: center;">Page 42</p>	<p>1 first --</p> <p>2 LORD JUSTICE LEVESON: I just wonder whether his clients' -- 3 well, perhaps -- it might be there's a reason for 4 Mr Caplan wanting to go first because he has other 5 commitments.</p> <p>6 MR JAY: No.</p> <p>7 LORD JUSTICE LEVESON: All right.</p> <p>8 MR JAY: If you feel it should be Mr Davies and then 9 Mr Caplan, let's do it that way around.</p> <p>10 I know that Mr James Dingemans QC is otherwise 11 engaged until 3.15 in the Supreme Court, so we have 12 pencilled him in but not before 3.15. Frankly, at the 13 moment, unless the Daily Telegraph are wanting to make 14 oral submissions -- and we don't believe that they do -- 15 that's it for tomorrow.</p> <p>16 On Wednesday, at the moment, we have --</p> <p>17 LORD JUSTICE LEVESON: The Telegraph have submitted 18 something in writing, haven't they?</p> <p>19 MR JAY: Yes. I think Mr Gavin Millar was telling me he's 20 not minded to amplify those orally.</p> <p>21 LORD JUSTICE LEVESON: But I might want him to. He's gone?</p> <p>22 MR SPEKER: He has gone, but we can check on his 23 availability, if you wish.</p> <p>24 LORD JUSTICE LEVESON: Yes. I don't mind sharing with you 25 my concern, because it seems to me that it's probably</p> <p style="text-align: center;">Page 44</p>

11 (Pages 41 to 44)

<p>1 sensible that these submissions are available publicly. 2 I don't require people to speak where they don't wish 3 to, but if I just pick up the document which I've seen, 4 I'm rather concerned at paragraph 6 of his opening 5 submission. So that this is not coded, let me read it 6 and tell you what my concern is. It says: 7 "The starting point of the Inquiry that a free and 8 enquiring press acting in the public interest is 9 fundamental to pluralistic democracy gives us 10 encouragement." 11 Well, I'm pleased about that. I have no problem 12 with that at all. It's the next sentence: 13 "We also welcome the Inquiry's appreciation that 14 'any new regulatory system, howsoever devised or 15 organised, could impact adversely on freedom of 16 expression or have a chilling effect on responsible 17 journalism which is so critical in our democratic 18 society'." 19 Now, that quotation is actually a quote from 20 paragraph 34 of a ruling I gave, but with great respect, 21 it doesn't seem accurately to reflect that ruling. The 22 words are correct but the inference from paragraph 6 is 23 that I was saying that any new regulatory system could 24 impact adversely, and that's not what I said at all. 25 If necessary, I would want to hear Mr Millar on the Page 45</p>	<p>1 Telegraph don't formally want to open it. That's 2 absolutely up to them and I'm very happy to put their 3 opening submissions into the public domain, but I'd be 4 supremely grateful if they didn't -- I won't use the 5 word "spin", but slightly misrepresent what I was rather 6 careful to say in that paragraph. It may be that that's 7 where I am, but if one reads your submission, it 8 suggests I've already got that. 9 MR SPEKER: We will take that on board. 10 LORD JUSTICE LEVESON: Thank you very much. Right. 11 MR JAY: And then Wednesday? I was going to fill you in on 12 Wednesday? 13 LORD JUSTICE LEVESON: Carry on with Wednesday, yes. 14 MR JAY: The NUJ are going first, at the moment at 10 am. 15 I think we're going to hear from their general 16 secretary, Michelle Stanistreet. Then we have Alan 17 Rusbridger of the Guardian, who is lined up for about 18 11 o'clock on Wednesday, and then Mr Sherborne will 19 conclude. 20 LORD JUSTICE LEVESON: Then you may come back? 21 MR JAY: Then I may or may not come back, and of course 22 we're going to hear from Mr Garnham now. 23 LORD JUSTICE LEVESON: Yes. 24 MR JAY: A witness list for next week, which takes us 25 actually to close of play on Monday, 28 November, will Page 47</p>
<p>1 topic, or you could review it. If I just remind you 2 what I did say, what I said was this: 3 "The fundamental dichotomy is between a requirement 4 to understand and identify the extent to which the print 5 media have been prepared to use illegal or unethical 6 techniques on the one hand, and descending into the 7 detail of specific acts of alleged illegal and unethical 8 conduct on the other." 9 I omit some words in parentheses. 10 "In avoiding the latter, however, I must not leave 11 the analysis of the former at such a high level that it 12 is insufficiently evidence-based to justify reaching 13 conclusions about the adequacy of present methods of 14 regulation and the justifiability of new or different 15 mechanisms. That is so particularly if it could be 16 suggested that any new regulatory system, however 17 devised or organised, could impact adversely on freedom 18 or expression or having a chilling effect on the 19 responsible journalism which is so critical in our 20 democratic society." 21 I hope you see that those two things are slightly 22 different. 23 MR SPEKER: Sir, we'll take on board those comments. 24 LORD JUSTICE LEVESON: It's rather odd that one is doing it 25 the wrong way around. I have no problem if the Page 46</p>	<p>1 be made available this evening, and we can hope to 2 populate the remaining days, the 29th and 30 November 3 and 1 December, by, say, close of play Wednesday this 4 week, so everybody knows what we're doing until 5 1 December. We would welcome, in relation to next 6 week's witnesses, any lines of questioning from the core 7 participants. 8 LORD JUSTICE LEVESON: And they will have the statements on 9 the intranet available for them from when? 10 MR JAY: Some are there already. They're going on as fast 11 as possible. 12 LORD JUSTICE LEVESON: Very good. That's one of the reasons 13 why we can't start until Monday, until everybody's had 14 a chance, besides the complications of organising people 15 to be here. 16 MR JAY: Yes. 17 LORD JUSTICE LEVESON: Right. 18 MR SHERBORNE: Sir, can I rise, somewhat perturbed, to raise 19 a matter which I hope sincerely is a coincidence and 20 nothing more sinister, but there has been detected on 21 our system -- and I say ours because I see it nowhere 22 detected on anybody else's intranet system -- a threat, 23 according to my computer in front of me; namely that -- 24 LORD JUSTICE LEVESON: A threat? 25 MR SHERBORNE: A threat raised by the possible interception Page 48</p>

<p>1 of material on our intranet system. I say that because 2 we do have on our system, unlike others, confidential 3 material, as I understand it. I'm told it's the same, 4 but a Trojan horse has been detected, seeking to access 5 material on our computer system. Now, it may well would 6 be a coincidence but looking around the screens, I don't 7 see a threat detected on anyone else's computer systems. 8 LORD JUSTICE LEVESON: There's nothing at all on my screen. 9 What does it say? Read it out. 10 MR SHERBORNE: It says, in very large red lettering, rather 11 similar to the News of the World get-up, it says -- 12 THE CHAIRMAN: No, no, Mr Sherborne, I'm sorry, that's a gag 13 that you're going to have to do without. Keep going. 14 MR SHERBORNE: "Threat detected. File name ..." 15 Then it has a file name, a series of digits and 16 letters, and then: "Threat name: Trojan horse", which, 17 sir, you will appreciate does refer to a computer virus. 18 LORD JUSTICE LEVESON: I know what it means. 19 MR SHERBORNE: Then it simply offers a series of options: 20 "Move to vault", which is safely to quarantine the 21 infected file, "Go to file", which I think takes you to 22 the file or part of the registry where that file 23 resides, and then the last one and perhaps the least 24 attractive, which is to ignore the threat. 25 I don't know whether anyone can deal with this at</p> <p style="text-align: center;">Page 49</p>	<p>1 helpful. That will happen. I have rather visualised 2 that those who have put in written submissions are aware 3 they're likely to go on the Internet, as indeed all the 4 other submissions have been made over the months that we 5 have actually been thinking about this Inquiry, and have 6 gone onto the Internet. Does that cause anybody any 7 embarrassment? No? Good. Thank you very much indeed. 8 Right. I'm not often thrown, but Mr Sherborne has 9 managed to do that very early on in this Inquiry, I hope 10 for the last time. 11 Mr Garnham, you're in a slightly different position 12 to everybody else, so if it's convenient to you, then 13 I am very happy to hear what you have to say at this 14 stage. Thank you very much indeed for your 15 comprehensive submissions, which, of course, take 16 account of the ruling that I gave about a week ago. 17 MR GARNHAM: Sir, yes, they did. 18 LORD JUSTICE LEVESON: Do I gather from the way in which 19 your statement is expressed that at least at present the 20 basis of my ruling is sufficient for the Metropolitan 21 Police to rely upon? 22 MR GARNHAM: Yes, sir. 23 LORD JUSTICE LEVESON: Right. Thank you. 24 Opening submissions by MR GARNHAM 25 MR GARNHAM: As you know, the Metropolitan Police have more</p> <p style="text-align: center;">Page 51</p>
<p>1 this stage? 2 LORD JUSTICE LEVESON: I absolutely want it dealt with at 3 this stage. 4 MR SHERBORNE: Sir, that's why I rise at this moment. 5 LORD JUSTICE LEVESON: No, no, Mr Sherborne, thank you very 6 much. My screen is entirely blank. 7 MS PHILLIPS: Can I just say I had something similar when 8 I started off this morning but I cleared it and it's 9 gone. 10 LORD JUSTICE LEVESON: You decided to ignore it, did you? 11 Somebody must understand the men that run around in 12 these machines. 13 Thank you very much, Mr Sherborne. I would be 14 grateful if that could be dealt with as soon as possible 15 and certainly today. 16 With that excitement out of the way, does anybody 17 have any observations about the timetable? 18 MR DAVIES: I don't know if it properly goes with 19 a conversation with the timetable, perhaps I could just 20 say that so far as we're concerned, our written opening 21 submissions were written to be made public, and they can 22 be made public as soon as anyone would like to do it. 23 I say that because I am not intending to read them out 24 or repeat them in my oral opening tomorrow morning. 25 LORD JUSTICE LEVESON: No, I understand that and that's very</p> <p style="text-align: center;">Page 50</p>	<p>1 than a single interest in the work of your Inquiry. 2 First, it was the MPS which was responsible for the 3 investigation which led to the convictions of Mulcaire 4 and Goodman in 2006 and about which you have already 5 heard much from Mr Jay. 6 Second, it is the MPS who are currently conducting 7 further investigations into phone hacking, into alleged 8 corruption of police officers and into computer hacking 9 by the press, and third, sir, as the police service for 10 London, the MPS has to maintain an effective working 11 relationship with the press in order to communicate with 12 the public for the purposes both of appealing for 13 information about crime and for relaying information 14 relevant to public protection and safety. 15 LORD JUSTICE LEVESON: And indeed, wearing a different hat, 16 it's also equally important to ensure the public is able 17 to have confidence in the criminal justice system. 18 MR GARNHAM: Absolutely. 19 LORD JUSTICE LEVESON: As it's operated in this country. 20 MR GARNHAM: Absolutely, sir. 21 LORD JUSTICE LEVESON: Yes. 22 MR GARNHAM: The MPS is, as a result, keen to help ensure 23 that that relationship with the press is structured and 24 managed in the way that will best advance the public 25 interest.</p> <p style="text-align: center;">Page 52</p>

<p>1 As you know, sir, in December 2005, reports were 2 made to the MPS by members of the royal household about 3 the possible unauthorised accessing of voicemail 4 messages on their mobile phones. In response, SO13, 5 a specialist operations branch of the MPS responsible 6 for anti-terrorism, launched what was a necessarily 7 covert criminal investigation, later to be known as 8 Operation Carrothead(?). That operation identified 9 Clive Goodman and Glenn Mulcaire as responsible for the 10 conspiracy to gather private and personal data for 11 financial gain, which has been explained to you by 12 Mr Jay.</p> <p>13 By July of 2006, the police had obtained evidence 14 suggesting that others were being targeted. The scale 15 of that evidence increased concerns that both public 16 safety and national security might be at risk, and 17 accordingly, it was decided that the operation could no 18 longer remain covert and Goodman and Mulcaire were 19 arrested on 8 August 2006.</p> <p>20 They were charged, as you've heard, with conspiracy 21 to intercept communications and unlawful interception of 22 communications. Their premises were searched, evidence 23 was seized and that appeared to confirm that their 24 activities were aimed beyond members of the royal 25 household.</p> <p style="text-align: center;">Page 53</p>	<p>1 MR GARNHAM: By the time of the addition of those five 2 charges, sir, yes.</p> <p>3 LORD JUSTICE LEVESON: Yes. So would it be right to say 4 that the view has been taken that there is an 5 appropriate proper argument to mount --</p> <p>6 MR GARNHAM: Yes.</p> <p>7 LORD JUSTICE LEVESON: -- that listening to stored messages 8 still contravenes RIPA?</p> <p>9 MR GARNHAM: The original advice the MPS received was to the 10 contrary effect.</p> <p>11 LORD JUSTICE LEVESON: Yes.</p> <p>12 MR GARNHAM: But by the time the matter was coming on for 13 trial at the Bailey, the view was taken that there was 14 a proper argument to be had there, and it was the 15 argument to which Mr Jay has adverted.</p> <p>16 LORD JUSTICE LEVESON: Is that still the view of the police?</p> <p>17 MR GARNHAM: The view of the police currently and in the 18 current investigation, which I shall come to in 19 a moment, is that the matter should proceed at its 20 widest ambit because the advice now would appear to 21 support that.</p> <p>22 LORD JUSTICE LEVESON: So you don't mind whether I exercise 23 a view as to it or not?</p> <p>24 MR GARNHAM: No, sir. I'm not sure that it would count much 25 if I did mind, but I don't.</p> <p style="text-align: center;">Page 55</p>
<p>1 Following discussions with the CPS, a decision was 2 made to charge Mulcaire with five further counts of 3 interception beyond that relating to the royal 4 household, and Mr Jay has given you some particulars of 5 those additional charges. That decision reflected the 6 strength of the evidence, the need properly to expose 7 the criminal conduct concerned, the wish to test the 8 existing legislation and the ability to prove the case.</p> <p>9 The result of the trial that followed has already 10 been explained to you by Mr Jay.</p> <p>11 LORD JUSTICE LEVESON: When you say "test the limits of the 12 legislation", Mr Jay explained this issue about the 13 concern that stored but listened to messages no longer 14 fell within the legislation.</p> <p>15 MR GARNHAM: Yes, and the five additional charges, one of 16 the purposes behind their addition was that it was seen 17 as a possible means of testing that very point.</p> <p>18 LORD JUSTICE LEVESON: Yes.</p> <p>19 MR GARNHAM: In fact, because of the pleas that were put in, 20 the test was never actuated. It was one of the 21 motivating factors behind the decision to add those 22 charges.</p> <p>23 LORD JUSTICE LEVESON: So obviously the director took the 24 view both that there was a prima facie case and it was 25 in the public interest to charge with those --</p> <p style="text-align: center;">Page 54</p>	<p>1 LORD JUSTICE LEVESON: It won't, actually.</p> <p>2 MR GARNHAM: I rather thought it wouldn't, sir.</p> <p>3 LORD JUSTICE LEVESON: All right. Yes, okay.</p> <p>4 MR GARNHAM: That investigation, the 2005 investigation, 5 was, as I've said, conducted by the anti-terrorist 6 branch because of the national security implications of 7 interception of phone calls of members of the royal 8 household. It was limited in scope at that time because 9 of the competing operational demands on that branch, 10 primarily from the serious and sustained threats of 11 terrorist attacks that were extant in and after 2005.</p> <p>12 Nonetheless, it was apparent that there was 13 reference in the Mulcaire papers to many individuals 14 other than those identified in the criminal charge. In 15 2009, Assistant Commissioner John Yates was asked to 16 establish the facts with a view to ascertaining whether 17 any new information was available that warranted 18 reopening the original investigation. He concluded that 19 there was not.</p> <p>20 Sir, the MPS recognise that the conduct of its 21 original investigation and the subsequent related 22 decisions may be the subject of some criticism in the 23 latter stages of this Inquiry. The previous 24 Commissioner, Sir Paul Stephenson, resigned as 25 a consequence of the ongoing speculation and accusations</p> <p style="text-align: center;">Page 56</p>

