

<p>1 Wednesday, 18 January 2012 2 (10.00 am) 3 LORD JUSTICE LEVESON: Yes? 4 MS PATRY HOSKINS: Good morning, sir. This morning we have 5 the editors of OK! magazine, Hello! magazine and Heat 6 magazine. 7 LORD JUSTICE LEVESON: Yes. 8 MS PATRY HOSKINS: They're going to be sitting together and 9 answering some questions together and then they're going 10 to be answering some specific questions related to their 11 individual magazines, but can I invite them to come up 12 and take their places? 13 LORD JUSTICE LEVESON: Thank you very much indeed. They all 14 understand the slightly different approach? 15 MS PATRY HOSKINS: Yes. 16 LORD JUSTICE LEVESON: Very good. Thank you. 17 MS LUCIE CAVE (sworn) 18 MS LISA BYRNE (sworn) 19 MS ROSIE NIXON (affirmed) 20 Questions by MS PATRY HOSKINS 21 MS PATRY HOSKINS: Good morning. Could I please ask you 22 each to identify yourself, give your full name and tell 23 the Inquiry which magazine you represent. 24 MS CAVE: My name is Lucie Cave and I'm the editor of Heat 25 magazine.</p> <p style="text-align: center;">Page 1</p>	<p>1 Just touch on your career history briefly. This is set 2 out at the beginning of your statement, which you should 3 find at the start of the bundle that you have. You've 4 set out your history working in television and 5 magazines, but for the purposes of today, you've worked 6 your way up through the ranks of Heat magazine, you've 7 been in turn deputy news editor, associate editor 8 features, features editor, executive editor, then you 9 were acting editor from January 2011 and then you became 10 editor in September 2011? 11 MS CAVE: That's correct. 12 Q. Ms Nixon, you are in fact the joint editor of Hello! 13 magazine, with your colleague Ruth Sullivan. 14 MS NIXON: That's right. 15 Q. Again, you've set out your career history in paragraph 9 16 of your statement. You explain that you've worked at 17 a number of magazines, but in terms of your time at 18 Hello! magazine, you joined in April 2008 as assistant 19 editor features, and then in November 2010, you were 20 made an editor? 21 MS NIXON: That's right. 22 Q. Correct and accurate? 23 MS NIXON: Yes. 24 Q. Ms Byrne, again you set out your career history in your 25 statement which is at the start of the bundle that we've</p> <p style="text-align: center;">Page 3</p>
<p>1 MS NIXON: My name is Rosie Nixon and I'm the editor of 2 Hello! magazine. 3 MS BYRNE: My name is Lisa Byrne and I'm the editor of OK! 4 magazine. 5 Q. Each of you has produced a witness statement for the 6 purposes of this Inquiry. Could you please confirm to 7 us that the contents of it are true to the best of your 8 knowledge and belief? 9 MS CAVE: Yes, they are. 10 MS NIXON: Yes. 11 MS BYRNE: Yes. 12 Q. Just so I can explain the format to you very briefly, 13 we're going to be about two hours, maybe slightly less 14 with the break. I'm going to ask you general questions 15 first. I'll put a question, I'll expect each of you to 16 answer it, and at the end we'll have a short section 17 where I'll ask you individual questions about your 18 particular magazine. 19 LORD JUSTICE LEVESON: The idea, I think, is that there are 20 likely to be interests that are common to all three of 21 you, so rather than have each of you say it, this might 22 actually speed things up and hopefully where there is 23 room for disagreement, you will identify it and we'll 24 get to grips with the issues quite quickly. Thank you. 25 MS PATRY HOSKINS: Ms Cave, I'm going to start with you.</p> <p style="text-align: center;">Page 2</p>	<p>1 seen and you explain that you've worked at various 2 newspapers and magazines, but in terms of your career at 3 OK! magazine you joined in 1999, that was just 4 freelancing at that stage? 5 MS BYRNE: Yeah. 6 Q. You were then taken on as a writer. You've been senior 7 writer, features editor then deputy editor in turn and 8 then you became editor of the magazine in 2004? 9 MS BYRNE: Yeah; correct. 10 Q. What I'd like you to do, each of you, is to describe in 11 a few words your magazine, what it does, what it offers 12 its readers. Start with Ms Cave. 13 MS CAVE: The role of Heat magazine in the market is to 14 cover the celebrities of the day in an entertaining 15 fashion with an emphasis on interviews and amazing photo 16 shoots that we do ourselves against a backdrop of 17 a highly credible entertainment, TV and reviews section. 18 Q. Right. 19 MS NIXON: Hello!, the function of the magazine, I guess, is 20 to entertain. It's to provide an insight into the lives 21 of the rich and the famous. It's actually a lovely 22 phrase we're a family business and the CEO's grandfather 23 actually launched Hello! magazine and he had a lovely 24 phrase which was "la spuma de la vida" which means "the 25 froth of life", which kind of explains the fact that we</p> <p style="text-align: center;">Page 4</p>

<p>1 take a look at the lighter sides of the personalities 2 that we feature. 3 Features and photo shoots and interviews with the 4 stars are most important to us, especially weddings, 5 access to people's homes, introduction of their babies 6 make up sort of our core content. 7 Q. Ms Byrne? 8 MS BYRNE: OK! magazine is basically an exclusive invitation 9 into the rich and famous and celebrities in this country 10 and the States with worldwide celebrities. So we invite 11 our readers into people's homes, to their babies' 12 christenings, first pictures of their children, amazing 13 exclusive weddings, so -- even the parties are 14 exclusive, so it's just a fantastic aspirational 15 magazine for readers to have a look at celebrities and 16 their lifestyles. 17 Q. You've all mentioned photo shoots. Are your magazines 18 pretty photo based or is it more text based in your 19 view? 20 MS CAVE: I'd say it's a mixture of both. We do have 21 a great deal of photos in our magazine, some paparazzi 22 photos but also a great deal of photo shoots that we do 23 with the celebrities themselves. 24 MS NIXON: We're a very visual magazine. Photos are of 25 prime importance to us. We'll often run photo shoots</p> <p style="text-align: center;">Page 5</p>	<p>1 I don't want to ask you your precise circulation 2 figures, but what I want to understand is whether you 3 have been affected by declining circulation figures in 4 the same way that the newspaper industry has? 5 MS CAVE: There's no doubt that there has been an effect on 6 the celebrity market. However, we're holding firm at 7 around 320,000 readers a week. 8 MS NIXON: It's quite an exciting time for Hello! really at 9 the moment in terms of sales figures. Our ABC is 10 413,000 copies a week, but we're actually up news 11 stand-wise 27 per cent at the moment. Yes, we feel like 12 we're having a bit of a moment sales wise. 13 MS BYRNE: OK! is currently at 473,000 a week. Our 14 readership per week is over 2 million, about 2.1 or over 15 that, so obviously it's the most best read celebrity 16 weekly in the country. 17 Q. Have you been affected, have your circulation figures 18 increased or declined over the last six months, a year, 19 five years? 20 MS BYRNE: With OK! we're definitely doing less news and 21 more general features, more exclusive features, because 22 news wise because of all the websites it's so immediate 23 for people to see, like pictures that they used to wait 24 a week to see, and now because they've already seen 25 them, we've had to change because the Internet has</p> <p style="text-align: center;">Page 7</p>
<p>1 over 35 pages, 50 pages, if the photos warrant it. The 2 visual side of the magazine is extremely important. 3 MS BYRNE: For OK! magazine, it's definitely very visual. 4 We will do page after page of beautiful glossy images 5 from someone's home or wedding, so the interviews are of 6 paramount importance as well, but our photographs are 7 fantastic. 8 Q. I'll come on to ask you more about photographs and how 9 they're sourced and the kind of questions you ask 10 yourselves before you publish photographs, but let me 11 ask you a few more general questions before we come to 12 that. Approximately how many staff do you employ? Just 13 so we have an idea how big the magazine is. 14 MS CAVE: 32 approximately at Heat magazine. That comprises 15 of three people that work on the news desk, one features 16 editor, a couple of reviews editors and then we have 17 obviously the art and production team as well. 18 MS NIXON: About 40 in total. Of that, 19 sort of 19 journalists and subeditors, but many of those job share 20 or work part-time. We tend to be busiest towards the 21 end of the week, so we have a number of staff that work 22 sort of Wednesday to Friday. 23 MS BYRNE: We have around 25 staff members. We don't really 24 use freelancers, it's mainly in-house journalists. 25 Q. Can you tell me a little about circulation figures?</p> <p style="text-align: center;">Page 6</p>	<p>1 definitely affected newspapers and magazines without 2 a doubt. 3 Q. I'll ask you specific questions about the Internet but 4 while we're just on circulation figures, how much are 5 circulation figures affected by a particularly big or 6 exclusive story? Is there a jump in sales, does it make 7 a small difference? 8 MS CAVE: I think it depends on the celebrity of the week, 9 and obviously what they're saying. So there's no doubt 10 that if we have a big exclusive interview with a 11 celebrity that is very newsworthy at the time, there is 12 going to be a peak in sales. However, in general 13 I think our sales are relatively steady. 14 Q. What you say a peak in sales, do you mean it doubles, it 15 goes up a little bit? 16 MS CAVE: I wouldn't say it doubles. I think -- I mean it 17 rises slightly but for us it doesn't. 18 Q. What about you Ms Nixon? 19 MS NIXON: Yes, absolutely. We see a big increase in sales 20 if we have a really good exclusive story on the front 21 cover. We recently featured the wedding of 22 Holly Branson, Sir Richard Branson's daughter, in 23 a traditionally tough week in the magazine market, 24 beginning of January, and our sales were better than 25 they've been for years in that week, so weddings</p> <p style="text-align: center;">Page 8</p>

<p>1 especially would put on sales.  2 Q. Can you give me an idea of percentage?  3 MS NIXON: Gosh, it can vary. The royal wedding, obviously,  4 we sold over a million copies in a matter of days. That  5 was the ultimate wedding, obviously, for Hello!  6 magazine. But it can fluctuate from a 10 per cent  7 increase to a 30 per cent increase.  8 Q. I understand.  9 MS BYRNE: Well, absolutely for us recently it was  10 Zara Phillips' wedding and also Prince William's wedding  11 and we've done a million sales and it was absolutely  12 amazing, so there's a real fluctuation, yes, because  13 normally it's around 460, 470.  14 Q. Can I ask you about websites, while we're on general  15 questions. How important is your website to the overall  16 package that you offer and do you personally edit it?  17 MS CAVE: Our website is incredibly important to the brand.  18 We have over 1 million unique users a month. I don't  19 personally edit it. Obviously I have a keen eye on  20 what's going into the website, but I largely edit the  21 magazine, but there are lots of discussions about the  22 kind of stories that we're covering, and obviously it  23 offers a complementary service to the magazine as well,  24 so for example if we're doing an interview with  25 a celebrity we might film that interview or parts of</p> <p style="text-align: center;">Page 9</p>	<p>1 employees, so they are very aware and conscious of the  2 ethics surrounding the kind of pictures that we put  3 online and the pictures we put up there. However, the  4 reality is it is a challenging time so there's an  5 immediacy of those stories, so there's probably -- it's  6 a slightly more difficult area, I would say.  7 MS NIXON: Yeah, very much so. Our website adheres to the  8 PCC code, as does the magazine. Our web editor  9 sometimes jokes that we're often the last website to put  10 up news stories because we're checking out the  11 background to them. We do like to get confirmation on  12 any stories directly from personalities or their  13 representatives. Twitter obviously helps our website  14 a lot in that we can often get direct access to  15 celebrities for comment. But yeah, they adhere to the  16 same principles as the magazine.  17 MS BYRNE: Our website is run by trained journalists, so the  18 same principle applies.  19 Q. You've touched on the PCC code. Can I just ask  20 whether -- I think we know, you're members of the PCC,  21 you're members of the PCC, you're part of the  22 Northern &amp; Shell group and therefore you're not members  23 of the PCC. But how important, regardless of whether  24 you're in or out, is the PCC in the workings of your  25 magazine? How do you ensure that staff comply with it</p> <p style="text-align: center;">Page 11</p>
<p>1 that interview which will go on the website.  2 MS NIXON: Our website is pretty independent from the  3 magazine, it has its own editor. I guess we feel that  4 nothing can replicate 35 pages of glossy photographs.  5 Our website simply couldn't do that job. But it's quite  6 a straight sort of news mechanism for us that runs  7 alongside the magazine, but, yeah, it will never sort of  8 be as important as the main magazine to us.  9 Q. All right.  10 MS BYRNE: Yes, our website is run separately, so there's  11 a separate editor. As far as I'm concerned, OK!  12 magazine as a product is my baby, and that's what  13 I really care about and look after, so there's a totally  14 separate team who look after the website. It's a very  15 good website. It's very important that I look after the  16 magazine itself.  17 Q. I'm going to ask you about all sorts of decisions that  18 you make when you're deciding to publish stories,  19 deciding whether to publish a particular photograph. Do  20 you know whether the same principles that you would be  21 applying would be applied in terms of the website by the  22 editor, the team dealing with the website?  23 MS CAVE: Our editor, our web team are very aware of the PCC  24 code, they have a copy of the PCC code on their desk and  25 our best practice guidelines that we issue to all</p> <p style="text-align: center;">Page 10</p>	<p>1 or the principles therein?  2 MS CAVE: For us, the PCC code embodies the ethics by which  3 we work, so it's of prime importance to us and it's  4 something that is just entrenched in the people that  5 work at the magazine anyway, so the standards we apply  6 to our work is we're always discussing the PCC code, so  7 it's very important.  8 MS NIXON: We only employ very experienced journalists who  9 already have an understanding of the PCC code, but as  10 Hello!'s ethics almost operate so far within the PCC  11 code that we rarely encounter any sort of problems with  12 it or complaints. In fact, we haven't had a complaint  13 for the last five years. But it's there as a guiding  14 sort of body. It does get referred to in conference  15 meetings. If we're unsure about something, then we put  16 in a call to the PCC code and they often can clarify  17 situations. But for us it works well.  18 Q. Your experience must be slightly different --  19 MS BYRNE: Yes.  20 Q. -- given that you're not members?  21 MS BYRNE: We're not part of the PCC, but I still adhere to  22 the code, the Editors' Code of Practice, as do all our  23 journalists. I have an open house policy. Anyone can  24 come into my office at any time and we discuss every  25 single day different features and interviews and whether</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 we might be concerned something might cross a line, then                  2 we'll discuss it and discuss it with our legal team. We                  3 all adhere to it.                  4 Q. When you say you adhere to it, do you physically have a                  5 copy of it? Do you refer to it? Do you show it to                  6 journalists?                  7 MS BYRNE: I suppose it's something I've had for so many                  8 years that I remember having, and I have a copy on my                  9 desk as well, so if someone -- we have a journalist who                  10 doesn't seem to be aware of the code of practice, I will                  11 bring it up, especially about privacy laws and                  12 everything, so everyone's up to date on all that.                  13 Q. Do you keep yourself up to date with changes to the PCC                  14 code?                  15 MS BYRNE: I always look on the website and check things                  16 that might have changed because obviously it has been                  17 changing in the past ten years, lots of changes have                  18 been made, so ...                  19 Q. You try to keep up-to-date with it?                  20 MS BYRNE: Absolutely, yeah.                  21 Q. I want to now ask you a bit about the photographs.                  22 You've all told us that photographs are very important,                  23 the visual aspect of your magazine is central. Can                  24 I ask you a bit about the process that your magazine                  25 goes through before it decides to -- well, first of all</p> <p style="text-align: center;">Page 13</p>	<p>1 photoshoots, they earned money from having photoshoots                  2 with their children and then they were found out to be                  3 having an extramarital affair. I guess that would be                  4 one example.                  5 Q. You would consider that to be in the public interest, to                  6 disclose the fact that they were having such an affair?                  7 MS CAVE: If they were the type of celebrity who sold a lot                  8 of aspects of their life and were very vocal about what                  9 a family person they were and how important their family                  10 was to them.                  11 Q. What if they'd never mentioned their family, would that                  12 be different?                  13 MS CAVE: Yes, that would be.                  14 Q. All right. Ms Nixon?                  15 MS NIXON: I think -- yeah, we're obviously aware that there                  16 is a public interest in great access to celebrities'                  17 lives, by the sense that our sales go up when we have                  18 a really good exclusive, like a wedding. However,                  19 I think you have to look at the reasons behind                  20 a personality deciding to work with Hello! in opening up                  21 an area of their private life. They do it for different                  22 reasons. One of them is just to share. Sometimes they                  23 work with us because they want to set the record                  24 straight about stories that may have been written about                  25 them in other parts of the media. Sometimes they have</p> <p style="text-align: center;">Page 15</p>