<p>1 about MPS links with News International. John Yates 2 also resigned, expressing regret "that those potentially 3 affected by phone hacking were not dealt with 4 appropriately". 5 Both those officers, together with former assistant 6 commissioners Andy Hayman and Peter Clarke were referred 7 to the Independent Police Complaints Commission by the 8 Metropolitan Police Authority for their role in handling 9 the phone hacking investigation, although the IPCC 10 concluded that the conduct of none of these officers 11 amounted to a recordable conduct matter. It's 12 acknowledged nonetheless that issues of legitimate 13 concern were raised. 14 LORD JUSTICE LEVESON: So the public understand, "recordable 15 conduct matter" means something that is worthy of 16 potential disciplinary pursuit. 17 MR GARNHAM: Investigation in a disciplinary context, sir, 18 yes. 19 LORD JUSTICE LEVESON: Yes. Just that it's a phrase that 20 the public may not understand. Yes? 21 MR GARNHAM: In addition, sir, claims that Mr Yates secured 22 a job for the daughter of former News of the World 23 deputy editor Neil Wallace were referred to the IPCC. 24 Mr Yates has been told by the IPCC very recently 25 that it has found no evidence of misconduct to justify</p> <p style="text-align: center;">Page 57</p>	<p>1 300 million emails. 2 As the MPS and the CPS have repeatedly indicated, 3 there is considerable anxiety that nothing done in this 4 Inquiry should prejudice or risk prejudicing the 5 integrity of the MPS investigations that are currently 6 taking place, and we are grateful, sir, for the 7 indications you have given as to the steps you will take 8 to guard against those risks, and we will do all we can 9 to assist the Inquiry with its work in that regard. 10 LORD JUSTICE LEVESON: I'm very grateful about that, 11 Mr Garnham. I'm very conscious of it. The timeframe, 12 without in any sense committing the Metropolitan Police 13 or the CPS to it, if you have to go through even a small 14 fraction of the number of emails to which you've 15 referred, looks uncertain, to say the least. 16 MR GARNHAM: Uncertain is right, sir. The matter progresses 17 with some expedition and it's the focus of a great deal 18 of hard work by a large number of officers. 19 LORD JUSTICE LEVESON: I've absolutely no doubt about that 20 I've taken the view that I should be extremely cautious 21 about whatever is not in the public domain. 22 MR GARNHAM: Sir, yes. 23 LORD JUSTICE LEVESON: But what is in the public domain -- 24 in other words, is not there because of me -- it would 25 be rather foolish of me and probably self-defeating to</p> <p style="text-align: center;">Page 59</p>
<p>1 disciplinary proceedings in respect of the Amy Wallace 2 matter, and a report to that effect will be published in 3 due course. The MPS's director of public affairs is 4 also currently the subject of an IPCC misconduct 5 investigation for his hiring of Neil Wallace. 6 On the 26th of this year, the MPS began a fresh 7 investigation, Operation Weeting, into allegations of 8 phone hacking at the News of the World. Unlike its 9 predecessor, this investigation was set up in the 10 specialist crime directorate of the MPS so as to allow 11 the counter-terrorism command to focus on their primary 12 objectives of protecting the UK from the threat of 13 terrorism. 14 Running concurrently with Operation Weeting are 15 operations Elveden, an investigation into allegations of 16 inappropriate payments to the police by those involved 17 with phone hacking, and Tuleta, an investigation into 18 alleged computer hacking carried out by elements of the 19 media. 20 To date, as Mr Jay rightly told you, 13 people have 21 been arrested since Operation Weeting began 22 investigating phone hacking, and that investigation is 23 continuing. The work involved for the Metropolitan 24 Police in that operation is extensive. The rebuilt 25 News of the World computer databases alone contain some</p> <p style="text-align: center;">Page 58</p>	<p>1 ignore. 2 MR GARNHAM: And I couldn't attempt to dissuade you from 3 that, sir. 4 LORD JUSTICE LEVESON: Yes. But the timeframe for me is, as 5 I have made clear, to try to provide a report before the 6 end of September next year. Whatever stage you might 7 have reached, it's unlikely that you will then have 8 concluded. Would that be fair? 9 MR GARNHAM: That would appear to be a fair estimate, sir. 10 LORD JUSTICE LEVESON: Yes. Because, of course, there still 11 remains part two of the Inquiry, which actually goes 12 into the detail but only after all police investigations 13 and/or prosecutions, if there are any, have been 14 concluded. 15 MR GARNHAM: Yes. 16 LORD JUSTICE LEVESON: All right. 17 MR GARNHAM: Sir, we recognise, as I've said, that the 18 Inquiry may reach conclusions that are critical of the 19 MPS investigations and of its relationship with the 20 media, but this is an Inquiry and not a trial, sir, and 21 the MPS have decided that they will not adopt 22 a defensive stance. 23 Accordingly, it will seek to assist, not to 24 obstruct; to self-criticise, rather than to justify; and 25 to reveal, rather than hide. In short, sir, it stands</p> <p style="text-align: center;">Page 60</p>

<p>1 ready to assist you in your work and to learn from any 2 errors the Inquiry may reveal.</p> <p>3 The MPS has not been content, however, to sit back 4 and await the outcome of your work. It's already taken 5 a number of steps aimed at identifying deficiencies in 6 its practice and learning from any past error.</p> <p>7 On 20 August of this year, Elizabeth Filkin, the 8 former Parliamentary Commissioner for Standards, was 9 appointed to examine the ethical issues arising from the 10 relationship between the police and the media. As you 11 will know, sir, Ms Filkin has a reputation for vigorous 12 independence. The MPS have welcomed her review and are 13 co-operating fully with her to ensure that she's able to 14 carry out her terms of reference.</p> <p>15 Those terms of reference include the provision of 16 advice to the Commissioner as to the proper purpose of 17 the relationship between the police and the media, the 18 steps that might be taken to improve public confidence 19 in police and media relations, whether steps could be 20 taken to improve the transparency of police and press 21 relations, and what, if any, hospitality it is 22 acceptable for the police to receive from the media or 23 provide to them.</p> <p>24 A considerable amount of work has already been 25 completed by Ms Filkin and her team and we understand</p> <p style="text-align: center;">Page 61</p>	<p>1 MR GARNHAM: We suggest, sir, the close and transparent 2 working relationship between the police and the media is 3 critical to ensuring both fair reporting and effective 4 policing. Properly structured, such a relationship 5 improves the scope, the depth and the accuracy of press 6 reporting and enables the police better to perform their 7 duty of protecting the public.</p> <p>8 It is, we would suggest, through healthy and open 9 contact with the police that the media are able properly 10 to report on the criminal justice system, the point you 11 were making to me earlier, sir.</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 MR GARNHAM: It's through contact with an honest and 14 intelligent press that the police are able to engage and 15 inform the public, not just with a view to solving crime 16 but also as a means of warning and protecting the public 17 where that's necessary.</p> <p>18 Furthermore, through their own investigative work, 19 the media are, on occasions, able to bring crime and 20 potential crime to the attention of the press and the 21 public. Those benefits, sir, apply to all police forces 22 and all media outlets up and down the country and it 23 follows that it's not just the MPS who have an interest 24 in a proper relationship between press and police.</p> <p>25 Sir, we would suggest that a society in which there</p> <p style="text-align: center;">Page 63</p>
<p>1 that she hopes to be able to complete her report by 2 Christmas. It's understood that she has already 3 identified some areas of concern but there is also much 4 that is healthy, positive, authorised and legitimate in 5 the relationship between the press and the police.</p> <p>6 LORD JUSTICE LEVESON: I'm sure it's critical -- as 7 I understand the matter, that report will be available 8 to me in my Inquiry long before we've concluded and 9 therefore will become part of the material which I will 10 be able to consider.</p> <p>11 MR GARNHAM: Yes, sir.</p> <p>12 LORD JUSTICE LEVESON: Yes.</p> <p>13 MR GARNHAM: On 15 September of this year, the Commissioner 14 of the Metropolitan Police, Bernard Hogan-Howe, 15 announced that he'd requested the Chief Constable of 16 Durham Police to carry out a review of Operation Weeting 17 and that review too is continuing.</p> <p>18 Whilst awaiting the product of those reviews, the 19 MPS has embarked on its own analysis of the issues 20 arising from phone hacking. That analysis has led the 21 MPS to review its policy and practices in a number of 22 areas, and I wish, if I may, sir, to give a preliminary 23 indication of its initial thinking.</p> <p>24 LORD JUSTICE LEVESON: That would be very useful, thank you 25 very much.</p> <p style="text-align: center;">Page 62</p>	<p>1 is no contact between media and police is unhealthy and 2 potentially undemocratic. All legitimate attempts by 3 the media to inform the public should be encouraged, and 4 the MPS continue to support that process by working 5 closely with the press and media on a daily basis.</p> <p>6 A healthy relationship between press and police can 7 be mutually beneficial, but too close a relationship 8 can, we would suggest, distort proper judgment by both 9 parties and there are competing priorities which do not 10 always mate towards a common outlook. For example, 11 ensuring that criminal investigations can be conducted 12 efficiently and effectively can conflict with the 13 media's demand for information and stories. Balancing 14 the need to be open and transparent with both the media 15 and the public at large can conflict with legitimate 16 journalistic objectives of obtaining an exclusive story 17 to editorial deadlines. Similarly, a properly 18 sanctioned whistle-blowing mechanism can expose 19 wrongdoing and protect the public interest, but the 20 misuse of such a mechanism can undermine investigations, 21 can damage the legitimate need for the police to 22 maintain discipline, and can distort the proper 23 functioning of the police service.</p> <p>24 It's against those competing considerations that the 25 MPS, like other police forces, has to decide how best to</p> <p style="text-align: center;">Page 64</p>

<p>1 regulate its contact with the media.</p> <p>2 The MPS, sir, alone amongst the Forces in England</p> <p>3 and Wales, has a 24/7, 24 hours a day, seven days a week</p> <p>4 press bureau, which receives over 200 media calls a day.</p> <p>5 It engages with the press nationally, locally and</p> <p>6 internationally. But the Met, sir, is not a simple</p> <p>7 monolithic corporation. Its essential agent is</p> <p>8 a constable holding independent office under the Crown.</p> <p>9 Officers often work in areas where a high degree of</p> <p>10 individual discretion applies. The regulation of the</p> <p>11 relationship, therefore, has to address both the Met at</p> <p>12 a corporate level and also at the level of individual</p> <p>13 officers going about their duties.</p> <p>14 That work that's being conducted pending Ms Filkins'</p> <p>15 report has led to the identification by the Met of the</p> <p>16 following eight areas of concern: first, the ethics of</p> <p>17 exchanging information with the press.</p> <p>18 There are difficult ethical considerations when</p> <p>19 journalists learn of a potential story that touches upon</p> <p>20 a police investigation. The exchange of information</p> <p>21 designed to maintain the integrity of the police</p> <p>22 investigation can lead to short-term gains for both</p> <p>23 parties, and in many cases, will serve the immediate</p> <p>24 public interest.</p> <p>25 However, the risks and implications in the longer</p> <p style="text-align: center;">Page 65</p>	<p>1 unjustified gloss of investigative journalism. This</p> <p>2 journalistic practice is one which we suggest the</p> <p>3 Inquiry may need to address.</p> <p>4 Third, whistle-blowing. The provisions protecting</p> <p>5 disclosure under the Public Interest Disclosure Act 1998</p> <p>6 are well recognised as necessary and important, as is</p> <p>7 the need for general whistle-blowers to have their</p> <p>8 identities protected, but in other cases, it would be</p> <p>9 our suggestion a police source ought not to remain</p> <p>10 unnamed.</p> <p>11 Fourth, guidance about protecting private data. The</p> <p>12 MPS acknowledges its position as a custodian of</p> <p>13 confidential and private data. There needs to be clear</p> <p>14 expectations, we would suggest, for officers and staff</p> <p>15 throughout their careers in this field, and that needs</p> <p>16 to be supported by clear and readily useable guidance.</p> <p>17 A robust set of sanctions for those that choose to</p> <p>18 depart from those rules is also appropriate.</p> <p>19 The MPS's current operating framework provides some</p> <p>20 guidance. We accept it's questionable as to how helpful</p> <p>21 that guidance is at a practical working day level.</p> <p>22 Fifth, police standards of conduct and training.</p> <p>23 A police officer's code of professional standards</p> <p>24 prohibits officers knowingly making false, misleading or</p> <p>25 inaccurate statements. The code also addresses how</p> <p style="text-align: center;">Page 67</p>
<p>1 term for this type of exchange are obvious. It's</p> <p>2 recognised that in some circumstances this</p> <p>3 interdependency can develop into inappropriate</p> <p>4 relationships between press and police.</p> <p>5 But it seems to us, if we may say so respectfully,</p> <p>6 sir, that there remains an operational need for officers</p> <p>7 in certain limited circumstances to brief journalists on</p> <p>8 a confidential basis. The MPS accepts that guidance</p> <p>9 could be improved in this area and it is recognised that</p> <p>10 this sort of briefing should be appropriately authorised</p> <p>11 and open to scrutiny and examination by the courts</p> <p>12 retrospectively where appropriate.</p> <p>13 Second, sir, the use of police sources. There are</p> <p>14 many occasions when journalists refer to information</p> <p>15 being provided by a police source. The MPS accepts that</p> <p>16 on occasions, this has been a police officer or employee</p> <p>17 and sometimes criminal or misconduct investigations have</p> <p>18 been necessary.</p> <p>19 However, it appears to be common practice for the</p> <p>20 term to be used for many other reasons, including to</p> <p>21 enhance the apparent legitimacy of a story and to</p> <p>22 disguise the lack of a credible source. There are also</p> <p>23 examples where information has been provided, perfectly</p> <p>24 properly, which has been subsequently portrayed as</p> <p>25 originating from a police source in order to give an</p> <p style="text-align: center;">Page 66</p>	<p>1 officers are to treat confidential information. Police</p> <p>2 officers are not to disclose to the media or the public</p> <p>3 legitimate policing business other than when authorised</p> <p>4 to do so.</p> <p>5 Therefore, in the absence of any specific training,</p> <p>6 a police officer's code of conduct provides clear</p> <p>7 guidance to which officers should adhere whenever they</p> <p>8 have contact with the media or the general public.</p> <p>9 Breach of that code renders a police officer liable to</p> <p>10 disciplinary procedures or, in appropriate</p> <p>11 circumstances, to criminal charges.</p> <p>12 But we recognise, sir, that there may be a need for</p> <p>13 more than rules set out in code books. Training on</p> <p>14 media handling is presently directed to certain career</p> <p>15 pathways, and it may be that its reach and extent needs</p> <p>16 to be explored. Certainly, whilst senior detective</p> <p>17 training includes media management, that training does</p> <p>18 not focus on ethical issues underpinning those</p> <p>19 relationships, and it's recognised that insufficient</p> <p>20 training and practical guidance is provided to officers</p> <p>21 below and of different rank. Only limited exposure to</p> <p>22 media issues is provided on promotion.</p> <p>23 Sixth, gifts and hospitalities. A recent review of</p> <p>24 gifts and hospitalities received by MPS officers and</p> <p>25 staff revealed, sir, a lack of consistency of approach</p> <p style="text-align: center;">Page 68</p>

17 (Pages 65 to 68)

<p>1 both to self-declaration and to recording of such gifts. 2 Further work may be required to determine how that 3 approach be reflected across the organisation and how 4 a set of values and principles common to both senior and 5 junior ranks can be devised and implemented. 6 Seventh, post-police service employment 7 considerations. The Home Affairs Select Committee, in 8 its 13th report of 19 July 2011, were critical of the 9 fact that former assistant Commissioner Andy Hayman: 10 "... took a job with News International within two 11 months of his resignation and less than two years after 12 he was purportedly responsible for an investigation into 13 employees of that company." 14 The MPS shares that concern and will look to support 15 any proportionate mechanism to prevent such employment 16 for a reasonable period of time after cessation of 17 police service. 18 Eighth, and finally, procurement. In July 2011, the 19 MPS mandated the use of a system called CompeteFor for 20 all purchases between £500 and £50,000. All procurement 21 over £50,000 is managed through central MPS procurement. 22 That, sir, is in line with best practice and addresses 23 some of the concerns, at least, originating from the 24 hiring of Neil Wallace. 25 Sir, the MPS is striving to carry out its public</p> <p style="text-align: center;">Page 69</p>	<p>1 mentioned this afternoon the communication and advisory 2 group for ACPO. 3 MR GARNHAM: Yes. 4 LORD JUSTICE LEVESON: Do you know whether that's something 5 that's likely to come my way, or should I be looking at 6 ACPO to provide me with some evidence and some material 7 on that subject independently? 8 MR GARNHAM: Sir, you may indeed want to get independent 9 evidence from ACPO but we can provide you with that 10 manual. 11 LORD JUSTICE LEVESON: Thank you very much. 12 I'm very conscious that Mr Phillips, who I denied 13 core participant status for module one, isn't here. Do 14 you know whether the police authority are doing anything 15 of their own on top of everything that ACPO are doing? 16 MR GARNHAM: I don't, sir, and it wouldn't be right for me 17 to speculate whether they are. 18 LORD JUSTICE LEVESON: No, no, I wouldn't want you to 19 speculate. 20 MR GARNHAM: And I don't know. 21 LORD JUSTICE LEVESON: Fair enough. All I can say is that 22 any work that's being done I would be grateful to see. 23 Just thinking about it aloud, it strikes me that there 24 is a very carefully devised system for ensuring open and 25 transparent relationships between police officers and</p> <p style="text-align: center;">Page 71</p>
<p>1 role to the best of its abilities and to ensure that 2 public confidence in the police is both maintained and 3 justified. 4 With that aim in mind, we are committed to assisting 5 you and your team in understanding the issues and 6 pressures placed upon officers policing the capital, in 7 order that workable recommendations can be implemented. 8 We acknowledge, sir, that not all of the MPS's 9 relationships with the press in the past have met the 10 test of being both ethical and transparent, but the Met, 11 sir, is committed to instituting practical and pragmatic 12 change that recognises the legitimate roles of a free 13 press and of a police service, both metropolitan and 14 national, that are accountable to the highest of ethical 15 standards in public life. 16 LORD JUSTICE LEVESON: Mr Garnham, thank you very much. 17 Let's just take stock for a moment. 18 The Metropolitan Police have engaged the services of 19 Ms Elizabeth Filkin, as you've explained to me. That 20 clearly would be relevant. 21 The Durham review of Weeting doesn't immediately 22 strike me as coming to the forefront of my concerns. 23 MR GARNHAM: We doubt it will in part one, sir. 24 LORD JUSTICE LEVESON: That's my view, too. 25 You mention in your skeleton but you've not</p> <p style="text-align: center;">Page 70</p>	<p>1 informers. 2 MR GARNHAM: Yes. 3 LORD JUSTICE LEVESON: It might be that the Met can learn 4 from that mechanism as to the way in which the 5 relationships to which you've referred can best be 6 monitored, without in any sense undermining the very, 7 very real importance that is to be attached to the links 8 between the police and the press. 9 MR GARNHAM: Sir, it's a worthwhile thought and we will take 10 it back and work on it. 11 LORD JUSTICE LEVESON: Thank you very much. Right. That's 12 probably as far as we can go today. Do you still have 13 the message, Mr Sherborne? 14 MR SHERBORNE: I do, sir, although I understand arrangements 15 are in place to deal with it. 16 LORD JUSTICE LEVESON: Yes. I am going to find out about 17 that now. Thank you. Does anybody have any other 18 matter that they want to raise that may not be linked to 19 the particular openings? 20 MS PHILLIPS: Can I ask what time we're starting tomorrow? 21 LORD JUSTICE LEVESON: Yes, you can. 10 o'clock. I'm not 22 sure how far we'll go tomorrow, because it's inevitable 23 that we have to -- the witnesses who are the first set 24 of witnesses are not professionals, in the sense that 25 they're not engaged in the business of delivering or</p> <p style="text-align: center;">Page 72</p>

<p>1 receiving news or regulating other organisations. 2 They're Mr Sherborne's clients and they've had to be 3 timetabled in a way that suited their convenience. 4 I don't think that matters because there's plenty for 5 everybody to do before we get on with them, and if 6 anybody is short of things to do, then they need only 7 have to let us know and we'll give them plenty other 8 things to do. 9 Thank you very much. Tomorrow morning. 10 (4.00 pm) 11 (The hearing adjourned until 10.00 am the following day) 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 73</p>	

A	46:7	amplify 44:20	65:16	availability	53:24 54:3	capable 25:25
abilities 70:1	acted 54:20	Amy 58:1	arguable 26:7	44:23	bind 4:19 5:2	41:19
ability 32:16	acute 19:14	analysis 8:12	arguably 3:24	available 2:14,17	binding 39:3	capital 70:6
54:8	add 54:21	27:9 30:22	31:2	17:15 30:8	Birkenhead 6:13	Caplan 43:17
able 17:12 20:17	addition 54:16	46:11 62:19,20	argue 9:9	43:11 45:1	bit 20:19 22:21	44:4,9
40:14 52:16	55:1 57:21	Andrew 30:14	argued 7:5 25:12	48:1,9 56:17	bits 17:11	card 23:18
61:13 62:1,10	additional 35:4	Andy 57:6 69:9	argument 12:16	62:7	blank 50:6	care 18:24 27:5
63:9,14,19	36:24 54:5,15	and/or 60:13	25:15,17 55:5	avoid 30:6	bluntly 33:23	career 68:14
absence 15:12	address 2:20	announced	55:14,15	avoidance 4:10	board 46:23 47:9	careers 67:15
25:7 68:5	13:1 65:11	62:15	arises 24:23 25:3	10:16 42:17	body 37:11 38:24	careful 47:6
absolutely 20:13	67:3	annually 17:1	arising 61:9	avoiding 46:10	42:7	carefully 71:24
22:4 26:12	addressed 31:9	answer 35:11	62:20	await 61:4	bold 14:6	carried 58:18
47:2 50:2	addresses 67:25	answers 27:2	arranged 43:1	awaiting 62:18	book 30:14	Carrothead 53:8
52:18,20 59:19	69:22	35:17	arrangements	aware 51:2	books 15:17	carrots 15:2
abstain 27:6,8	adduced 38:16	anti-corruption	13:13 72:14		68:13	carry 47:13
accept 22:7	adequacy 46:13	6:17	arrested 53:19	B	bottom 18:10	61:14 62:16
67:20	adhere 68:7	anti-terrorism	58:21	back 22:21 27:22	22:20	69:25
acceptable 61:22	adherence 26:23	53:6	article 5:19 9:17	42:19 47:20,21	boundary 19:24	case 2:15 4:12
accepts 66:8,15	adjourned 73:11	anti-terrorist	9:19,22 10:1	61:3 72:10	boxes 31:17	5:14 7:14
access 2:9 3:6	adjournment 1:3	56:5	10:10,11,21,25	bad 15:9	branch 42:4 53:5	10:13 11:20,23
21:24 29:25	adjudicating	anxiety 59:3	11:1,4,4,9,25	Bailey 55:13	56:6,9	12:3,9,13
35:6 49:4	38:25	anybody 4:19	12:24 13:16	balance 9:11	breach 6:2 11:12	21:22 22:4
accessing 4:12	adjudication	48:22 50:16	18:19,22,23	11:4 21:18	13:16 36:16	23:2,4,5 24:15
29:17 53:3	18:5	51:6 72:17	19:3,18 20:8,9	22:10 34:18	39:3,19 68:9	41:7 54:8,24
accorded 19:9	admittedly 11:14	73:6	20:12,13,18,22	40:10	breached 18:4	cases 2:12 4:1
account 35:7	adopt 60:21	apology 32:21	20:23 23:12,16	balancing 10:12	breaches 32:6	6:14 11:14
51:16	advance 52:24	apparent 9:20	29:7 32:22	15:16 22:9	break 28:22	13:7 26:16,17
accountability	adversely 45:15	56:12 66:21	37:14,21 38:23	64:13	42:19,22	26:17 32:8
11:6	45:24 46:17	apparently 31:7	articles 6:14 9:11	barristers 37:9	breaking 27:6	39:4 65:23
accountable	adverted 55:15	Appeal 11:21	ascertaining	based 10:7	bribe 6:20	67:8
70:14	advice 32:6 55:9	12:10,20	56:16	basis 43:5 51:20	bribery 6:22,25	cash 15:21
accounting	55:20 61:16	appealing 52:12	asked 18:20	64:5 66:8	7:11,21 39:21	categories 23:1
15:20	advise 32:22	appear 31:18	28:18 56:15	BBC 38:17 42:9	brief 30:22 66:7	cater 3:5 4:7
accuracy 63:5	advisers 15:20	37:24 55:20	aspects 36:10	beach 21:13,16	briefing 1:16	cathedral 4:23
accurate 19:14	advisory 71:1	60:9	assess 32:11	21:23	66:10	Cathedral 21:11
accurately 45:21	affairs 41:4 58:3	appeared 3:15	assessor 39:2	beaches 21:20	bring 41:25	cause 16:8 19:22
accusations	69:7	37:15 53:23	assist 59:9 60:23	beans 40:17	63:19	51:6
56:25	afford 13:22	appears 66:19	61:1	bearing 6:18	bringing 35:6	caused 18:21
achieve 1:15	afternoon 71:1	application 13:8	assistant 56:15	beast 32:13	broad 32:1	causes 41:1
23:13 34:18	agenda 38:3	30:25	57:5 69:9	began 58:6,21	broadcasters	caution 4:3
achieves 15:3	agent 65:7	applied 13:7	assisting 70:4	beguiled 34:23	42:9	cautious 59:20
30:23	ago 51:16	applies 65:10	assists 36:25	begun 11:13	broadly 15:11	ceases 3:10
acknowledge	ahead 39:11	apply 11:10 13:6	Associated 43:18	behalf 43:18	20:12	celebrities 26:10
70:8	aim 1:18 70:4	63:21	assumes 16:6	behaviour 14:25	brokers 32:8	celebrity 26:2
acknowledged	aimed 53:24 61:5	appointed 61:9	asterisked 18:9	behaviours 15:1	brought 6:1	central 17:19
57:12	Alan 27:14 47:16	application 13:8	29:13,19	15:9,9 34:8	bureau 65:4	69:21
acknowledges	algorithms 13:8	30:25	attached 72:7	belief 8:15 24:20	burgeoning	certain 4:20,21
67:12	alive 10:18	approach 3:25	attack 30:17	24:21	11:13	26:22 41:2,16
ACPO 71:2,6,9	allegation 12:5	20:4,5 30:12	attacks 56:11	believe 24:5	business 68:3	66:7 68:14
71:15	allegations 58:7	30:25 68:25	attempt 33:18	42:15 44:14	72:25	certainly 4:19
acquired 29:15	58:15	69:3	60:2	believed 24:19	button 18:16	26:7 27:2
acquiring 14:1	allege 11:8	appropriate	attempted 27:9	belonged 21:23		36:22 50:15
act 1:21,23 5:24	alleged 46:7 52:7	14:24 15:10	attempts 64:2	Bench 14:15	C	68:16
6:19,21,22	58:18	35:5 36:6,22	attention 41:25	benchmark	Calcutt 31:6,9	certainty 12:20
7:11,21 9:13	allegiances 41:7	55:5 66:12	63:20	17:23	31:13	cessation 69:16
11:10 29:24,25	allow 58:10	67:18 68:10	attracted 14:5	beneficial 64:7	calibrating	cetera 24:19
31:11 39:20,21	allowed 39:8	appropriately	38:9	benefits 63:21	10:13	29:16
67:5	alluded 19:20	57:4 66:10	attractive 49:24	Bernard 62:14	called 8:4 24:15	CHAIRMAN
acting 45:8	all-embracing	appropriateness	attributes 38:20	best 32:4 52:24	38:10 69:19	49:12
action 22:16 23:7	35:19	24:16	audience 30:5	64:25 69:22	calls 12:22 13:1	challenges 34:13
25:11,18,20	alongside 11:25	approving 15:20	August 53:19	70:1 72:5	28:7 33:15	42:15
activities 7:10	aloud 71:23	arbitrary 39:3	61:7	bestowing 41:13	56:7 65:4	challenging
29:22 36:16	already-read 4:7	area 6:16 9:3	authorised 62:4	41:15	cameras 29:15	42:11
53:24	altogether 33:3	12:21 66:9	66:10 68:3	better 5:10 8:20	30:3	chance 31:7
activity 7:3,4,16	ambit 55:20	areas 1:18 8:1	authorities 9:15	63:6	Campbell 11:15	48:14
21:9 24:6,14	amount 61:24	62:3,22 65:9	authority 9:23	beyond 28:20	Campbell's	Chancery 14:15
acts 36:5 39:23	amounted 57:11		57:8 71:14	33:17 38:3	11:23	change 1:11