<p>1 photographs, then I'll come on to stories a bit later.                  2 Before I do that, let me ask you a bit about public                  3 interest, because it's obviously different for                  4 a celebrity magazine than it is, say, for a newspaper.                  5 To what extent do you consider that there is a public                  6 interest in the types of story that you publish, the                  7 celebrity stories you publish, and the public seeing the                  8 photographs that you print? If you ever want to go in                  9 reverse order just for a bit of a change, that's fine.                  10 MS CAVE: I mean, I would say that there's -- obviously                  11 there's a great difference between public interest and                  12 things that are interesting to the public. I think that                  13 celebrity magazines -- I can only speak from the point                  14 of view of Heat, but we're there to entertain our                  15 readers about stories that are true about celebrities                  16 with access to those celebrities.                  17 I think there obviously can sometimes be a public                  18 interest argument if a celebrity who is a role model for                  19 our readers does something that kind of contradicts how                  20 they portray themselves.                  21 Q. Can you try and give me an example of that? You don't                  22 have to name the celebrity, but try and give me a more                  23 specific example.                  24 MS CAVE: I guess if it's a celebrity who portrayed                  25 themselves as a real family person and they did</p> <p style="text-align: center;">Page 14</p>	<p>1 a project to promote. There are lots of different                  2 reasons, and I think to say that just because somebody                  3 has opened up their home or shown their baby or invited                  4 Hello! to their wedding means that they are then public                  5 property is not right. I think it's a factor, as the                  6 PCC code says that it is a factor, but it's not the                  7 defining factor.                  8 I think that you have to look at an individual                  9 circumstance and if you're revealing, say, an affair of                  10 somebody that had shown their wedding in Hello!                  11 magazine, you actually have to think about the people                  12 that might be involved in that revelation. You know,                  13 the family that's involved, the individuals that are                  14 involved, there are innocent parties.                  15 Q. All right. There's a slightly different question and                  16 I'll ask each of you about it but perhaps I'll turn to                  17 Ms Byrne. What's the public interest in the stories                  18 that OK! features?                  19 MS BYRNE: I suppose because we mainly do feature stories                  20 direct from the horse's mouth, so to speak, direct from                  21 celebrities via their agents or via the celebrities                  22 themselves, they are people, the most well loved and                  23 best known celebrities in this country at the time, so                  24 there's huge public interest in their stories, but                  25 obviously because it's from the celebrity themselves, we</p> <p style="text-align: center;">Page 16</p>

<p>1 don't really do many news stories, so --</p> <p>2 LORD JUSTICE LEVESON: Could I just ask that? To what</p> <p>3 extent is your material collusively prepared? In other</p> <p>4 words, to what extent are you doing material with the</p> <p>5 person who is the subject of the story throughout and</p> <p>6 they're participating, co-operating, whether for money</p> <p>7 or not, and to what extent are you going and getting</p> <p>8 stories not necessarily because you've entered into</p> <p>9 a contract with the celebrity but because they are</p> <p>10 taking a film and they are publicising their film or</p> <p>11 whatever? Do you understand the question?</p> <p>12 MS BYRNE: Yes. I suppose a huge percentage is working</p> <p>13 directly with the celebrities, so if we go out to an</p> <p>14 event and we speak to a celebrity then, obviously</p> <p>15 they're at an event and they end up being interviewed,</p> <p>16 we might use something from that. And also we do</p> <p>17 round-tables for when there's a film premiere, the</p> <p>18 celebrity wants to be in the magazine, he wants to</p> <p>19 promote a film that's coming out in OK! magazine.</p> <p>20 It's hugely mainly working with the agents and</p> <p>21 celebrities directly at the moment.</p> <p>22 MS NIXON: Yeah, we work directly with the stars sort of</p> <p>23 every step of the way. There's a long negotiation</p> <p>24 process generally before we go ahead with any feature,</p> <p>25 and they will be involved in that process. So it's</p> <p style="text-align: center;">Page 17</p>	<p>1 work in the same way that they would on a newspaper, so</p> <p>2 they work with confidential sources to get clearly</p> <p>3 sourced and substantiated stories about those</p> <p>4 celebrities, often with access to those celebrities</p> <p>5 themselves. So it's a combination.</p> <p>6 LORD JUSTICE LEVESON: That might raise other questions.</p> <p>7 MS PATRY HOSKINS: Yes.</p> <p>8 Let's start with photographs. I was trying to find</p> <p>9 an example of this week's cheeky photo.</p> <p>10 Heston Blumenthal as an egg. Do you have this one?</p> <p>11 LORD JUSTICE LEVESON: I think I do, yes.</p> <p>12 MS PATRY HOSKINS: Page 48.</p> <p>13 LORD JUSTICE LEVESON: It's a very different sort of journal</p> <p>14 to my normal, but fair enough. Yes, I have</p> <p>15 Mr Blumenthal as an egg.</p> <p>16 MS PATRY HOSKINS: Let's start with photographs then. Can</p> <p>17 you tell us a bit about how you source -- I think it</p> <p>18 will be slightly different for all of you, so I think</p> <p>19 it's important that you answer this. How do you source</p> <p>20 the photographs that are eventually published in your</p> <p>21 magazine?</p> <p>22 MS CAVE: By that do you mean every type of photograph in</p> <p>23 the magazine?</p> <p>24 Q. Yes. All sorts of photographs appear. It's obvious</p> <p>25 that some of them are taken by you on exclusive photo</p> <p style="text-align: center;">Page 19</p>
<p>1 a really sort of honest kind of trusting co-operative</p> <p>2 relationship, and we ultimately wouldn't do anything to</p> <p>3 upset anybody.</p> <p>4 I mean, that's often been a criticism that's been</p> <p>5 levelled at Hello! of our flattering portrayal of the</p> <p>6 stars, but actually I deliberately didn't use the word</p> <p>7 "flattering" in my statement because that would suggest</p> <p>8 a kind of manipulation of the truth, which really isn't</p> <p>9 the case. It's a very co-operative, honest</p> <p>10 relationship.</p> <p>11 LORD JUSTICE LEVESON: Yes. People put their best face</p> <p>12 forward.</p> <p>13 MS NIXON: They do, yeah. We're a positive magazine.</p> <p>14 I guess the difference between being a glass half full</p> <p>15 or a glass half empty person. We're a glass half full</p> <p>16 magazine.</p> <p>17 MS CAVE: I would say we have a combination of great access</p> <p>18 with celebrities who enjoy doing photoshoots or</p> <p>19 interviews with us because perhaps we might ask them</p> <p>20 slightly cheekier questions and they'll get another side</p> <p>21 of their personality across. They'll often dress up in</p> <p>22 ridiculous outfits for us that they might not do for</p> <p>23 other people.</p> <p>24 We also have a smaller section at the front of the</p> <p>25 magazine, which is celebrity news, and our news team</p> <p style="text-align: center;">Page 18</p>	<p>1 shoots, but there's also lots of others that can't be</p> <p>2 simply taken by your photographers. Where do they come</p> <p>3 from?</p> <p>4 MS CAVE: The latter half of the magazine will be</p> <p>5 photographs that we're supplied by TV companies to go in</p> <p>6 our TV and review section, or film companies, fashion</p> <p>7 companies. Towards the front of the magazine we have</p> <p>8 some agency photographs, paparazzi photographs, that</p> <p>9 come through to our picture desk on a daily basis and we</p> <p>10 decide during our daily conferences which photographs we</p> <p>11 want to use in the magazine.</p> <p>12 Q. All right. To what extent are the photographs in your</p> <p>13 magazine staged? By that I don't mean staged by you,</p> <p>14 I don't mean your photographers take the picture, but</p> <p>15 photographs where the celebrity is clearly aware that</p> <p>16 photographs are being taken or it's arranged for those</p> <p>17 photographs to be taken in advance?</p> <p>18 MS CAVE: I think Heat magazine is probably one of the only</p> <p>19 magazines that would point out when we think a celebrity</p> <p>20 is aware of a shoot being done. So sometimes we</p> <p>21 might -- there are certain reality TV stars who make</p> <p>22 a bit of money from having set up photos, and some of</p> <p>23 them kind of pretend that they're not set up. However,</p> <p>24 we would probably point it out to the reader, because we</p> <p>25 like to peel back the curtain to how the celebrity</p> <p style="text-align: center;">Page 20</p>

<p>1 machine works.</p> <p>2 In general, there will be questions -- I mean, every</p> <p>3 time a picture lands on our picture editor's desk, there</p> <p>4 will be questions as to the nature of the photo and the</p> <p>5 circumstances around it, so we'll know whether the</p> <p>6 celebrity is aware that there were cameras there.</p> <p>7 Q. That was going to be my next question, you may as well</p> <p>8 answer it now. What sort of questions do you ask to</p> <p>9 ensure that the photograph you're publishing has not</p> <p>10 been taken in a situation where the celebrity was being</p> <p>11 harassed or there was an invasion of their privacy?</p> <p>12 MS CAVE: Our picture editor has a checklist of numerous</p> <p>13 questions that they will always ask an agency if the</p> <p>14 photo appears to have been slightly intrusive. In</p> <p>15 general, most photos that we feature in the magazine</p> <p>16 would be of people on the red carpet or smiling or</p> <p>17 laughing, they're obviously aware that the camera is</p> <p>18 there. However, our picture editor will always ask</p> <p>19 a series of questions to the agency, such as, you know,</p> <p>20 where the celebrity was, who else was there, obviously</p> <p>21 the obvious question is: was it taken on private</p> <p>22 property? There are loads of factors that go into play</p> <p>23 before we even would consider printing a photograph.</p> <p>24 Normally it's glaringly obvious if there's any kind of</p> <p>25 infringement of that celebrity's privacy and we wouldn't</p> <p style="text-align: center;">Page 21</p>	<p>1 that you would ask?</p> <p>2 MS NIXON: We'd obviously check whether it had been taken in</p> <p>3 a private place. Sometimes it's difficult, you know,</p> <p>4 it's hard as an editor to make that decision sometimes,</p> <p>5 especially when a photo might have been taken on</p> <p>6 a public beach. We were offered some photos of</p> <p>7 Prince William and his wife, Catherine, last Friday, and</p> <p>8 they had been taken on a public beach in Anglesey.</p> <p>9 Hello! is not the kind of magazine that would ever</p> <p>10 run something anyway without checking, we have a very</p> <p>11 good relationship with representatives, especially the</p> <p>12 Clarence House PRs, so we approached them to find out</p> <p>13 whether any harassment had occurred because it wasn't</p> <p>14 immediately obvious on seeing this set. They've clearly</p> <p>15 been taken on a very long lens. They actually asked us</p> <p>16 to not use the photos, that they had been followed by</p> <p>17 somebody and they would rather we didn't use them, even</p> <p>18 though the photos had actually already appeared on some</p> <p>19 website. So we didn't use them.</p> <p>20 LORD JUSTICE LEVESON: There is an issue here, isn't there,</p> <p>21 that if an unscrupulous photographer does get</p> <p>22 photographs and then is able to place them, presumably</p> <p>23 for money, then it only encourages him to do more that</p> <p>24 may be unscrupulous.</p> <p>25 MS NIXON: Exactly. At Hello! we wouldn't run anything that</p> <p style="text-align: center;">Page 23</p>
<p>1 go anywhere near it.</p> <p>2 Q. Can I ask you the same series of questions? Where do</p> <p>3 you source your photographs by and large and how do --</p> <p>4 MS NIXON: The photos come from two different areas.</p> <p>5 They're either our commissioned shoots, in which case we</p> <p>6 will use one of our trusted photographers to do the</p> <p>7 photoshoot in a very controlled environment, or we take</p> <p>8 photographs from agencies, again sort of agencies that</p> <p>9 we've worked with for a long time. Photos are presented</p> <p>10 to the editorial team, to myself and Ruth and the other</p> <p>11 heads of department and journalists every morning in our</p> <p>12 conference, and we try to sort of look at a whole set.</p> <p>13 Sometimes if you're presented with maybe one or two</p> <p>14 shots, you don't have the full picture of the</p> <p>15 circumstances in which that photo was taken, so we</p> <p>16 really try to make sure that we see the whole set so</p> <p>17 that we can tell whether there's been any harassment,</p> <p>18 and ultimately we don't use photos if we believe that</p> <p>19 there has been some harassment. It's just not what</p> <p>20 Hello! does.</p> <p>21 Q. I see Ms Cave nodding. Is that true of Heat magazine as</p> <p>22 well, you would ask for the full set?</p> <p>23 MS CAVE: Yes, definitely.</p> <p>24 Q. The other question was really about what questions -- is</p> <p>25 there anything else you want to add on the questions</p> <p style="text-align: center;">Page 22</p>	<p>1 we were suspicious of and we would check with the rep.</p> <p>2 We never take photos -- I can't remember the last time</p> <p>3 we did, certainly not during my editorship, where we</p> <p>4 have been offered a photo from a random person and we've</p> <p>5 just run it. But, yeah, it's difficult. There's</p> <p>6 a pressure on us to make the right decision and to have</p> <p>7 all of the facts often in a pressured environment when</p> <p>8 you might be on deadline.</p> <p>9 LORD JUSTICE LEVESON: Nobody said it was necessarily easy.</p> <p>10 MS NIXON: No.</p> <p>11 LORD JUSTICE LEVESON: So you look to the photographer to</p> <p>12 reassure you?</p> <p>13 MS NIXON: The photographer and the personality themselves</p> <p>14 sometimes. We might go to the rep if we were really</p> <p>15 concerned to ascertain the circumstances. I think in</p> <p>16 the case of the Prince William and Kate photos, the PR</p> <p>17 actually spoke to the couple to ascertain what had</p> <p>18 happened in that situation.</p> <p>19 LORD JUSTICE LEVESON: Yes.</p> <p>20 MS PATRY HOSKINS: Ms Byrne, where are your photographs</p> <p>21 sourced and do you take the same steps to ensure someone</p> <p>22 has not been harassed or their privacy invaded?</p> <p>23 MS BYRNE: It's very similar because we obviously commission</p> <p>24 our own photographers to do our own shoots. When we use</p> <p>25 paparazzi pictures, which is actually very rare, our</p> <p style="text-align: center;">Page 24</p>

<p>1 picture editor will discuss with the agency or the                  2 photographer. Also, which has become more prevalent,                  3 which is fantastic for us and makes life easier, we're                  4 often contacted by agents saying, "Please don't use                  5 these pictures, we think there's a photographer around".                  6 Recently Mark Owen was on a beach with his children,                  7 and his people contacted us. Holly Willoughby as well                  8 and Edith Bowman didn't want their children being                  9 photographed. We'd never publish pictures of children                  10 anyway, but it was great to know so we knew for future                  11 reference. There's definitely a set amount of                  12 celebrities who you just do not touch if they're out                  13 with their children.                  14 Q. You've pre-empted my next question. I was going to ask                  15 any of you whether there were any celebrities who you                  16 would be ultra cautious before printing photographs of                  17 them or their children and why it is that those                  18 particular celebrities have to be treated so carefully?                  19 Is it because they have an injunction out, their agent                  20 has contacted you to say, "Please don't print pictures"?                  21 What is it that would make you think twice before                  22 publishing a photograph of a particular celebrity?                  23 MS CAVE: I think it comes with experience from working on                  24 a magazine such as ours and working with the celebrities                  25 that we write about. You generally know from speaking</p> <p style="text-align: center;">Page 25</p>	<p>1 just wouldn't -- if we knew somebody was really                  2 respectful of their own privacy, there's absolutely no                  3 way. It just isn't nice, especially for their                  4 children's sake, they are victims of it.                  5 MS PATRY HOSKINS: I suppose the converse of that is are                  6 there certain celebrities where you know actually you                  7 don't really need to check with them because they'll be                  8 relaxed about photographs being printed in general                  9 terms? Is that something that applies?                  10 MS CAVE: Yes, I think it is.                  11 Q. Would you all agree with that?                  12 MS NIXON: Yes.                  13 MS BYRNE: Yes.                  14 Q. Does anyone want to disagree? Would that mean that when                  15 you're making a decision as to whether to publish                  16 a photograph, it won't just be the circumstances in                  17 which the photograph was taken that you would take into                  18 account, I know you would take into account, you've all                  19 said that, but you would also have at the back of your                  20 mind whether this particular celebrity is someone who                  21 your experience tells you might be concerned or not                  22 concerned about publication of photographs?                  23 MS CAVE: Yes.                  24 MS NIXON: Yes.                  25 MS BYRNE: Yes.</p> <p style="text-align: center;">Page 27</p>
<p>1 to their PR or from being alerted from the PCC that                  2 there are certain celebrities who are much more private                  3 than other celebrities, and in that instance we don't                  4 want to print pictures of celebrities who don't want to                  5 be in our magazine.                  6 MS NIXON: Yes, I think similar to as Lucie said, there are                  7 certain people we're aware of that have always protected                  8 their families. It might have been that we have put in                  9 a request for them with their children and they've                  10 turned down that request, which is fine. It's for some                  11 people and not for others. We're not in the business of                  12 persuading anybody with huge sums of money to do                  13 something that they are not interested in doing.                  14 Somebody like JK Rowling springs to mind. She's always                  15 protected her family, so we wouldn't print photographs                  16 of them.                  17 LORD JUSTICE LEVESON: So you wouldn't have somebody go and                  18 say, "We think she's going to be in such and such a                  19 place, therefore we'll take photographs"?                  20 MS NIXON: No, we never do that. No, that's completely                  21 against our philosophy.                  22 MS BYRNE: No.                  23 MS CAVE: No.                  24 LORD JUSTICE LEVESON: I'm sorry, I interrupted you.                  25 MS BYRNE: No, it's fine. Totally the same, really, that we</p> <p style="text-align: center;">Page 26</p>	<p>1 Q. Is there anything that celebrities could do to more                  2 helpfully indicate to you whether they are the type of                  3 person who does want pictures published or that they're                  4 not the kind of person who wants pictures published?                  5 Anything you can think of? Do you want to go first?                  6 MS NIXON: Yeah, it's been interesting. There's been a lot                  7 of talk during the Inquiry about which publications are                  8 part of the PCC and who uses it from a journalist sort                  9 of editor standpoint. From our perspective, it's really                  10 useful if the representatives of personalities use it                  11 universally as well. Sometimes we might call the PCC                  12 for their guidance on something and they won't have had                  13 any complaint, but then we will -- just because our                  14 checking mechanism is so intense at Hello! because we                  15 don't want to upset, we will then think we need to go                  16 directly to that person's representative just to check,                  17 and in some cases there won't be a problem, but in other                  18 cases there might be but they hadn't thought -- you know                  19 they hadn't alerted the PCC.                  20 LORD JUSTICE LEVESON: Would it be of value if there was                  21 a register?                  22 MS NIXON: Yes.                  23 LORD JUSTICE LEVESON: That people likely to be of interest                  24 to your magazines, or indeed the wider press, could say,                  25 "I'm very sorry, I want to be private"?</p> <p style="text-align: center;">Page 28</p>