34:12 41:7 70:12 changes 4:9 33:24 34:10 36:3 38:11 chapter 30:13,15 charge 54:2,25 56:14 charged 53:20 charges 54:5,15 54:22 55:2 68:11 cheap 14:9 34:21 38:19 check 44:22 checks 15:16 Chief 62:15 child 22:5 chilling 45:16 46:18 chosen 67:17 chosen 26:19 Christmas 62:2 chunk 7:16 circumscribed 32:16 circumstances 66:2,7 68:11 civil 1:13 9:2 13:9 14:4 28:18 35:6,8 35:17,21 claim 41:23 claimants 11:8 claimed 28:16 claims 10:7 11:7 57:21 clarified 30:21 clarity 5:11 Clarke 57:6 clashes 10:10 clear 2:19 3:1,19 4:12 20:1 22:4 23:10 27:2 30:2 33:11 43:14 60:5 67:13,16 68:6 cleared 50:8 clearly 6:4 15:17 19:1 22:9 36:9 70:20 clients 44:2 73:2 Clive 53:9 close 47:25 48:3 63:1 64:7 closely 6:4 64:5 closing 3:4 coalface 32:7 code 6:14 16:15 16:19,23,24,25 17:2,14,17,18 17:22 18:1,4,8 20:8,12 23:9 23:19 27:17 29:6,7 30:2,7 30:18,23 31:4 67:23,25 68:6	68:9,13 coded 45:5 codes 15:17 coin 13:19 coincidence 48:19 49:6 collar 8:11 35:14 collect 2:9 collectively 43:16 collusively 39:23 column 29:11 come 8:16 26:7 28:13 33:18 42:19 47:20,21 55:18 71:5 coming 33:11 40:17 55:12 70:22 command 34:6 58:11 commandment 27:7 commence 43:2 comment 19:2 commentary 17:17 commentated 34:22 commentators 36:21 comments 46:23 commercial 25:1 41:15 Commission 16:16 31:5 57:7 Commissioner 56:15,24 61:8 61:16 62:13 69:9 commissioners 57:6 Commissioner's 42:3 commitments 44:5 committed 70:4 70:11 Committee 3:24 16:23 69:7 committing 59:12 common 9:10 11:11,18 20:4 64:10 66:19 69:4 communicate 52:11 communication 2:4,7,13,16 3:9 34:14 71:1 communications 1:22,24,25 53:21,22 company 69:13 compass 16:8	compasses 16:6 compelled 33:5 compelling 38:25 compensation 32:25 CompeteFor 69:19 competing 23:14 34:18 56:9 64:9,24 complain 13:10 14:12 complainant 32:9 complainant's 22:11 complainer 32:4 complains 19:6 complaint 11:3 19:7,13,15,16 24:11 complaints 16:16 18:3 31:5 32:3 38:25 57:7 complete 35:11 62:1 completed 61:25 complex 6:23 27:10 complications 48:14 comply 16:19 compounds 19:16 comprehensive 51:15 comprises 16:21 16:24 compromises 32:8 computer 29:25 48:23 49:5,7 49:17 52:8 58:18,25 concentrate 31:15 concentrated 41:18 concept 10:17,19 16:12 21:4 23:20 concepts 11:12 concern 7:20 19:22 44:25 45:6 54:13 57:13 62:3 65:16 69:14 concerned 9:8 20:6 43:15 45:4 50:20 54:7 concerning 9:5 concerns 39:14 53:15 69:23 70:22	conclude 4:5 47:19 concluded 56:18 57:10 60:8,14 62:8 concluding 42:10 conclusions 33:12 46:13 60:18 concurrently 58:14 condign 20:7 conditional 13:12 conduct 6:5 14:25 30:5 46:8 54:7 56:20 57:10,11 57:15 67:22 68:6 conducted 56:5 64:11 65:14 conducting 52:6 confidence 10:5 10:6 11:12 14:24 34:7,9 52:17 61:18 70:2 confidential 49:2 66:8 67:13 68:1 confine 30:10 confined 23:1 confirm 53:23 conflict 64:12,15 confusion 30:6 conjecture 19:2 conscious 59:11 71:12 consensus 32:1 consent 7:12 29:18,24 consequence 56:25 consequences 26:22 consequent 5:9 9:11 consider 4:4,18 4:18 5:15 7:15 7:22,24 17:16 31:10,16 33:10 34:4 62:10 considerable 19:9 25:1 59:3 61:24 consideration 1:19 31:20 considerations 64:24 65:18 69:7 considered 8:5 35:14 38:15 considering 6:12 14:11 35:20 consistency	68:25 consistent 41:17 consistently 10:9 11:3 28:6,22 conspiracy 53:10 53:20 constable 62:15 65:8 constantly 32:18 constitute 28:22 41:12 constituted 31:16 constitutes 11:19 constrained 40:20 construction 2:1 3:22 construe 4:17 consultants 26:2 consumer 38:20 39:7 consumption 26:15 contact 63:9,13 64:1 65:1 68:8 contain 58:25 contains 5:25 6:22,25 21:3 30:17 contemporane... 25:5 contend 26:13 content 61:3 contents 2:13,15 context 6:10 13:17 19:12,12 28:7 34:12 38:16 57:17 continue 34:15 39:8 64:4 continuing 58:23 62:17 contracts 15:18 contractual 16:18 contradicting 12:18 contrary 55:10 contravenes 55:8 controlling 28:17 controversial 23:5 convenience 73:3 convenient 42:18 51:12 convention 6:15 9:12,16,17,21 10:22 11:11 12:25 13:16 20:13,23 23:12 conversation 50:19 converse 33:25 convictions 52:3	copied 30:15 core 41:22 48:6 71:13 corporate 6:23 15:10,11,25 65:12 corporation 65:7 correct 35:2 45:22 corrected 20:2,7 correction 32:21 38:22 correctly 34:25 correspondence 9:19 corruption 6:19 39:20 52:8 cost 13:11 32:4 cost/benefit 8:12 council 37:3 Counsel 1:17 count 55:24 counter-terror... 58:11 country 52:19 63:22 counts 3:18 54:2 couple 43:5 coupled 19:15 course 23:11 27:18 40:2 47:21 51:15 58:3 60:10 court 11:20 12:10,20 13:15 14:3 37:24 44:11 courts 6:8,11 10:9 28:18 35:6 66:11 cover 4:12 covered 30:25 covers 1:12,23 2:19 19:18 covert 53:7,18 co-operate 18:2 co-operating 61:13 co-regulatory 38:14 CPS 5:14,18 54:1 59:2,13 create 11:5 credible 66:22 crime 8:6,11 22:14 23:3 35:14 52:13 58:10 63:15,19 63:20 criminal 1:12,19 3:13 6:5,16 7:16,24 8:3,6,9 8:13,18 29:23 35:3,10,12,16 35:21 36:5,8 36:17 39:24 52:17 53:7	54:7 56:14 63:10 64:11 66:17 68:11 critical 20:14 42:5 45:17 46:19 60:18 62:6 63:3 69:8 critically 12:5 criticise 8:9 criticising 31:23 criticism 56:22 critique 30:9 Crown 65:8 crude 8:12 cultivate 26:12 cultivated 26:6 culture 1:9 8:17 8:23 33:22 34:3 42:6 cultures 15:13 current 13:14 16:25 33:16 55:18 67:19 currently 27:12 52:6 55:17 58:4 59:5 curtailed 10:3 custodian 67:12 custodians 28:20 28:25 customers 32:12 Customs 7:13
D						
						daily 44:13 64:5 damage 31:25 64:21 Dame 21:11 36:1 danger 23:15 30:4 dangerous 19:21 data 5:24,25 53:10 67:11,13 databases 58:25 date 58:20 daughter 57:22 David 31:9 Davies 43:19,21 43:25 44:8 50:18 day 43:4 65:3,4 67:21 73:11 days 43:5,6 48:2 65:3 deadlines 64:17 deal 49:25 59:17 72:15 dealing 15:3 dealt 50:2,14 57:3 debated 19:25 December 48:3,5 53:1 decide 21:6 64:25 decided 11:14 50:10 53:17

60:21	detective 68:16	distance 5:21	46:18 55:10	38:10,21,24	exaggeration	22:12 31:11
deciding 5:13	detectives 36:16	distinction 24:9	58:2	enhancements	42:16	33:20 39:22
10:14 13:1	detects 5:7	27:23	effective 8:19	35:24	examination	40:13,25 46:4
decision 12:9	deter 8:6	distinguish 19:1	34:7,19 35:2	enhancing 36:8	66:11	68:15
54:1,5,21	determine 69:2	distort 64:8,22	35:16 52:10	enjoy 41:11	examine 61:9	external 1:14 8:4
decisions 25:5	deterrents 8:12	distorted 18:25	63:3	enjoyment 41:12	examined 16:10	8:21 14:18,22
28:3 31:3	develop 66:3	diverted 2:16	effectively 31:21	enquiring 45:8	example 16:20	16:12 35:22
56:22	developing 9:8	division 14:15,15	64:12	enshrining 30:18	26:19,24 64:10	extraordinary
declare 14:24	deviate 16:9	doctor 37:23	effectuated	ensure 52:16,22	examples 5:22	5:17
deemed 21:11	devised 45:14	document 17:7	35:18	61:13 70:1	35:25 37:10	extreme 28:13
defamation 9:6	46:17 69:5	18:11 30:18	efficacy 33:15	ensuring 63:3	66:23	extremely 16:2
defence 5:13 6:7	71:24	45:3	efficient 14:8	64:11 71:24	exception 18:10	59:20
defensive 60:22	dichotomy 38:5	documents 29:17	34:20 38:19	entails 38:9	19:4 22:19	extricate 33:13
deficiencies 61:5	46:3	29:24	efficiently 32:8	entered 25:5	23:9,25 24:2	eye 21:8 26:18
define 11:18	differ 24:23	doing 19:10	64:12	entertainment	25:10,24 27:12	
defined 6:8	difference 14:21	26:11,12 46:24	eight 18:8 22:5	27:25	29:21	F
16:13	different 1:15	48:4 71:14,15	65:16	enthusiasm	exchange 65:20	face 28:12
defining 27:5	12:15 21:16	domain 22:13	Eighth 69:18	37:16 38:2	66:1	facie 54:24
36:25	26:23 42:8	47:3 59:21,23	either 43:18	entirely 27:23	exchanging	fact 8:7 19:2,19
definition 22:25	46:14,22 51:11	domestic 9:9,12	element 35:23	50:6	65:17	19:21,25 26:10
23:17	52:15 68:21	36:8	elements 58:18	entitled 11:8	excited 43:21	33:13 35:10
degree 10:13	differently 26:1	doubt 1:8 4:8,10	Elizabeth 61:7	entity 31:4	excitement 50:16	39:16 54:19
65:9	difficult 27:1	8:2 42:17	70:19	envisaged 35:18	exclusive 64:16	69:9
deliver 34:20	35:15 37:22	59:19 70:23	elliptical 22:7	equal 10:11	exercise 8:1	factors 22:10
delivered 3:11	65:18	doubtless 6:10	else's 48:22 49:7	equally 23:4	10:18 22:10	54:21
delivering 72:25	difficulty 6:6	7:14	Elveden 58:15	52:16	37:14 55:22	facts 5:20 6:2
demand 64:13	19:24 25:22	doubts 3:22	emails 59:1,14	error 61:6	exercising 37:21	11:22,23 19:5
demands 56:9	29:21	Dowler 28:12	embarked 62:19	errors 20:7	exhibited 30:15	19:6,13 20:1
demerits 38:15	digitally 29:18	DPP 7:12	embarrassment	38:22 61:2	exist 16:8 23:17	28:13 56:16
democracy 45:9	30:1	draw 33:18	51:7	essential 39:6	existing 1:7,12	factual 25:25
democratic 11:6	digits 49:15	drawbacks	emerge 11:13	65:7	11:11 34:4	33:21
45:17 46:20	Dingemans	28:19	emerged 32:1	establish 56:16	40:1 41:3 54:8	fail 19:23 28:5
Demonstrable	44:10	draws 24:8	emphasise 5:21	established 37:3	exists 25:8	failed 4:6
20:6	directed 68:14	drive 15:14	emphasised	estimate 60:9	expanded 22:8	failing 6:24
demonstrate	direction 16:7,9	due 27:18 58:3	23:22	et 24:19 29:16	expands 17:17	39:24
24:4,13	directly 9:5	Durham 62:16	employee 66:16	ethical 17:24	expect 27:4,6	failure 27:8 28:5
demonstrated	11:11 42:1	70:21	employees 69:13	61:9 65:18	expectation 21:2	31:11
24:17	director 7:13	duties 65:13	employment	68:18 70:10,14	21:4 27:3	fair 8:22 60:8,9
demonstrates	54:23 58:3	duty 7:7 63:7	15:18 69:6,15	ethics 1:9 33:22	expectations	63:3 71:21
15:24 27:10	directorate	duty-bound	employs 26:2	34:3 42:6	34:16 67:14	faith 31:18
denied 71:12	58:10	11:10	en 11:20	65:16	expedition 59:17	fall 23:24 26:16
depart 67:18	disciplinary	dwell 17:20	enable 14:2	ethos 15:11	expensive 13:10	fallout 33:15
depend 33:20	57:16,17 58:1	dysfunctional	enables 2:8 63:6	European 9:12	14:14 15:21	false 26:6 67:24
dependent 40:16	68:10	15:13	encapsulates	13:15	experience 16:5	family 9:18
depending 26:6	discipline 33:14		17:19	evening 48:1	explained 53:11	26:21
depict 26:3	64:22	E	encouraged 64:3	event 12:22	54:10,12 70:19	famous 21:10,13
deploy 23:17	disclose 68:2	Eadie 12:10	encouragement	24:17 25:22	explaining 14:21	22:2,5
depth 63:5	disclosure 10:4	earlier 63:11	45:10	events 3:19	explicit 23:13	far 11:24 32:11
deputy 57:23	26:8 67:5,5	early 31:6 51:9	encourages 41:4	36:12	explored 68:16	50:20 72:12,22
descending 46:6	disclosures	earn 26:4	encouraging	everybody 43:16	expose 15:9 54:6	fashioned 16:5
describe 2:25	22:11	edition 17:1	20:3	48:4 51:12	64:18	fast 27:2 48:10
13:11	discourse 37:1	editor 23:24	endorse 41:1	73:5	exposing 23:3	Faustian 39:25
described 1:13	discretion 19:10	24:25 27:15	ends 24:9	everybody's	25:13	favour 12:17
5:19 15:1 30:5	24:22 65:10	57:23	enforce 16:17	48:13	exposure 68:21	41:13
designed 26:4	discuss 36:10	editorial 27:17	enforcement	evidence 3:15	express 5:13	favours 41:15
65:21	discussed 28:19	28:23 64:17	35:3,13 36:8	5:15 12:13,19	16:18 18:9	feature 3:13
desist 32:5	43:15	editors 6:13	enforces 20:11	15:24 16:9	23:19 25:19	36:11
detail 46:7 60:12	discussions	16:15,23,24	enforcing 31:4	21:21 26:5,7	expressed 7:19	fee 13:12
detailed 1:16	43:10 54:1	17:2,14 18:2	engage 63:14	38:16 41:21	51:19	feel 43:25 44:8
16:2	disguise 66:22	21:5 23:15,22	engaged 21:9	42:1,7,10	expressing 57:2	fees 13:12
details 12:7	disobeying 32:23	24:4 28:3,14	44:11 70:18	53:13,15,22	expression 10:2	feet 28:11
detect 35:15	dissatisfied	28:17 29:6	72:25	54:6 57:25	23:11 32:25	fell 54:14
detected 48:20	32:12	30:2,18,22	engages 65:5	71:6,9	45:16 46:18	Ferdinand 11:16
48:22 49:4,7	dissimilar 13:24	32:6 41:10	England 65:2	evidence-based	expressly 20:8	12:15 26:17
49:14	dissimilarities	editor's 31:2	enhance 26:4	46:12	extant 56:11	Ferdinand's
detecting 22:13	37:13	effect 9:13,15	66:21	ex 4:23	extensive 58:24	11:20
23:2	dissuade 60:2	33:9 45:16	enhanced 35:3	exactly 4:1	extent 20:10	fewer 33:23