<p>1 MS NIXON: Yes.</p> <p>2 LORD JUSTICE LEVESON: Or "If there's an issue you can</p> <p>3 contact me. This is not permissible, this is not</p> <p>4 permissible". But something that you could go and</p> <p>5 check?</p> <p>6 MS NIXON: I think every case is individual, so I don't</p> <p>7 think anybody would say -- you know, not many people</p> <p>8 would say a blanket "no photos of my children".</p> <p>9 LORD JUSTICE LEVESON: Although you've identified somebody</p> <p>10 who has.</p> <p>11 MS NIXON: Yes, so in her case that would be great, yes.</p> <p>12 But in other cases, you know, it's not all right to show</p> <p>13 a photo of them just going about their daily life, you</p> <p>14 know, on the street with their child, but then they</p> <p>15 might decide to take their child to a premiere of</p> <p>16 a children's film and be happy to pose on the red carpet</p> <p>17 with them. So, yeah, there are sort of individual</p> <p>18 circumstances for a lot of people, we find.</p> <p>19 LORD JUSTICE LEVESON: So would you be assisted by some</p> <p>20 mechanism that clarified all that?</p> <p>21 MS NIXON: Yeah, I think we would.</p> <p>22 MS BYRNE: As long as it doesn't limit it. That's the</p> <p>23 problem. Because every celebrity might say no, I don't</p> <p>24 want any pictures of my family ever again, then it could</p> <p>25 cause a problem. The way it works at the moment for OK!</p> <p style="text-align: center;">Page 29</p>	<p>1 LORD JUSTICE LEVESON: No, I'm not suggesting it's set in</p> <p>2 stone.</p> <p>3 MS CAVE: Yeah.</p> <p>4 LORD JUSTICE LEVESON: Because there have been privacy</p> <p>5 issues with magazines, haven't there? I'm conscious</p> <p>6 there have been a number of quite important pieces of</p> <p>7 litigation concerned with the publication of photographs</p> <p>8 and the like. The television actor and others.</p> <p>9 MS PATRY HOSKINS: I'm going to move away from photographs</p> <p>10 to the stories that you publish, features and stories.</p> <p>11 Let me ask you first of all about stories which are</p> <p>12 agreed with a particular celebrity in advance, so the</p> <p>13 exclusive wedding, the exclusive baby photographs, the</p> <p>14 Heston Blumenthal as an egg. Can I ask you some general</p> <p>15 questions about those. First of all, do you give</p> <p>16 celebrities copy approval on these types of interviews</p> <p>17 and stories?</p> <p>18 MS CAVE: As a general rule, we try not to, because we think</p> <p>19 it's important for our readers to see the celebrity as</p> <p>20 they are, and there are certain agents who might want to</p> <p>21 rip out the personality of that interview and make the</p> <p>22 celebrity appear quite anodyne. So we have had</p> <p>23 instances in which we have agreed to give copy approval</p> <p>24 because we wanted that celebrity in our magazine, we</p> <p>25 thought our readers were interested, but when the copy</p> <p style="text-align: center;">Page 31</p>
<p>1 is fantastic because we just contact the agent, they let</p> <p>2 us know, or we hear from the PCC or from lawyers, so we</p> <p>3 know the situation. We haven't had a complaint for --</p> <p>4 I can't remember since when.</p> <p>5 So I'm just a bit worried if we had a system where</p> <p>6 there's a list, then it might become more complicated,</p> <p>7 where at the moment I'm fine with contacting people.</p> <p>8 But we're a different magazine, we're OK! magazine,</p> <p>9 we're friendly with the celebrity, so I don't know.</p> <p>10 Newspapers might feel totally different to the way we</p> <p>11 feel about that.</p> <p>12 MS PATRY HOSKINS: I understand. Something you wanted to</p> <p>13 add?</p> <p>14 MS CAVE: I guess, as Rosie said, it depends on the</p> <p>15 circumstance of the celebrity at that time. It might be</p> <p>16 there's a moment in their life where they particularly</p> <p>17 don't want a photograph taken of them for whatever</p> <p>18 reason, for whatever they might be going through at the</p> <p>19 time, but then at other times they might be happy to</p> <p>20 have a photograph taken. So I guess it's, as Rosie</p> <p>21 pointed out, it would be very a very useful tool for us</p> <p>22 if they used a body like the PCC to update them on their</p> <p>23 circumstance and situation because it might not be that</p> <p>24 they want to be on a list forever where they don't want</p> <p>25 to have pictures taken.</p> <p style="text-align: center;">Page 30</p>	<p>1 approved piece came back, it just ruined the essence of</p> <p>2 the whole conversation, so we then refused to run it.</p> <p>3 It seems to be something that PRs are pushing for</p> <p>4 more and more, but as a general rule most people are</p> <p>5 happy to be interviewed by us. They know we're not</p> <p>6 going to be nasty to them, so it's just about them</p> <p>7 showing their personality.</p> <p>8 Q. So as a general rule, no?</p> <p>9 MS NIXON: Yeah, as a general rule we don't either, although</p> <p>10 we do understand that at times the personality is keen</p> <p>11 to see the copy for checking accuracy purposes. So if</p> <p>12 pushed, sometimes we do.</p> <p>13 MS BYRNE: We would never offer it immediately, but if they</p> <p>14 required it, we definitely would, yes.</p> <p>15 Q. In terms of the exclusive interviews, the stories agreed</p> <p>16 in advance, what percentage of your magazine is made up</p> <p>17 of that type of story as opposed to stories that aren't</p> <p>18 agreed with the celebrity in advance?</p> <p>19 MS CAVE: It really varies week to week, so some weeks we</p> <p>20 might have three, four big interviews with celebrities,</p> <p>21 another week we might have one, so I don't think I can</p> <p>22 really give a percentage.</p> <p>23 MS NIXON: It's similar with us as well. I would say maybe</p> <p>24 as a general rule sort of 70 per cent pre-agreed. But</p> <p>25 that can vary.</p> <p style="text-align: center;">Page 32</p>



<p>1 Q. I only want some rough figures.                  2 MS NIXON: Yeah.                  3 MS BYRNE: Gosh. Say maybe 80 per cent. It's quite a large                  4 amount that's agreed.                  5 LORD JUSTICE LEVESON: The predominant work is all agreed                  6 and consensual and done in a way that everybody's happy                  7 with what the product is?                  8 MS BYRNE: Yeah, absolutely.                  9 LORD JUSTICE LEVESON: It's good for you, because it is what                  10 your readers are interested in, it's good for the person                  11 you're interviewing or photographing.                  12 MS BYRNE: Yes.                  13 LORD JUSTICE LEVESON: Because it provides them with                  14 exposure?                  15 MS NIXON: Yes.                  16 MS BYRNE: And it's good for readers, yeah.                  17 MS PATRY HOSKINS: The question which the Chairman touched                  18 on earlier: how often does this type of interview or at                  19 home feature or wedding exclusive happen because the                  20 celebrity is contractually obliged to give an interview,                  21 perhaps because they're promoting a film or a book, as                  22 opposed to a situation where they actually want to come                  23 and talk to you? Or do you not know? Do they not                  24 disclose that?                  25 MS CAVE: I don't think any celebrity would agree to be in                  Page 33</p>	<p>1 sell their wedding or sell their baby photographs or                  2 give an interview. What are the range of reasons that                  3 they give?                  4 MS CAVE: For us it can be setting the record straight on                  5 a story that might have been in the wider press. It can                  6 be because they are promoting a TV show or they have                  7 music to promote. It's not that they're forced to do                  8 it, but they obviously want to get readers to be aware                  9 of what they're doing at the time.                  10 MS NIXON: Often with us I guess it's because they want to                  11 share, they know that there is an interest in their                  12 lives and they want to share it and they know that we                  13 will produce a respectful article and that the                  14 photographs will look lovely, we give lots of space to                  15 photos, so they feel safe with us. Sometimes a fee does                  16 come into it, I'm not going to pretend that, although,                  17 you know, I really -- it's a kind of bugbear when the                  18 first thing a representative might say to me is, "What's                  19 the fee going to be?" Often it makes me think whether                  20 that person might be right for Hello!, because we like                  21 to have more of a reason for them wanting to work with                  22 us than fee alone.                  23 LORD JUSTICE LEVESON: But it can be quite a substantial                  24 amount of money?                  25 MS NIXON: It can be, although you mustn't believe                  Page 35</p>
<p>1 Heat magazine if they didn't want to be in Heat                  2 magazine. From my experience, most celebrities who                  3 appear in our magazine enjoy being in our magazine and                  4 so they've chosen to be.                  5 MS NIXON: I guess with a wedding, that's because they want                  6 to share. They're not offering their wedding to                  7 a magazine, I don't think, in promotion of a project.                  8 But lots of our at home shoots may also tie in with                  9 something that they're promoting, so it varies, really.                  10 Yeah, individual circumstances are different.                  11 Q. Would you know if they're obliged to do it,                  12 contractually obliged to do it or legally obliged in                  13 some way?                  14 MS NIXON: I don't think they'd ever be contractually                  15 obliged to go that far. No. I mean often they like the                  16 environment that we offer, and they think, you know,                  17 they'll get more pages if they did something like an at                  18 home rather than a shorter interview that might go on                  19 our TV page that was just focused on the programme they                  20 were promoting.                  21 MS BYRNE: I can't remember anyone being contractually                  22 obliged.                  23 Q. All right. Can I ask you about the types of reasons                  24 that people give for coming and giving this type of                  25 story to you? I want to understand why people decide to                  Page 34</p>	<p>1 everything you read.                  2 LORD JUSTICE LEVESON: Oh, should I not?                  3 MS NIXON: I think Hello! might have gone out of business                  4 many times over if we paid a million pounds here or                  5 there. Some of our biggest scoops have been completely                  6 free. Some of our biggest weddings we haven't paid                  7 a penny for even though there's been lots of rumour in                  8 other areas of the media about what we may or may not                  9 have paid. And all our fees are completely confidential                  10 and sometimes they're donated directly to charity, as                  11 was the case with Holly Branson's wedding. The couple                  12 knew that they could set up a trust fund and donate that                  13 money to charity. There was no sense of a bidding war.                  14 In fact, I very rarely find myself in bidding wars these                  15 days because the nature of the type of celebrity that                  16 Hello! features is very different. I think we're very                  17 unique.                  18 MS BYRNE: I suppose people find that say they're doing                  19 something like a wedding, it's very controlled, so they                  20 don't have to worry about anything, because we will look                  21 after the security and make those arrangements and just                  22 make sure they're happy with everything, so -- because                  23 they want the public to be able to see the photographs,                  24 but in a kind of controlled environment. So they don't                  25 have people that have -- national journalists trying to                  Page 36</p>

<p>1 get into the wedding. That helps as well.</p> <p>2 LORD JUSTICE LEVESON: I see. So the idea is to control it</p> <p>3 and thereby make the experience more exclusive rather</p> <p>4 than more public?</p> <p>5 MS BYRNE: I suppose for the people getting married, if</p> <p>6 they're very famous, their concern is that people --</p> <p>7 anyone might try and get in the wedding, infiltrate it,</p> <p>8 hide in an organ as happened at Madonna's christening.</p> <p>9 Those things might happen. So they kind of think if</p> <p>10 we -- if they want their fans to see the pictures,</p> <p>11 whether they keep the money themselves or give the money</p> <p>12 to charity, whatever they do, then they want to do it in</p> <p>13 an environment where they feel content and happy and</p> <p>14 secure, and that's why they go to a magazine like OK!</p> <p>15 magazine.</p> <p>16 MS PATRY HOSKINS: I don't know if any of you saw</p> <p>17 Charlotte Church give evidence, but she said that when</p> <p>18 she had children, in essence, I'm paraphrasing, she sold</p> <p>19 pictures of them to a magazine for the simple reason</p> <p>20 that she knew that once there were pictures out there</p> <p>21 and she'd put pictures in the public domain in a</p> <p>22 controlled way, in a way that she could control, the</p> <p>23 desire of the paparazzi to get pictures of them would</p> <p>24 diminish so she would simply suffer less harassment. Is</p> <p>25 that something that celebrities have said to you when</p> <p style="text-align: center;">Page 37</p>	<p>1 that once a celebrity has sold an aspect of their</p> <p>2 private life then they're open season. No, I don't</p> <p>3 agree with that at all.</p> <p>4 Q. Why not?</p> <p>5 MS CAVE: Because I don't think it's fair, ultimately. You</p> <p>6 know, we're all human beings and just because somebody</p> <p>7 has decided to talk about an aspect of their life in one</p> <p>8 publication once, then it doesn't mean that everybody</p> <p>9 has a right to invade their private life.</p> <p>10 Q. Ms Byrne?</p> <p>11 MS BYRNE: I think that if you have your wedding in OK! or</p> <p>12 your first baby pictures, and paint yourself as being</p> <p>13 a real family person and then you have an affair,</p> <p>14 I don't think it should be open season purely because</p> <p>15 it's open season on anyone who is a celebrity, whether</p> <p>16 they seem to court the press or don't. I don't see</p> <p>17 where the line is, to be honest.</p> <p>18 Q. All right. Is there anything that you wanted to add,</p> <p>19 Ms Nixon, to your previous answer?</p> <p>20 MS NIXON: No, I guess it's just reiterating what I said</p> <p>21 earlier that I think it's a factor but not the defining</p> <p>22 factor. You have to look at the other reasons for doing</p> <p>23 the piece in the first place and the other individuals</p> <p>24 that may be involved.</p> <p>25 Q. Let me turn then to stories which were not agreed in</p> <p style="text-align: center;">Page 39</p>
<p>1 they decide to sell a wedding or sell baby photographs?</p> <p>2 MS NIXON: Yeah, definitely. I mean, the sad truth is that</p> <p>3 there's almost a sort of -- can be a sort of bounty on</p> <p>4 the head of that child for the first photos. They can</p> <p>5 make a paparazzo a lot of money. So to work with</p> <p>6 a magazine such as ours where we can offer this</p> <p>7 controlled, safe environment means that they can take</p> <p>8 that into their own hands and present themselves in the</p> <p>9 way that they wish.</p> <p>10 MS BYRNE: I know Charlotte, obviously, she did OK! with her</p> <p>11 babies and she was very adamant that she wanted OK!</p> <p>12 magazine because she knew she would be protected, she</p> <p>13 knew she would have a preview of the pictures and the</p> <p>14 interview and it would look beautiful and she knew once</p> <p>15 it was out there she wouldn't be followed around and</p> <p>16 hassled as much as she was being beforehand.</p> <p>17 Q. In the light of your answers on these questions, I think</p> <p>18 Ms Nixon has already answered this question, but do you</p> <p>19 agree that once someone has sold their story, their</p> <p>20 wedding, their baby photos, the at home feature, does</p> <p>21 that mean that their private life is then open season or</p> <p>22 can they still retain their privacy after that point?</p> <p>23 I think Ms Nixon you've answered that, but perhaps</p> <p>24 Ms Cave, Ms Byrne?</p> <p>25 MS CAVE: No, I definitely don't agree with the principle</p> <p style="text-align: center;">Page 38</p>	<p>1 advance. You've explained that that would only be about</p> <p>2 30 per cent, 20 per cent, but on some occasions a larger</p> <p>3 percentage of your magazine. Can I ask you about the</p> <p>4 concept of prior notification. If you're going to run</p> <p>5 a story which has not been done with the consent or</p> <p>6 written with the consent of the celebrity, to what</p> <p>7 extent would you notify them in advance that you were</p> <p>8 going to publish this story? And are there exceptions</p> <p>9 to the rule if you do tend to notify them?</p> <p>10 MS CAVE: In general, we give prior notification to the PRs</p> <p>11 of the celebrity if we're going to run a story that</p> <p>12 might be slightly contentious or sensitive to that</p> <p>13 celebrity, yes. There are rare occasions in which you</p> <p>14 might choose not to, and that is based around the fact</p> <p>15 that it could affect the exclusivity of that story.</p> <p>16 Magazines like Heat go to -- I don't know, I can't</p> <p>17 speak for anybody else, but we go to press on a Friday</p> <p>18 and we don't hit the news stands until a Tuesday, and</p> <p>19 there have been instances in the past where we've</p> <p>20 notified and spoken to a PR about a story and because</p> <p>21 that story might -- they might not be quite ready for</p> <p>22 that story to be out or it might not be quite the story</p> <p>23 they want to paint of that celebrity, they might plant</p> <p>24 another story in a newspaper that could hit over the</p> <p>25 weekend that almost negates what we're putting out on</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 the Tuesday.</p> <p>2 LORD JUSTICE LEVESON: I've heard of that before in the</p> <p>3 newspapers as well. The risk of a spoiler.</p> <p>4 MS CAVE: Yes. And it affects magazines as well, and</p> <p>5 obviously we have -- we have a bit of a lag between when</p> <p>6 we print on the Friday and when we're out on the</p> <p>7 following Tuesday.</p> <p>8 MS PATRY HOSKINS: Perhaps I can follow up by asking you</p> <p>9 this: what if the PR came back to you and says, "The</p> <p>10 celebrity says absolutely no way, we don't want you to</p> <p>11 run this story". Do you back off or do you publish?</p> <p>12 MS CAVE: I don't think you can give any hard and fast rules</p> <p>13 of how you deal with a story. It depends very much, as</p> <p>14 does everything that we put in the magazine, on a number</p> <p>15 of factors around what we're doing, who the celebrity</p> <p>16 is, what the story is. If it's a huge story for our</p> <p>17 readers about a couple that have split up, for example,</p> <p>18 and we feel that it's important to tell our readers,</p> <p>19 then we might take the stance that we still think we</p> <p>20 need to run it. However, we have a good relationship</p> <p>21 with the PRs so we'll work with them as to what we can</p> <p>22 put in there. We wouldn't say, "Okay, we'll completely</p> <p>23 drop the story", but in some cases we might.