field 67:15	40:17	gifts 68:23,24	10:24 11:2	holding 65:8	40:13,21 52:16	influence 40:23
Fifth 67:22	found 12:16 17:7	69:1	31:23 34:24,25	home 9:18 69:7	67:6	inform 63:15
figures 26:14	18:23 57:25	gist 25:6	35:2 52:7,8	honest 24:20	importantly 13:9	64:3
file 49:14,15,21	four 43:6	give 9:15 17:7	57:3,9 58:8,17	63:13	34:19	informal 43:9
49:21,22,22	Fourth 67:11	42:8 62:22	58:18,22 62:20	honour 20:10	improper 7:3	information 7:7
Filkin 61:7,11,25	fraction 59:14	66:25 73:7	hand 16:2 22:20	hope 17:8 18:7	impropriety	10:5 18:25
70:19	framework	given 10:13	26:1,9 27:25	18:11 30:9	23:3	22:11,12 29:18
Filkins 65:14	67:19	17:18 24:22	38:6 41:13	46:21 48:1,19	improve 61:18	30:1 39:18
fill 47:11	frank 38:22	25:6 54:4 59:7	46:6	51:9	61:20	42:3 52:13,13
final 28:2 29:6	frankly 7:25	gives 32:25 45:9	handbook 17:14	hopes 62:1	improved 30:20	56:17 64:13
finally 69:18	44:12	Glenn 53:9	17:16 21:3	horse 49:4,16	66:9	65:17,20 66:14
financial 53:11	fraud 7:12	gloss 67:1	23:22	hospitalities	improvements	66:23 68:1
find 14:7 25:8	free 19:1 39:9	go 8:2 12:10,23	handling 57:8	68:23,24	35:12,13,17,19	informers 72:1
26:18 32:17	45:7 70:12	13:22 18:21	68:14	hospitality 61:21	improves 63:5	infringement
72:16	freedom 9:19	22:24 36:10	hands 11:5 13:4	hotel 21:24	improving 34:8	10:13,14
findings 1:9	10:2 13:16	42:25 44:4	happen 51:1	hotly 19:25	35:6	ingredient 39:6
33:21 34:2	23:11 45:15	49:21 51:3	happening 35:8	hour 42:20	inaccuracy	inherent 11:12
39:1	46:17	59:13 72:12,22	happens 31:2,9	hours 65:3	19:15,16	initial 3:25 62:23
fine 32:24	freedoms 10:1	goes 50:18 60:11	37:7	House 11:15	inaccurate 18:24	inprisonment
first 1:19 2:22	fresh 58:6	going 18:15,16	happy 47:2	household 53:2	19:6,7,19,20	1:23
5:2 8:18 11:16	front 48:23	18:19 22:21	51:13	53:25 54:4	67:25	Inquiry 1:8,16
11:17 13:3	fronted 18:2	42:25 47:11,14	harassment	56:8	inaccurately	6:17 7:20,23
15:5 16:7	full 18:5	47:15,22 48:10	20:20	howsoever 45:14	20:1	9:5 12:21,25
18:19 24:2	fully 10:18 11:18	49:13,13 65:13	hard 27:1 59:18	human 9:12,13	inappropriate	14:5 15:24
34:6 44:1,4	18:2 24:4	72:16	harm 10:16	10:11 11:10	58:16 66:3	16:10 17:16,20
47:14 52:2	61:13	good 15:2,8 25:4	Harold 36:2	13:15	include 2:5,15	27:14 30:11,23
65:16 72:23	function 7:2,4	26:11 30:19	harsh 8:10	hypocrisy 25:15	22:10 28:10	31:8,10 33:10
fit 34:5	functional 7:6	48:12 51:7	hat 52:15		38:21 61:15	34:22 35:20
fitness 37:4	functioning	Goodman 3:16	Hayman 57:6	I	includes 25:10	36:1,4 38:3,8
fitting 6:5	64:23	6:1 52:4 53:9	69:9	identifiable 21:7	68:17	38:15 39:13
five 27:16 54:2	fundamental	53:18	headline 18:6	identification	including 1:24	40:8,14 41:21
54:15 55:1	45:9 46:3	gossip 27:25	health 19:23	25:19 65:15	6:23 15:16	42:4,14 45:7
floating 41:2	further 1:18 8:2	governance	22:14 23:4	identified 53:8	18:5,25 66:20	51:5,9 52:1
flow 26:22	12:23 52:7	15:10,25	healthy 62:4	56:14 62:3	inclusive 22:25	56:23 59:4,9
focus 17:11	54:2 69:2	government	63:8 64:6	identify 1:18	incorporated	60:11,18,20
24:12 30:23	Furthermore	41:15	hear 21:15,22	23:16 33:23	27:16	61:2 62:8 67:3
58:11 59:17	63:18	government-run	30:16 42:1,7,9	46:4	increased 53:15	Inquiry's 10:19
68:18	future 33:20	37:7,16 38:6	43:6,12,25	identifying 61:5	independence	14:20 41:25
focused 8:1	G	GP 36:5	45:25 47:15,22	identities 67:8	61:12	45:13
follow 8:20	gag 49:12	grapple 30:24	51:13	ignore 49:24	independent	instance 5:2
followed 54:9	gain 10:16 40:7	grateful 47:4	heard 52:5 53:20	50:10 60:1	57:7 65:8 71:8	11:16,17
following 15:16	53:11	50:14 59:6,10	hearing 12:13	ii 23:1	independently	instituted 7:11
54:1 65:16	gains 65:22	71:22	27:17 41:21	iii 23:2	71:7	instituting 70:11
73:11	Garnham 47:22	great 20:20	42:5 73:11	illegal 29:22 30:5	indicated 30:20	institutional
follows 10:25	51:11,17,22,24	45:20 59:17	hears 16:11	35:1 46:5,7	59:2	40:15
11:22 35:1	51:25 52:18,20	14:6	32:11	image 26:3,6,13	indication 62:23	institutions 7:19
63:23	52:22 54:15,19	Gross 3:14	heart 10:19	immediate 14:2	indications 59:7	41:5,6
foolish 59:25	55:1,6,9,12,17	ground 27:1	14:19	33:8 36:4	indictment 1:22	insufficient
footballers 27:4	55:24 56:2,4	32:17	height 21:14	37:12 65:23	individual 5:14	24:20 25:21
force 9:14 26:14	57:17,21 59:11	grounding 39:16	held 13:15 29:18	immediately	11:7 17:25	68:19
forced 33:2	59:16,22 60:2	group 13:17	30:1	9:20 70:21	19:6,13 22:16	insufficiently
forces 63:21	60:9,15,17	33:13 71:2	help 52:22	impact 45:15,24	23:7 25:20	46:12
64:25 65:2	62:11,13 63:1	groups 33:5 41:2	helpful 24:9 51:1	46:17	65:10,12	integrity 59:5
forefront 70:22	63:13 70:16,23	grown 8:18 9:10	67:20	impending 14:1	individuals 7:14	65:21
foreseeable	71:3,8,16,20	guard 59:8	hidden 29:15	imperative 14:7	13:20 20:6	intelligent 63:14
10:16	72:2,9	Guardian 27:15	30:3	imperatives 25:2	26:9 41:19,22	intended 2:8,23
form 13:11,14	gather 43:9	31:23 47:17	hide 60:25	implemented	43:15 56:13	3:17 10:16
37:17 38:12	51:18 53:10	Guardian's	high 12:18 13:20	69:5 70:7	individual's	intending 50:23
formal 33:8	Gavin 44:19	27:17	14:3 21:19	implications	25:13	intercept 53:21
formally 47:1	general 13:7	guidance 66:8	46:11 65:9	56:6 65:25	induce 7:2 15:8	intercepted 2:22
format 43:6	14:22,23 37:3	67:11,16,20,21	higher 20:19	Implied 25:21	industry 16:1	4:2
former 46:11	47:15 67:7	68:7,20	41:14	importance	35:4	interception
57:5,22 61:8	68:8	guilty 3:20 42:16	highest 70:14	23:23 72:7	inevitable 72:22	1:21,24 29:16
69:9	generally 38:17	H	highly 6:16	important 1:10	Inevitably 9:3	29:23 48:25
formidable	Geoffrey 30:13	hacking 1:6,20	hiring 58:5 69:24	14:4 23:4	33:19	53:21 54:3
34:13	get-up 49:11		Hogan-Howe	31:20 33:13	infected 49:21	56:7
forward 38:11			62:14	35:23 36:24	inference 45:22	interceptions