</p> <p>24 LORD JUSTICE LEVESON: Marriage break-up is probably quite</p> <p>25 a good example where people probably don't want too much</p> <p style="text-align: center;">Page 41</p>	<p>1 have very experienced journalists and we do seek to get</p> <p>2 the truth, but often situations, maybe relating to</p> <p>3 a break-up, are not clearcut and we have to trust the</p> <p>4 representatives and the personalities that we work with.</p> <p>5 It really is based around that.</p> <p>6 Q. So that's an absolute answer. If someone came back to</p> <p>7 you and said --</p> <p>8 MS NIXON: If they said "No, that is not true, I don't want</p> <p>9 you to run it", we wouldn't run it.</p> <p>10 Q. -- "No, we don't want you to run it", you just wouldn't</p> <p>11 run it?</p> <p>12 MS NIXON: Yes.</p> <p>13 Q. Regardless of how big a story it was or how much</p> <p>14 interest your readers might have in the story?</p> <p>15 MS NIXON: Yes. We would have a negotiation process with</p> <p>16 them and explain the sort of source material that we</p> <p>17 had, maybe, but I can't think of any instance where they</p> <p>18 have really been anti us running something and we've</p> <p>19 gone ahead. We wouldn't do it.</p> <p>20 Q. What about you, Ms Byrne?</p> <p>21 MS BYRNE: For example, on Sunday we went to press and</p> <p>22 Michelle Keegan, the Coronation Street actress, there</p> <p>23 were loads of rumours in the papers about her and Max</p> <p>24 from The Wanted, this boy band, splitting up, and</p> <p>25 they're engaged. So on Sunday, as we were going to</p> <p style="text-align: center;">Page 43</p>
<p>1 linen aired in public of their private disputes. Would</p> <p>2 that be fair?</p> <p>3 MS CAVE: It would be fair, yes. However, I think in some</p> <p>4 instances there are -- it depends if it's a -- again, on</p> <p>5 the circumstances. Who the celebrity is, how private</p> <p>6 they've been in the past, whether it's a celebrity</p> <p>7 couple, so both of them are famous, and that they -- you</p> <p>8 know, our readers are aware of a lot of their life and</p> <p>9 they're interested in it.</p> <p>10 LORD JUSTICE LEVESON: That actually really does hit the</p> <p>11 privacy question, doesn't it? I understand the problem.</p> <p>12 If you lived in a glass bowl all your life and you've</p> <p>13 been happy to do so, then you can't draw necessarily the</p> <p>14 curtains quite so easily, but it's not just a single</p> <p>15 question, is it? It's a range. Would you agree? You</p> <p>16 tell me. It's your evidence, not mine.</p> <p>17 MS NIXON: Yes.</p> <p>18 MS PATRY HOSKINS: Do you want to answer the same question,</p> <p>19 prior to notification --</p> <p>20 MS NIXON: Yeah, we do prior notify and quite simply if</p> <p>21 somebody doesn't want us to run something, then we don't</p> <p>22 run it. Central to everything we do are our trusting</p> <p>23 relationships with people, and we won't get access to,</p> <p>24 you know, a big event in their lives maybe in the future</p> <p>25 if we've done something to upset them before. But we</p> <p style="text-align: center;">Page 42</p>	<p>1 press Sunday morning, I asked our writers to call the</p> <p>2 agent and he couldn't get hold of her. So what we did</p> <p>3 was a page which was very balanced, because in the</p> <p>4 previous day's newspapers, the agents had given a quote</p> <p>5 saying they're still together, so we had that and just</p> <p>6 said there are rumours but the agent has said this. So</p> <p>7 it was totally balanced because we couldn't get hold of</p> <p>8 the lady but we did try. We always try and get hold of</p> <p>9 the person.</p> <p>10 Q. Would there be situations where you would run a story</p> <p>11 despite someone coming back and saying no?</p> <p>12 MS BYRNE: I cannot remember that ever happening. For the</p> <p>13 future of OK! magazine, I just don't think that's good</p> <p>14 to do that, to be honest.</p> <p>15 Q. I suppose that leads to a question about sources. How</p> <p>16 do you source stories? How do you ensure accuracy? Do</p> <p>17 you want to start?</p> <p>18 MS BYRNE: Well, our stories come from the agents and</p> <p>19 celebrities, so it's actually very easy for us because</p> <p>20 it's straight from the horse's mouth. And because we</p> <p>21 don't -- other general stories, such as news stories, we</p> <p>22 would contact the agents and find out if they're</p> <p>23 accurate.</p> <p>24 Q. I was going to say, there are one or two gossip pages</p> <p>25 within the centre of --</p> <p style="text-align: center;">Page 44</p>

<p>1 MS BYRNE: Yeah, Hollywood Gossip.                  2 Q. Hollywood Gossip.                  3 MS BYRNE: Which is over two or three pages.                  4 Q. Where do they come from?                  5 MS BYRNE: That's Sean Lynn, who has been with us for, gosh,                  6 probably about 15 years, and he gets that from anything                  7 such as press releases, celebrity tweets, American                  8 websites, anything like that, American TV shows, and                  9 then that is seen by our subeditors who check all the                  10 facts and then it goes to our legal department who also                  11 check the facts as well.                  12 Q. Obviously if you're doing an exclusive interview with                  13 a celebrity, one source will be sufficient. But if the                  14 source is not the celebrity or the PR, do you check it                  15 more thoroughly than just one source?                  16 MS BYRNE: The subs make sure they check it and make sure                  17 they can, you know, check that it's factual and                  18 everything.                  19 Q. Ms Nixon?                  20 MS NIXON: Similarly lots of our -- most of our stories are                  21 obviously one source kind of features, where we've gone                  22 directly to a personality. In the case of other source                  23 stories, we have -- we only use very trusted sources.                  24 Our journalists are encouraged to be open and completely                  25 transparent with myself and Ruth in discussions about</p> <p style="text-align: center;">Page 45</p>	<p>1 a numerous amount of factors that go into what's going                  2 on in the celebrity's world. So I don't think one                  3 single source, unless it come from the celeb themselves,                  4 is enough.                  5 Q. Let me ask you now about when things go wrong,                  6 complaints and corrections. Assuming for a moment                  7 something did go wrong and there was a complaint or                  8 someone asked for a clarification, can you give us                  9 a flavour of how many sort of complaints, requests for                  10 clarification your magazine might typically get over the                  11 course of a year? Can you answer that?                  12 MS BYRNE: Probably about a handful.                  13 Q. A handful?                  14 MS BYRNE: Yeah.                  15 Q. Can you tell me perhaps a bit about process? Do they                  16 come in to you? Do you have a separate mechanism for                  17 dealing with complaints?                  18 MS BYRNE: Yeah, because obviously now we're not part of the                  19 PCC, so what we do in the magazine, they will come in to                  20 myself or my deputy editor, Christian Guilteneane, and he                  21 deals with them. Often it's a case of him just ringing                  22 up the person who's complained and explaining the story                  23 to them and then -- sorry, these are readers'                  24 complaints -- explain the story to the reader and the                  25 majority of the time they're absolutely fine with that.</p> <p style="text-align: center;">Page 47</p>
<p>1 sources, and when we have a story, we will then put it                  2 to the representative to get clarification, and as                  3 I said before, we don't run if they are unsure, say that                  4 it's not true. But we're not in the business of                  5 printing salacious gossip. You know, we wait until                  6 there is confirmation on something, even if there's                  7 a rumour abounding through Twitter and on websites. We                  8 wait for confirmation before we print.                  9 Q. All right. Does Heat wait for confirmation before it                  10 prints?                  11 MS CAVE: We will often speak to the PR and get confirmation                  12 that way rather than waiting for it to come out, but                  13 yeah, we will speak to them. We have numerous sources                  14 and we operate in the same way that a news desk would                  15 operate, so we will have sources who are the celebrities                  16 themselves who we have access to at events or if they've                  17 done an interview with us, or it could be the PR                  18 representative of that celebrity. Occasionally we will                  19 have a source who might be a reader who's phoned in, but                  20 that's very rare, actually, and then there will be very                  21 trusted sources that our news journalists use.                  22 In our best practice guidelines, it is best practice                  23 for us to at least double source the stories that we're                  24 putting in. Often we might triple source just to get                  25 the full picture, because as I've explained it's about</p> <p style="text-align: center;">Page 46</p>	<p>1 If they're not, then we will have a discussion with the                  2 legal team about what we can do, and since we haven't                  3 been in the PCC, people have always been happy when we                  4 may give them a subscription for a few months or                  5 something like that.                  6 Q. All right. So that would be a reader.                  7 MS BYRNE: Yes.                  8 Q. What about celebrity complaints?                  9 MS BYRNE: If it's a complaint from a celebrity, then that                  10 comes to me and it's discussed with my team and the                  11 legal department. Occasionally that will result in an                  12 apology, which we will agree with the celebrity where it                  13 will be placed often in Hollywood Gossip.                  14 Q. Do you have a set place in the magazine where you                  15 publish apologies and corrections?                  16 MS BYRNE: Yes.                  17 Q. And where is that?                  18 MS BYRNE: Yes, the Hollywood Gossip pages which are quite                  19 close to the front, normally over two or three pages are                  20 the gossip pages so we put it in there.                  21 Q. How often per year do you find yourself having to                  22 publish an apology or a correction in that column?                  23 MS BYRNE: I would say I don't know for absolute certain,                  24 but I would say maybe twice a year.                  25 Q. I don't know whether you heard anyone else giving</p> <p style="text-align: center;">Page 48</p>