30:4	64:20 66:17	journalistic 24:6	K	legitimacy 66:21	limits 54:11	low 21:17,19
interdependency	investigative	24:10 64:16	keen 52:22	legitimate 12:6	line 69:22	luncheon 1:3
66:3	27:24 63:18	67:2	Keep 49:13	12:17 57:12	lined 47:17	
interest 5:13,16	67:1	journalists 16:4	key 1:18 10:17	62:4 64:2,15	lines 3:16 40:8	M
5:17 6:6 7:15	invited 7:22	16:18 24:21	16:11 27:19	64:21 68:3	48:6	machines 50:12
12:2,4,7,17	invoked 24:3	32:7 37:19,21	30:23	70:12	linguistic 5:7	magnification
18:10,13,14,18	involve 8:12	65:19 66:7,14	Kingdom 13:18	legitimately 40:4	linked 72:18	17:10
18:22 19:4,5	involved 35:11	judge 5:3 14:3	know 17:25	letter 3:10 18:1	links 57:1 72:7	main 31:13
22:19 23:9,10	42:2 58:16,23	28:14	28:16 40:18	lettering 49:10	list 24:1 47:24	maintain 14:24
23:14,16,25	involvement	judged 18:4	44:10 49:18,25	letters 49:16	listened 2:23	52:10 64:22
24:3,7,14,20	15:19	judges 9:15 11:5	50:18 51:25	let's 17:13 20:16	3:16 54:13	65:21
25:9,12,24	in-house 15:19	11:7,9 13:5	53:1 61:11	29:9 42:24	listening 4:7 55:7	maintained 70:2
26:8 27:11,21	IPCC 57:9,23,24	judging 28:17	71:4,14,20	44:9 70:17	litigants 14:11	maintaining
29:21 31:1	58:4	judgment 24:25	73:7	level 17:10 41:9	litigating 14:14	25:16
45:8 52:1,25	issue 1:6,25 2:20	28:7 64:8	knowingly 67:24	46:11 65:12,12	litigation 13:19	Majorcan 21:13
54:25 63:23	2:21 3:12 4:4	judgmental	known 53:7	67:21	35:8	majority 16:22
64:19 65:24	6:11 7:21	27:24	knows 48:4	levels 34:5	little 37:15	making 28:6
67:5	13:25 19:14	judgments 25:2		LEVESON 1:5	lives 26:15 28:15	36:13 63:11
interesting 5:1,6	21:20 24:16	judicial 11:22	L	2:25 4:14,16	locally 65:5	67:24
interests 26:11	30:25 31:1,24	July 5:19 53:13	lack 5:11 38:2	4:24 5:4 7:16	Logically 19:4	managed 51:9
34:19	35:12 38:2	69:8,18	66:22 68:25	8:22 10:6 12:9	London 52:10	52:24 69:21
interfere 9:23	54:12	junior 69:5	language 25:23	12:12 14:10,17	long 62:8	management
interference	issues 5:17,23	jurisdiction 33:8	large 24:22	17:3,5,11	longer 3:9 53:18	15:22 68:17
9:24 10:22	7:9 16:10	justice 1:5 2:25	49:10 59:18	18:13,15,18,20	54:13 65:25	mandated 69:19
internal 1:13 8:4	17:19 19:11	3:14 4:14,16	64:15	20:16,21 21:18	look 69:14	mandatory
8:20 14:18,21	22:1 24:1	4:24 5:4 7:16	largely 3:14 30:9	22:1,6,18,21	looking 15:15	38:22
15:7,15,18	27:10 30:24	8:22 10:6 12:9	32:10,15 33:1	22:24 28:8,24	16:13 35:25	manifest 37:13
16:20 35:22	31:8,13 39:10	12:10,12,16	Lastly 24:18	29:2,5,9,12	49:6 71:5	manifestations
International	40:13,21 57:12	14:10,17 17:3	late 6:20	36:10,19,21	looks 59:15	41:24
8:17,25 31:22	61:9 62:19	17:5,11 18:13	latest 17:1	37:20 38:1	loosely 15:1	manner 2:8 15:2
57:1 69:10	68:18,22 70:5	18:15,18,20	latitude 19:10	40:2,7,10,12	Lord 1:5 2:25	20:7 38:22
internationally		20:16,21 21:18	latter's 39:24	42:17,24 43:4	4:14,16,24 5:4	manual 71:10
65:6	J	22:1,6,18,21	launched 53:6	43:9,20,24	6:13 7:16 8:22	margins 7:9
Internet 34:13	James 44:10	22:24 28:8,24	law 1:13,13,19	44:2,7,17,21	10:6 12:9,12	Mark 1:17 30:16
51:3,6	Janet 36:1	29:2,5,9,12	4:25 6:16 7:24	44:24 46:24	14:10,17 17:3	mass 6:14 34:14
interplay 9:10	January 3:14	35:9 36:10,19	8:3,6,9,19 9:2	47:10,13,20,23	17:5,11 18:13	massive 24:1
interpret 6:9	17:2 33:6 35:9	36:21 37:20	9:6,8,9,10,13	48:8,12,17,24	18:15,18,20	28:2
13:5	Jay 1:5,6 3:2	38:1 40:2,7,10	9:25 10:15,24	49:8,18 50:2,5	20:16,21 21:18	mate 64:10
interpretation	4:14,15,22,25	40:12 42:17,24	10:24 11:6,11	50:10,25 51:18	22:1,6,18,21	material 12:4
31:22	5:6 7:18 9:1	43:4,9,20,24	11:12,13,19	51:23 52:15,19	22:24 28:8,24	29:8,15 49:1,3
interpreted 20:3	10:8 12:11,13	44:2,7,17,21	12:23,23 13:4	52:21 54:11,18	29:2,5,9,12	49:5 62:9 71:6
interprets 17:17	14:16,18 17:4	44:24 46:24	13:6,10 14:4	54:23 55:3,7	36:10,19,21	materials 6:12
intersect 9:21	17:6,13 18:14	47:10,13,20,23	29:23 30:13	55:11,16,22	37:20 38:1	matter 12:2,8
intersection 11:1	18:16,19,20,21	48:8,12,17,24	35:3,10,12,13	56:1,3 57:14	40:2,7,10,12	17:10 23:21
intranet 48:9,22	20:19,22 21:20	49:8,18 50:2,5	35:16,17,21,21	57:19 59:10,19	42:17,24 43:4	25:4 29:3 36:4
49:1	22:4,7,20,23	50:10,25 51:18	36:8,17	59:23 60:4,10	43:9,20,24	37:11 39:12
intrusion 11:23	22:25 28:9	51:23 52:15,17	lawfully 2:22	60:16 62:6,12	44:2,7,17,21	43:23 48:19
21:12 27:22	29:1,3,6,10,13	52:19,21 54:11	lawyer 13:22	62:24 63:12	44:24 46:24	55:12,19 57:11
Intrusions 20:14	36:18,20,23	54:18,23 55:3	37:23	70:16,24 71:4	47:10,13,20,23	57:15 58:2
20:24	37:25 38:2	55:7,11,16,22	lawyers 13:12	71:11,18,21	48:8,12,17,24	59:16 62:7
intuitions 16:5	40:6,9,11,13	56:1,3 57:14	lay 16:22	72:3,11,16,21	49:8,18 50:2,5	72:18
invaded 28:16	42:18,24 43:3	57:19 59:10,19	lead 65:22	liable 68:9	50:10,25 51:18	matters 1:17
investigate 32:16	43:8,12,23,25	59:23 60:4,10	leads 39:18	licensing 37:18	51:23 52:15,19	13:3 19:18
39:16,24	44:6,8,19	60:16 62:6,12	learn 61:1 65:19	lie 10:19 14:19	52:21 54:11,18	30:10 41:25
investigating	47:11,14,21,24	62:24 63:10,12	72:3	lies 35:5	54:23 55:3,7	73:4
58:22	48:10,16 52:5	70:16,24 71:4	learning 61:6	life 8:7 9:18,24	55:11,16,22	Mauritian 22:4
investigation	53:12 54:4,10	71:11,18,21	leave 46:10	10:22 12:7	56:1,3 57:14	Mauritius 21:16
3:25 10:20	54:12 55:15	72:3,11,16,21	led 36:2 52:3	20:14,24 25:14	57:19 59:10,19	21:21
40:18,21 52:3	58:20	justifiability	62:20 65:15	26:21,23 41:23	59:23 60:4,10	Max 11:16 12:3
53:7 55:18	job 57:22 69:10	46:14	left 6:8	70:15	60:16 62:6,12	mean 14:10 15:7
56:4,4,18,21	John 56:15 57:1	justification 25:8	legal 5:7 15:19	light 26:7	62:24 63:12	28:6,8
57:9,17 58:5,7	Jonathan 43:17	justified 10:23	legislation 4:17	likewise 20:25	70:16,24 71:4	meaning 3:7 4:5
58:9,15,17,22	journalism	20:15,25 22:9	6:18 54:8,12	limited 11:14	71:11,18,21	4:11 23:6
65:20,22 69:12	27:24 45:17	70:3	54:14	14:6 32:14	72:3,11,16,21	means 2:4,6 4:16
investigations	46:19 67:1	justify 46:12	legislative 4:9	36:7 41:18	Lords 11:15	4:18 13:21,21
52:7 59:5	journalist 7:1	57:25 60:24	37:5 38:10	56:8 66:7	lost 31:18 34:9	19:10 24:9,12
60:12,19 64:11	24:13,18			68:21	lot 10:7	27:5 28:5

meant 21:4	66:17	56:13	Northern 33:6	49:19	organs 8:24	Pause 20:20
measure 8:7	misdeemeanour	multifactorial	33:10	office 7:12 42:3	20:10	pay 32:25
24:22	12:19	31:19	noted 7:10 13:3	65:8	original 32:21	paying 7:1
measures 19:23	misleading 18:24	murders 36:2	23:21 37:10	officer 66:16	38:23 55:9	payment 7:17
mechanism	30:4 67:24	mutually 64:7	38:4	68:9	56:18,21	payments 15:21
64:18,20 69:15	misled 22:15		notes 11:19	officers 52:8	originating	15:21 39:19,21
72:4	23:7 25:11	N	notice 2:25	57:5,10 59:18	66:25 69:23	58:16
mechanisms	mismatch 25:13	naked 21:8	notices 32:5	65:9,13 66:6	ought 67:9	PCC 16:21 17:2
46:15	mismatches	name 49:14,15	notification	67:14,24 68:1	outcome 11:22	18:3,6 20:11
mechanistic 13:8	25:21	49:16	13:25 39:5	68:2,7,20,24	12:15 61:4	21:11,15 24:3
media 30:13	misrepresent	Naomi 11:15,23	notoriously	70:6 71:25	outlets 63:22	25:7 28:20
31:12 46:5	47:5	national 53:16	35:15	officer's 67:23	outlook 64:10	30:17 31:15,20
58:19 60:20	misuse 29:25	56:6 70:14	Notre 21:11	68:6	outset 42:14	31:24 32:2,14
61:10,17,19,22	64:20	nationally 65:5	notwithstanding	official 6:21 7:5	outside 16:14	32:20,24 33:1
63:2,9,19,22	Mm 22:4	natural 3:7	37:2	Oh 43:24	Overall 30:18	33:4,8 38:24
64:1,3,5,14	Moments 40:15	Naturally 33:25	November 1:1	okay 29:10 56:3	35:20	PCC's 33:17
65:1,4 68:2,8	mobile 53:4	nature 23:20	47:25 48:2	old 22:5	overdramatising	peer-reviewing
68:14,17,22	model 12:16	32:13	NUJ 47:14	Olympic 5:21	31:24	28:17
mediation 32:3	26:17 37:8	Nazi 12:5	number 7:19	Omand 27:16	overly 20:4	pencilled 44:12
media's 64:13	models 27:4	necessarily 28:8	11:14 23:25	omit 46:9	overreacting	pending 65:14
medical 36:11,25	modify 14:25	33:15 43:10,16	34:5 41:18	once 3:11 27:4	34:23	penetrate 40:14
37:1,3	modifying 5:20	53:6	42:5 59:14,18	ones 27:11 32:12	oversight 15:19	penetration 7:20
medicine 36:3	module 6:18	necessary 9:25	61:5 62:21	ongoing 40:18,20	overview 1:7	people 8:13
37:23	17:20 39:13	45:25 63:17		56:25	o'clock 47:18	19:22 20:17
members 16:22	40:19 42:10	66:18 67:6	O	online 17:15	72:21	22:2 24:23
53:2,24 56:7	71:13	need 1:7 4:4 8:2	objectionable	opaque 4:6		26:11 45:2
men 41:5 50:11	modules 39:13	8:5,20 9:11	12:1	open 39:9 47:1	P	48:14 58:20
menacing 41:20	42:12	11:3 12:25	objective 1:15	63:8 64:14	pact 39:25	perception 39:15
mention 38:18	moment 4:14	17:16 33:10,24	24:24	66:11 71:24	page 32:21	40:24
70:25	18:16 42:19	34:3 38:18	objectives 8:6	opening 43:7,13	paid 39:17	perfectly 66:23
mentioned 10:21	43:14 44:13,16	54:6 64:14,21	58:12 64:16	45:4 47:3	palisades 40:15	perform 7:2 63:6
18:10 25:15	47:14 50:4	66:6 67:3,7	obligation 6:9	50:20,24 51:24	panel 39:2	performance 7:4
31:1 42:12	55:19 70:17	68:12 73:6	16:16,19 19:8	openings 72:19	panels 37:4	7:6
71:1	Monday 1:1 43:2	needed 34:10	20:11	operate 33:3	papers 56:13	period 69:16
merely 15:3	47:25 48:13	needle 16:8	obligations	37:4	paradigm 23:2	permitted 15:13
37:21	money 26:5	needs 16:12	15:17	operated 52:19	paragraph 45:4	21:6,10,13
merits 38:14	monitored 72:6	27:12 32:18	obliges 18:23	operates 32:17	45:20,22 47:6	22:5
message 72:13	monolithic 65:7	34:16,20 67:13	observation	operating 33:1	paraphernalia	persona 12:18
messages 53:4	months 39:11	67:15 68:15	14:23	67:19	14:14	25:14 26:3
54:13 55:7	51:4 69:11	Neil 57:23 58:5	observations	operation 37:8	parentheses 46:9	personal 5:25
met 65:6,11,15	moral 16:4,6	69:24	50:17	42:2 53:8,8,17	Parliament 4:20	53:10
70:9,10 72:3	morning 50:8,24	neutral 30:9,11	observing 23:23	58:7,14,21,24	parliamentary	person's 20:14
methods 24:10	73:9	never 54:20	obstruct 60:24	62:16	9:7 61:8	20:24
24:15,16 27:19	Mosley 11:16	new 7:21 24:10	obtain 14:2,13	operational 56:9	part 14:20 38:13	perspective
46:13	Mosley's 12:3,7	45:14,23 46:14	29:8,14	66:6	39:21 49:22	38:20 39:7,8
metropolitan	motivating 54:21	46:16 56:17	obtained 53:13	operations 53:5	60:11 62:9	42:8
51:20,25 57:8	Motorman 42:2	news 8:17,24,25	obtaining 64:16	58:15	70:23	persuasive 4:18
58:23 59:12	mount 55:5	31:22 34:23	obvious 33:4	opinion 6:12	participant	5:1
62:14 70:13,18	mount 42:1,7	43:18 49:11	40:22 66:1	19:25	41:22 71:13	perturbed 48:18
Michelle 47:16	49:20	57:1,22 58:8	obviously 54:23	options 49:19	participants	Peter 57:6
middle 26:17	moving 1:6	58:25 69:10	occasion 9:21	oral 44:14 50:24	48:7	Phillips 50:7
27:1 29:10	MPS 52:2,6,10	73:1	occasionally	orally 44:20	particular 6:18	71:12 72:20
32:17	52:22 53:2,5	newspaper 7:7	33:2	order 32:24	11:21 13:7	philosophical
Millar 44:19	55:9 56:20	14:12 32:20	occasions 28:18	39:17 40:5	15:21 26:3,13	20:4
45:25	57:1 58:6,10	33:5,13 41:2	63:19 66:14,16	41:6 52:11	35:12 40:7	phone 1:6,20
million 59:1	59:2,5 60:19	newspapers	occupy 39:10	66:25 70:7	41:1 72:19	10:24 11:2
Milly 28:12	60:21 61:3,12	10:18 13:10,17	occur 15:10	orders 14:3	particularly	31:22 34:24,25
mind 8:13 44:24	62:19,21 63:23	14:1,11,13	occurring 15:5	ordinary 3:7	11:19 19:14	35:2 52:7 56:7
55:22,25 70:4	64:4,25 65:2	28:6 32:5,24	October 9:14	organisation	20:5 46:15	57:3,9 58:8,17
minded 44:20	66:8,15 67:12	35:7 38:25	odd 46:24	15:8 16:14	particulars 54:4	58:22 62:20
minimum 27:21	68:24 69:14,19	news-gathering	Ofcom 38:16	22:17 23:8	parties 41:1 64:9	phones 53:4
Mirror 13:17	69:21,25	24:10,15	offence 1:20 5:12	69:3	65:23	photograph
mirroring 20:23	MPS's 58:3	Nicholls 6:13	6:3,20,23	organisations	partisan 19:1	11:24
mirrors 20:13	67:19 70:8	Nicol 12:16	offences 8:14	73:1	parts 41:17	photographed
misconduct	Mulcaire 3:16,19	30:14	offending 32:22	organised 45:15	patchy 8:8	21:6
31:12 41:24	6:2 52:3 53:9	non-existent	38:23	46:17	pathways 68:15	photographing
57:25 58:4	53:18 54:2	16:1	offers 32:2,6	organising 48:14	Paul 56:24	

22:2 photographs 21:1,10 photography 21:12 phrase 57:19 pick 45:3 picture 39:22 pictures 18:25 piste 18:21 place 6:24 8:18 15:6 16:7 21:8 26:19 38:2 59:6 72:15 placed 22:10 70:6 places 11:4 21:1 21:21 placing 25:17 Plainly 8:5 play 36:9 47:25 48:3 plead 3:20 pleas 54:19 pleased 45:11 plenty 43:12 73:4,7 plough 8:15 pluralistic 45:9 Plus 37:5 pm 1:4 42:21,23 73:10 point 3:10 4:25 5:9 25:9 29:6 34:25 35:25 36:12,24 38:4 45:7 54:17 63:10 pointing 16:6 points 3:21 police 8:16 39:15 39:17,23 40:3 40:4,18,21 51:21,25 52:8 52:9 53:13 55:16,17 57:7 57:8 58:16,24 59:12 60:12 61:10,17,19,20 61:22 62:5,14 62:16 63:2,6,9 63:14,21,24 64:1,6,21,23 64:25 65:20,21 66:4,13,15,16 66:25 67:9,22 67:23 68:1,6,9 69:17 70:2,13 70:18 71:14,25 72:8 police's 3:24 policies 15:23 policing 63:4 68:3 70:6 policy 62:21 political 41:1,3,7 politician 26:20	26:20 politicians 27:6 31:18 40:20,25 41:6 politician's 26:22 populate 48:2 portcullises 40:15 portrayed 66:24 position 3:19 13:24 16:25 51:11 67:12 positive 62:4 positively 26:3 possibility 3:5 13:25 possible 3:22 5:7 6:6 11:18 17:8 27:22 35:23 38:14 48:11,25 50:14 53:3 54:17 possibly 42:18 postal 1:24 3:11 postulate 5:16 post-police 69:6 potential 8:1 32:5 57:16 63:20 65:19 potentially 9:2 10:10 57:2 64:2 power 11:5 13:4 28:23 32:24 40:24 41:1,11 41:16,18 powerful 30:17 41:4,5 practical 67:21 68:20 70:11 practice 16:15 16:19,23 17:15 17:18 25:4 30:19 37:4,23 61:6 66:19 67:2 69:22 practices 1:9 14:12 33:22 34:3 42:6 62:21 practise 15:17 practitioners 37:2 pragmatic 70:11 prayer 21:11 preamble 17:22 precise 23:6 25:23 precisely 27:7 predecessor 58:9 prejudice 59:4 prejudicing 59:4 preliminary 62:22 premises 53:22 prepared 3:20	40:17 46:5 Presboff 33:7 present 37:16 46:13 51:19 presented 34:13 presently 31:15 68:14 press 7:19 16:11 16:16,21 18:16 18:23,25 19:8 20:10 27:7 28:20 29:7,14 31:5,7 32:19 33:22 34:17 37:13 39:8,14 39:17,23 40:3 40:5,19,24 41:10,16,24 42:6,7 45:8 52:9,11,23 61:20 62:5 63:5,14,20,24 64:5,6 65:4,5 65:17 66:4 70:9,13 72:8 pressure 25:1 pressures 16:7 70:6 prevent 6:25 7:1 69:15 preventing 10:4 22:15 23:6 Prevention 6:19 39:20 previous 31:12 56:23 price 41:12,14 prima 54:24 primarily 56:10 primary 58:11 principle 25:11 27:19 35:10 principles 13:7 27:16 69:4 print 18:4 32:20 46:4 prior 13:25 39:5 priorities 64:9 privacy 9:8 11:1 11:6,13,19,24 12:23 13:4 19:12,15,17 21:3,5 28:15 32:6 39:3 private 9:18,24 10:22 12:7,19 13:20 20:14,24 21:1,2,9,12,21 21:23 25:14 26:15,23 28:15 36:16 53:10 67:11,13 pro 41:9,14 proactive 32:15 probably 13:13 17:3 21:23 27:12 31:14	44:25 59:25 72:12 probe 32:16 problem 41:19 45:11 46:25 problems 15:4,5 33:23 procedures 68:10 proceed 55:19 proceedings 3:13 3:15 6:1 58:1 process 28:2 31:2 64:4 procurement 69:18,20,21 produce 17:8 product 24:11 62:18 professional 67:23 professionals 37:12,14 72:24 profile 12:18 programme 42:11 43:14 progresses 59:16 prohibits 67:24 prominence 18:5 promote 15:8 promotion 68:22 prompt 19:22 pronouncement 4:25 proper 7:6 15:19 15:20,22 55:5 55:14 61:16 63:24 64:8,22 properly 29:3 35:22 50:18 54:6 63:4,9 64:17 66:24 proportion 27:20 proportionality 10:17 23:20 proportionate 10:15 38:23 69:15 propose 16:14 24:1 propound 25:17 proprietors 28:4 28:9 41:10 prosecute 5:14 prosecuted 8:14 prosecutions 7:10,13 60:13 prosecutorial 4:3 prospect 21:2 protect 64:19 protected 12:24 67:8 protecting 17:24 22:14 23:4 58:12 63:7,16	67:4,11 protection 5:24 9:25 10:3 52:14 prove 54:8 proved 4:1 provide 2:2 12:20 39:2,18 60:5 61:23 71:6,9 provided 66:15 66:23 68:20,22 provides 9:17 17:23 67:19 68:6 provision 29:7 29:14 61:15 provisions 6:23 6:25 17:18 18:8 29:13,20 30:7 67:4 public 5:13,16 5:17 6:6,21 7:5 7:15 9:15,23 12:2,4,6,17,18 14:24 18:10,13 18:14,18,22 19:4,5,22 21:1 21:7,8,21,24 22:11,13,14,15 22:18 23:4,6,9 23:10,14,25 24:3,7,14,20 25:9,10,12,13 25:24 26:2,8 26:11,14,15,18 27:3,11,21 29:20 31:1,17 32:10,11 34:7 34:9,16 39:15 45:8 47:3 50:21,22 52:12 52:14,16,24 53:15 54:25 57:14,20 58:3 59:21,23 61:18 63:7,15,16,21 64:3,15,19 65:24 67:5 68:2,8 69:25 70:2,15 publication 18:3 19:18 21:5 24:5,7,19 publications 14:2 16:25 33:16 publicity 40:7 publicly 45:1 public's 17:25 publish 18:24 27:8 29:8,15 39:1 published 11:25 58:2 publishing 12:4 19:5	punishable 1:22 purchases 69:20 purportedly 69:12 purpose 14:23 34:5 61:16 purposes 2:3,12 5:25 10:21,25 52:12 54:16 pursue 40:8 pursuit 57:16 put 5:2 33:16,22 47:2 51:2 54:19 putting 26:24 <hr/> Q QC 30:14,14 43:17,19 44:10 quarantine 49:20 quarter 42:20 quarters 3:8 Queen's 1:17 14:15 quest 27:25 question 6:5 10:12,14 12:4 16:14 22:12 24:23 25:3 27:3 28:2,21 28:24 33:15 questionable 40:16 67:20 questioning 48:6 questions 20:9 quick 14:8 32:3 34:21 38:19 quid 41:9,14 quite 6:22 7:8 23:13 26:21 quo 33:25 41:9 41:14 quotation 45:19 quote 3:5 24:2 45:19 <hr/> R raise 48:18 72:18 raised 20:9 28:21 48:25 57:13 raises 23:25 range 1:9 6:22 15:7,15,25 16:24 25:24 26:16 41:22 rank 68:21 ranks 69:5 rapid 24:25 34:12 rare 28:18 rarely 25:2 28:14 ratified 17:2 reach 1:8 7:20 33:17 60:18 68:15	reached 60:7 reaching 46:12 reactive 32:15 read 2:24 4:12 30:11 45:5 49:9 50:23 readers 28:4,11 readily 26:21 67:16 reads 47:7 ready 61:1 real 38:4 72:7 reality 8:10 really 3:12 8:23 37:20 reason 3:2,24 4:3 6:2 8:15 34:10 34:24 44:3 reasonable 21:2 21:4 24:21,23 69:16 reasonably 24:5 24:19 reasoning 33:11 reasons 8:17 25:6 31:19 48:12 66:20 rebuilt 58:24 receive 61:22 received 1:16 10:5 55:9 68:24 receives 65:4 receiving 73:1 recipient 2:9,23 recipients 3:17 recognise 56:20 60:17 68:12 recognised 10:9 66:2,9 67:6 68:19 recognises 9:22 20:8 70:12 recommend 4:8 32:22 33:24 recommendati... 5:9 recommendati... 1:11 13:2 33:19 36:7 70:7 record 19:9 25:6 25:7 31:3 39:1 recordable 57:11 recorded 2:17 25:2 recording 2:19 69:1 recourse 13:9 red 49:10 redress 38:19 reduce 15:5 refer 49:17 66:14 reference 17:8 18:6 23:19 25:10 31:10
--	--	---	---	--	--	---

referred 29:22 57:6,23 59:15 72:5	rely 51:21	restraining 14:3	68:13	20:22 22:18	settlement 41:3	51:11
refers 27:15	remain 53:18 67:9	restricted 10:3	ruling 45:20,21 51:16,20	23:1,10,12	seven 65:3	slow 28:14
reflect 34:16 45:21	remainder 43:12	restrictive 3:25	rulings 32:23 39:3	26:21 29:9	seventh 27:7 69:6	slower 25:8
reflected 54:5 69:3	remaining 43:7 48:2	result 52:22 54:9	run 50:11	37:7 42:24	seven-day 43:5	small 59:13
reform 7:24	remains 38:8 60:11 66:6	retain 32:18 41:6	Running 58:14	43:24 46:21	shape 38:12	Smith's 36:1
reforms 31:6	remedies 34:20	retrospectively 66:12	Rusbridger 27:15 47:17	48:21 49:7 71:22	shares 69:14	society 39:9 45:18 46:20 63:25
regard 8:8 59:9	remind 46:1	revealed 68:25	ruthless 33:2	seek 40:5 60:23	sharing 44:24	solicitors 37:8
regarded 6:4	remotely 7:25	revelations 28:13 36:13	S	seeking 1:14 32:17 40:8 49:4	Shell 33:6	solution 38:9
regardless 25:22 34:2	removal 29:17 29:24	Revenue 7:13	sacked 28:5	seen 16:20 38:8 41:2 45:3 54:16	Shell's 33:10	solutions 14:5,7
regime 38:14	remove 13:4	review 46:1 61:12 62:16,17 62:21 68:23 70:21	safely 49:20	seized 53:23	Sherborne 47:18 48:18,25 49:10 49:12,14,19 50:4,5,13 51:8 72:13,14	solving 63:15
Registered 37:1	render 15:12	reviewed 17:1	safety 22:15 23:5 52:14 53:16	Select 3:24 69:7	short 42:22 60:25 73:6	Somebody 50:11
registry 49:22	renders 68:9	reviews 62:18	salient 6:17	selective 30:8	short-term 65:22	Someone 50:14,22
regret 57:2	reopening 56:18	revising 16:24	saloon 31:7	self-criticise 60:24	show 26:5	soon 50:14,22
regulate 65:1	repealed 6:21	revision 30:19	sanction 32:23	self-declaration 69:1	shields 40:15	sorry 17:6 49:12
regulating 34:8 73:1	repeat 50:24	reward 7:3	sanctioned 64:18	self-defeating 59:25	Shipman 36:2	sort 5:18 26:24 35:14 37:7 39:2,25 66:10
regulation 8:21 14:19,22,23 15:7 16:12,21 34:6,11,15 35:4,21,22 36:3,11,25 37:11,13,18 38:12 46:14 65:10	replaced 6:19	Reynolds 6:13	sanctions 67:17	self-evidently 16:13	short 42:22 60:25 73:6	sorts 39:10
regulator 15:3 36:9 37:6	reply 38:21	Rhodri 43:19,21	satisfactory 32:9	self-regulation 37:2,5	side 13:19 18:11 26:25	source 7:2,5 66:15,22,25 67:9
regulators 29:3 42:11	report 31:21,25 58:2 60:5 62:1 62:7 63:10 65:15 69:8	right 9:17 10:2 10:11,12 16:7 16:9 17:25 22:20 27:8 34:18 36:22 38:13,21 42:24 44:7 47:10 48:17 51:8,23 55:3 56:3 59:16 60:16 71:16 72:11	satisfied 32:12	self-regulated 1:14 33:14 34:4 38:6,10	siding 31:21	sources 15:22 66:13
regulatory 1:8 1:12 34:19 36:1 37:17 38:7 45:14,23 46:16	reporting 63:3,6	rightly 58:20	saying 4:20 45:23	self-representa... 8:4	sign 33:5	so-called 29:3 35:22
related 56:21	reports 12:21 53:1	rights 9:12,13,16 9:20 10:1,4 11:4,9,10 12:24 13:15 17:24 20:6 34:17 37:14,21	says 45:6 49:10 49:11	selling 28:5	significance 33:12	SO13 53:4
relates 24:11 28:2 29:6	reputation 61:11	right-hand 18:11	scale 53:14	seminars 15:18 32:1 37:15	similar 8:14 34:14 39:3 49:11 50:7	speak 45:2
relating 5:23 9:6 54:3	requested 62:15	Rio 11:16,20	scandal 31:23 34:24	sends 32:4	simply 65:6 23:16 26:10 41:10 49:19	speaking 20:12
relation 1:10 3:18 7:9 8:10 11:2 13:24 21:16 33:21 34:2 37:8 48:5	require 9:15 24:4 30:19 31:10 32:20 45:2	RIPA 1:20 2:1 5:12 6:3 29:23 55:8	scarcely 16:12	senior 68:16 69:4	Sincerely 48:19	specialist 53:5 58:10
relations 26:2 61:19,21	required 20:5 21:5 24:13 25:19 28:14 33:3 69:2	rise 48:18 50:4	scenario 5:17,18 5:21	sense 20:5 40:4 59:12 72:6,24	single 52:1	specific 25:20 46:7 68:5
relationship 8:3 39:14 40:1,3 40:19 52:11,23 60:19 61:10,17 62:5 63:2,4,24 64:6,7 65:11	requirement 46:3	risks 13:23 59:8 65:25	scenari 25:25	sensible 19:23 45:1	similarly 64:17	speculate 71:17 71:19
relationships 66:4 68:19 70:9 71:25 72:5	requires 22:9	risky 13:10	scenes 32:10	selling 28:5 24:8 45:12 19:11	simple 65:6 23:16 26:10 41:10 49:19	speculation 56:25
relatively 32:3	resides 49:23	Robertson 30:13	scheme 37:5	seminars 15:18 32:1 37:15	similarly 64:17	speech 9:19 13:17
relaying 52:13	resignation 69:11	robust 20:4 67:17	scientific 19:19 19:21	senior 68:16 69:4	simply 22:2 23:16 26:10 41:10 49:19	SPEKER 44:22 46:23 47:9
relevant 3:8,17 7:2 13:2 16:9 31:17 52:14 70:20	resigned 56:24 57:2	role 12:16 26:17 27:4 32:15 36:9 38:24 57:8 70:1	science 19:19 19:21	sense 20:5 40:4 59:12 72:6,24	single 52:1	spelt 15:17
	resolution 14:13 18:3	roles 70:12	scope 33:6 39:12 56:8 63:5	sentence 22:7 24:8 45:12	sinister 48:20	spheres 36:1
	resources 7:23 32:14	route 11:20	screen 17:9 49:8 50:6	separate 18:8 19:11	sir 1:6 12:14 31:9 36:23 43:3 46:23 48:18 49:17 50:4 51:17,22 52:9,20 53:1 55:2,24 56:2 56:20,24 57:17 57:21 59:6,16 59:22 60:3,9 60:17,20,25 61:11 62:11,22 63:1,11,21,25 65:2,6 66:6,13 68:12,25 69:22 69:25 70:8,11 70:23 71:8,16 72:9,14	spill 40:17
	respect 9:18 42:3 45:20 58:1	royal 53:2,24 54:3 56:7	scrutiny 9:7 25:21 66:11	September 11:17 60:6 62:13	similarly 64:17	spin 47:5
	respectfully 66:5	rule 11:7 15:16	searched 53:22	serious 6:4 7:12 22:14 23:3 56:10	simply 22:2 23:16 26:10 41:10 49:19	spirit 18:1
	respects 30:20	rules 27:2 67:18	season 21:17,19	seriously 36:5	single 52:1	sportsman 12:19
	response 31:13 35:2,5 36:6 53:4		Second 52:6 66:13	seriousness 27:20	single 52:1	staff 67:14 68:25
	responsibilities 34:17		Secondly 13:9 24:13 34:11	serve 65:23	single 52:1	stage 26:24 50:1 50:3 51:14 60:6
	responsible 16:23 31:4 45:16 46:19 52:2 53:5,9 69:12		second-guessed 25:3	service 3:11 32:3 52:9 64:23 69:6,17 70:13	single 52:1	stances 56:23 60:22
	responsive 34:11		secretary 47:16	service 3:11 32:3 52:9 64:23 69:6,17 70:13	single 52:1	standards 14:25 15:4 17:24 26:23 61:8 67:22,23 70:15
	rest 43:4		section 2:1,3,12 3:23 4:5,11 5:8 5:11,12 6:2,7 6:24 7:1 21:3	setting 15:4 39:1	single 52:1	standing 26:4 38:13

starting 43:17,22 45:7 72:20	51:15,24 submitted 15:24 44:17	34:11,15 49:7	44:19 47:15 49:21 73:4	60:20 tribunal 39:2	53:21 unnamed 67:10	walking 22:2
state 37:18 41:4	submitting 5:10	<hr/> T <hr/>	thinking 51:5	tried 35:8	unnecessary 19:22	walks 41:23
stated 20:1	subscription 33:7	take 3:20 17:20	62:23 71:23	tripartite 35:21	unpersuasive 5:4	Wallace 57:23
statement 22:16 23:7 25:11,18 25:20 26:20 27:14 30:16 51:19	subsection 2:2 2:11,19,21 3:1 3:5,23 4:6,11 5:8,11	18:24 19:23 43:10 46:23 47:9 51:15 59:7 70:17 72:9	third 25:9 29:11 38:18 52:9 67:4	Trojan 49:4,16	unprecedented 42:15	want 16:8 17:11 28:16 44:21 45:25 47:1 50:2 71:8,18 72:18
statements 19:19 19:21 48:8 67:25	2:11,19,21 3:1 3:5,23 4:6,11 5:8,11	taken 2:5,13 21:15 25:23 27:5 55:4,13 59:20 61:4,18 61:20	Thirdly 34:15	trouble 31:8	unremarkable 30:10	warning 44:4,13
states 17:23	subsequent 4:7 56:21	target 2:5,13 21:15 25:23 27:5 55:4,13 59:20 61:4,18 61:20	Thompson 30:16	true 1:25 3:22 12:5 23:11 34:1 38:5	unscrupulous 13:12	Warby 1:17
status 10:11 33:25 71:13	subsequently 2:18 66:24	targeted 53:14	thought 3:4 56:2 72:9	truly 28:25	untrammelled 21:24	warn 14:1
statute 5:25 6:20 37:4	substance 27:11	targets 14:1	threat 48:22,24 48:25 49:7,14 49:16,24 58:12	trump 23:17	upheld 19:8	warning 32:5 63:16
statute-based 37:6 38:12	substantial 42:7	team 61:25 70:5	threats 56:10	trusted 16:4	use 16:4 29:15 40:4,4 46:5 47:4 66:13 69:19	warnings 31:12
statutorily 6:7	substitute 16:3	technical 3:21	three 8:1 23:1 39:13 40:19 42:13	truth 31:17	useable 67:16	warranted 56:17
statutory 12:23 13:3 37:17	subtle 27:10	techniques 46:6	thrown 51:8	try 60:5	useful 21:3 32:6 62:24	way 4:19 8:10 13:14 30:3 35:7 38:11 43:20 44:9 46:25 50:16 51:18 52:24 71:5 72:4 73:3
Stephenson 56:24	success 8:7	technological 34:12	time 2:6 7:23 17:20 21:9 25:1 30:8 33:18 38:18 39:10 43:11,12 51:10 55:1,12 56:8 69:16 72:20	Tuesday 43:13	<hr/> V <hr/>	weakness 5:8 33:4
steps 59:7 61:5 61:18,19	successive 38:24	teeth 33:1	ticks 31:16	Tuleta 58:17	v 13:17	weaknesses 32:2
sticks 15:2	suffered 41:23	telecommunic... 2:5	time 2:6 7:23 17:20 21:9 25:1 30:8 33:18 38:18 39:10 43:11,12 51:10 55:1,12 56:8 69:16 72:20	turn 1:7 9:2 14:18 18:15 29:4	valuable 31:14	wealthy 14:6
stock 70:17	sufficient 51:20	targeted 53:14	timeframe 59:11 60:4	two 1:23 6:18 13:3 24:22 39:13,13 42:13 46:21 60:11 69:10,11	value 32:11	wearing 52:15
stored 2:24 54:13 55:7	suggest 43:10 63:1,8,25 64:8 67:2,14	targets 14:1	times 2:3	Typically 16:18	values 69:4	Wednesday 43:13 44:16 47:11,12,13,18 48:3
stories 39:18 64:13	suggests 53:14 53:14 47:8	team 61:25 70:5	timetable 50:17 50:19	UK 58:12	various 36:21 41:23,24	week 12:14 21:15 30:17 43:6 47:24 48:4 51:16 65:3
storing 2:8	suggestion 67:9	techniques 46:6	timetabled 73:3	Ultimately 27:3 28:3 41:11,16	vast 9:3	week's 48:6
story 27:21 64:16 65:19 66:21	suggests 53:14 47:8	technological 34:12	timing 2:20	unaccountable 28:3 41:11,16	vault 49:20	Weeting 58:7,14 58:21 62:16 70:21
straight 19:9 31:3	suits 73:3	teeth 33:1	tips 39:18	unattractive 3:20	ventilate 3:3	weighed 23:14
straightforward 34:24	summer 21:14	telecommunic... 2:5	today 50:15 72:12	unauthorised 29:17,25 53:3	ventilated 3:23	weight 4:18 25:18
strands 33:19	superficial 27:9	targeted 53:14	told 49:3 57:24 58:20	uncertain 59:15 59:16	vetted 25:3	welcome 45:13 48:5
street 22:3	supply 7:7 35:16	telephones 29:16	tomorrow 43:17 44:15 50:24 72:20,22 73:9	unclear 4:4	vice 39:22	welcomed 61:12
strength 5:15 54:6	support 32:18 55:21 64:4 69:14	telephonic 29:23	top 17:23 71:15	undemocratic 64:2	victims 41:22	well-crafted 24:8
strengths 32:2	sure 55:24 62:6 72:22	telling 44:19	topic 46:1	underlines 36:12	Victorian 6:20	went 11:24
stress 9:12	surely 28:14	ten 11:15	tort 10:6	undermine 64:20	view 5:10 11:24 21:7,16 24:6 25:23 54:24 55:4,13,16,17 55:23 56:16 59:20 63:15 70:24	we're 8:11 15:15 16:13 20:19,20 42:25 47:15,22 48:4 50:20 72:20
stresses 23:22	surface 9:4	tend 15:9	touch 39:12	undermining 72:6	vigorous 61:11	we've 27:4 62:8
strike 70:22	surveillance 36:15,15	term 1:22 22:9 27:5 66:1,20	touched 3:12 5:23 30:7	underpinning 68:18	violated 11:9	whilst 62:18 68:16
strikes 71:23	sustained 56:10	terms 5:2 9:9 24:2 25:18 27:11 31:10 37:1,12 61:14 61:15	touches 65:19	understand 43:1 46:4 49:3 50:11,25 57:14 57:20 61:25 62:7 72:14	violation 19:16	whistleblowing 15:23
striving 69:25	sway 40:24	test 24:18,24 31:1 54:7,11 54:20 70:10	trade 40:23	understand 43:1 46:4 49:3 50:11,25 57:14 57:20 61:25 62:7 72:14	virtually 16:1	whistle-blowers 67:7
structured 52:23 63:4	symbolic 39:25	testing 54:17	training 15:18 67:22 68:5,13 68:17,17,20	understanding 6:9 70:5	virtue 26:10	whistle-blowing 7:9 64:18 67:4
subarticle 9:23 10:2 20:22	synonyms 15:10	textual 30:9	trans 24:18,24 31:1 54:7,11 54:20 70:10	understanding 6:9 70:5	virtues 26:21	white 8:10 35:14
subject 5:12 9:7 12:2 18:9 19:3 23:21 29:20 36:4,14,15 37:11 39:12 56:22 58:4 71:7	system 1:8,12 2:5,6,24 5:24 14:11 17:7 33:16 34:4,20 36:3 37:6,17 37:18 38:7,19 38:21 39:6 45:14,23 46:16 48:21,22 49:1 49:2,5 52:17 63:10 69:19 71:24	thank 20:21 29:11,12 42:20 47:10 50:5,13 51:7,14,23 62:24 70:16 71:11 72:11,17 73:9	transmitted 2:4 2:7,14,16 3:9 3:10	understanding 6:9 70:5	visible 21:7	
submission 4:10 45:5 47:7	systems 6:24 14:18 15:7,12 15:20,22,25 16:3,13 34:6	Theft 29:24	transparent 63:1 64:14 70:10 71:25	understanding 6:9 70:5	visualised 41:19 51:1	
submissions 43:7 43:13 44:14 45:1 47:3 50:21 51:2,4		theme 41:17	treat 68:1	understanding 6:9 70:5	voicemail 2:21 2:24 5:24 53:3	
		theoretical 13:21	treated 25:25	undoubtedly 42:11	voicemails 2:20 3:17 4:2,8,13 29:16	
		things 46:21 73:6 73:8	treating 30:3	unearthed 26:5	Vos 35:9	
		think 4:16 17:22 20:19,19 42:18	trenchant 30:12	unethical 46:5,7	vote 28:11	
			trial 54:9 55:13	unhealthy 64:1	voters 41:3	
				uninteresting 5:5	<hr/> W <hr/>	
				United 13:18	wake 31:6	
				unjustified 67:1	Wales 65:3	
				unlawful 1:21		

wholesale 30:19 36:3	64:19	29th 48:2			
wholly 35:15 38:3	Y	3			
wide 15:25	Yates 56:15 57:1 57:21,24	3 20:12,18 3.12 42:23			
wider 39:22,22	year 11:8,17	3.15 44:11,12			
widest 55:20	22:5 33:6 58:6	30 48:2			
wide-ranging 7:24	60:6 61:7 62:13	300 59:1 34 45:20			
wielding 41:11	years 1:23 11:15	4			
win 11:1	69:11	4 20:19			
wish 4:8 41:24 44:23 45:2 54:7 62:22	yield 18:17	4.00 73:10			
wished 30:11	1	5			
withdrawing 33:11	1 5:12 7:1 18:19 18:22,23 19:3 19:18 20:22	50,000 69:20,21 500 69:20 55 6:2,7			
withdrawn 31:24	48:3,5 1(ii) 20:8	6			
withdrew 33:7	10 6:14 9:11,19	6 45:4,22			
Witherow 5:19	10:1,11 11:1,4	7			
witness 27:14 30:15 47:24	13:16 23:12,16 29:7 37:14,21	7 2:2,21 3:1,5,23 4:6,11 5:8,11 6:24			
witnesses 16:3 16:11 40:5,16 42:5,12 43:1 48:6 72:23,24	43:18 47:14 72:21 10.00 73:11 10.30 43:18	8			
woman 41:5	11 17:3 47:18	8 2:1,11,19 6:14 9:11,17,22 10:10,25 11:4 11:9 12:24 20:13,23 53:19			
wonder 25:16 44:2	13 16:24 58:20 13th 69:8	8.2 10:21			
wooded 41:6	14 1:1 30:13				
word 20:24,24 47:5	15 62:13 16 3:18 18:7				
wording 23:12	19 69:8				
words 3:4,7 18:9 21:1 45:22 46:9 59:24	1906 6:19,21 1985 1:21 1990s 31:6 1998 5:24 9:13 67:5				
work 1:10 14:7 14:20 32:9 37:20 39:9 42:2,4,25 52:1 58:23 59:9,18 61:1,4,24 63:18 65:9,14 69:2 71:22 72:10	2				
workable 70:7	2 3:23 4:6,11 5:8 5:11 9:14,23 10:2 20:9				
working 32:7 52:10 63:2 64:4 67:21	2(7) 2:1 2.00 1:4 2.58 42:21				
world 8:24 33:2 34:23 49:11 57:22 58:8,25	20 3:18 61:7 200 65:4 2000 9:14 11:8 2001 17:2 2003 11:15 2005 53:1 56:4 56:11				
worse 4:6	2006 39:20 52:4 53:13,19				
worthwhile 7:25 72:9	2007 3:14 5:19 2008 11:16 2009 31:21 56:15 2010 39:21 2011 1:1 6:22 17:4,15 69:8 69:18				
worthy 57:15	24 65:3				
wouldn't 4:19 56:2 71:16,18	24/7 65:3				
writing 44:18	26th 58:6				
written 25:6 30:13 50:20,21 51:2	28 47:25				
wrong 28:7 31:2 39:7 46:25					
wrongdoing 22:14 39:24					