<p>1 evidence at this Inquiry or watched any of it, but some 2 newspapers have what's called a readers' editor, someone 3 who is independent of the editor who deals with 4 complaints. Given the number of complaints that you 5 receive a year, can you see any purpose in having 6 someone like that who deals with complaints or queries? 7 MS BYRNE: No, because we don't really -- they wouldn't 8 really have much to do, I think. 9 Q. Okay. Can we move on to you, Ms Nixon? How many 10 complaints you get and how they're dealt with? 11 MS NIXON: We rarely get complaints. I haven't had any 12 complaints during my time as editor on the magazine. 13 The odd times that we have in the past, we've used our 14 Seven Days page, which is a very sort of bullety newsy 15 page, it's about a third of the way through the magazine 16 and we use that as our spot to print any apology. But 17 they rarely happen. And I've seen the discussion about 18 readers' editors. We actually don't get that many 19 readers' letters. When we do, Ruth and I respond to 20 them. They're generally quite nice, positive letters 21 about the magazine. 22 I suppose the other way we get feedback is maybe to 23 our website at times or on Twitter, I often have 24 a dialogue with readers about articles that they've 25 liked, but it tends to be positive. I guess, yeah, that</p> <p style="text-align: center;">Page 49</p>	<p>1 ask you about one or two of the PCC complaints, but 2 again, is that something that you would deal with? If 3 a complaint came in, is that something you personally 4 would deal with? 5 MS CAVE: PCC complaints would come direct to the editor and 6 then we will obviously liaise with our external lawyer 7 about the best process to go through. Readers' 8 complaints would go to our editorial assistant and also 9 we have somebody who is in charge of the emails page. 10 If there are very serious complaints, obviously they 11 will get handed to myself or my deputy who would deal 12 with them personally. Often if a reader disagrees with 13 something in the magazine, we'll happily put it in 14 because we welcome that kind of dialogue and debate with 15 the reader. 16 Q. All right. 17 LORD JUSTICE LEVESON: Your emails are hardly ever 18 complaints? 19 MS CAVE: They are sometimes. There's one moaning about 20 Jordan looking like a meerkat, but they sometimes are. 21 We don't shy away from putting complaints in there if 22 a reader disagrees with something. 23 LORD JUSTICE LEVESON: Mm. 24 MS PATRY HOSKINS: Do you want to have a look at that page? 25 LORD JUSTICE LEVESON: Not necessarily. I've seen the email</p> <p style="text-align: center;">Page 51</p>
<p>1 being the nature of the magazine. 2 Q. All right. So again, you have a specific place in your 3 magazine where any apology or correction would be 4 published? 5 MS NIXON: Yes, I think it's useful to have a regular space 6 for that, so that readers might know where to find that 7 in the rare instance that we print one. 8 Q. Are you including within that figure PCC complaints? 9 MS NIXON: Yes. 10 Q. Ms Cave? 11 MS CAVE: As I say in my witness statement, I've only been 12 editor for the last year and a couple of months. 13 However, over the 14 years that Heat's been in 14 existence, we've had eight PCC complaints. We rarely 15 get complaints from readers themselves. There might be 16 a bit of debate as to whether they fancy a certain 17 celebrity or not and they might complain because we've 18 put them in as torso of the week, but then everything 19 will go on our emails page, so that's where we would 20 have corrections for more serious complaints and we will 21 give it a prominent position so it doesn't just get 22 blended in with the rest of the letters. It's generally 23 on our letters page, which is one of the most well-read 24 pages in the magazine. 25 Q. When I ask you some specific questions, I'll come on to</p> <p style="text-align: center;">Page 50</p>	<p>1 about the meerkat. 2 MS PATRY HOSKINS: That's all that matters. 3 We'll come on to the issue of regulation now. 4 I know that Ms Byrne's in a slightly different position 5 because her magazine is not currently regulated by the 6 PCC. I'm not expecting each of you to give me a sort of 7 expose of the faults of the PCC and how you see future 8 regulation of the press taking shape, but what I would 9 like to understand are two things, please. The first is 10 what your experience of the PCC is at the moment, and 11 secondly, whether there's anything that you've heard 12 either during the course of this Inquiry or anything 13 that you've read that worries you about regulation for 14 the future. So any recommendations or concerns that 15 you'd like to share with the Chairman from your 16 particular perspective? 17 Just to change things a little, I'm going to start 18 with Ms Nixon. What's your experience of the PCC to 19 date? 20 MS NIXON: We have a great relationship with the PCC and it 21 works very well for us. One of the reasons is because 22 our own ethics of the magazine sit so far within it we 23 rarely have any problems or complaints. 24 I think the code is very good, but obviously I've 25 seen areas where it may have failed, you know, areas</p> <p style="text-align: center;">Page 52</p>

<p>1 that the Inquiry has brought up, that it's a complaints 2 mechanism, but I think it works very well in dealing 3 with those complaints.</p> <p>4 I think one of the important things is that we're 5 not overregulated, because there is a lot of brilliant, 6 incisive, entertaining quality journalism, that we're 7 not all sort of tarred with the same brush and 8 overregulated in future, but I do think it's important 9 that it is universal, that everybody publication is 10 a part of it. I know there's been lots of debate about 11 how that could be encouraged. I mean hopefully the 12 body, the new body or the reformed PCC will be so good 13 and of such great quality that everybody will want to be 14 involved with it without it having to become a statutory 15 requirement, but maybe that will be the only option, I'm 16 not sure.</p> <p>17 I think that, yeah, we need a certain amount of 18 regulation, but not to be overregulated and that it 19 should be impartial. I like the idea of it being made 20 up, perhaps, of ex-editors, lawyers, people with a lot 21 of experience in our areas, in media in this country, 22 but perhaps they're not working on current titles, 23 because that would -- it's hard to be impartial. 24 I think magazines are only represented by Good 25 Housekeeping magazine on the PCC, so it might be nice to</p> <p style="text-align: center;">Page 53</p>	<p>1 damage, you don't want to be tarred with the same brush 2 as others. Okay. Is there anything you wanted to add?</p> <p>3 MS NIXON: Just that if the PCC requests something of us or 4 reminds us of one of the regulations, that we listen at 5 the moment, and that would continue. But just 6 reiterating the fact that it's universally used, as we 7 discussed earlier as well, that it's universally used by 8 representatives of personalities as well as the media 9 themselves.</p> <p>10 Q. I understand. Ms Byrne, you might have a slightly 11 different experience because of your particular 12 circumstances. I know you don't interact with the PCC 13 in the same way, but what's your view on whether it 14 works at the moment?</p> <p>15 MS BYRNE: Well, obviously my relationship with the PCC has 16 been very good, and I used to meet with them and as soon 17 as we'd get anything from them, I'd read this thoroughly 18 and adhere to it.</p> <p>19 It's very difficult, isn't it, because I feel that 20 I don't have the answers, but maybe a few more lay 21 people on the committee, like the lay people on it are 22 kind of police officers or former police officers, 23 school teachers, maybe it should just be -- I don't know 24 how to get general members of the public of all age 25 spectrum on it as well. Obviously lawyers and just</p> <p style="text-align: center;">Page 55</p>
<p>1 have more of a magazine element on the body, but 2 I welcome hearing sort of how things will change in the 3 future. But I think the not overregulating is something 4 that's very key.</p> <p>5 Q. Thank you.</p> <p>6 LORD JUSTICE LEVESON: Just to pick up on that, I appreciate 7 you've not worked at Good Housekeeping, but are the 8 sorts of issues that magazines like that face similar to 9 the sort of issues you face? Obviously the subject 10 matter would be different or do you think they're not?</p> <p>11 MS NIXON: I think they're not. Good Housekeeping is 12 a monthly magazine. It doesn't really have much news 13 content, so they're not -- I would have thought the 14 editor there probably isn't coming up against the 15 decisions that the three of us have to make on a daily 16 basis around photographs that we're offered from 17 agencies, for example. So yeah, I think it's a very 18 different title to those in the weekly market.</p> <p>19 MS PATRY HOSKINS: If I could summarise your answer, the PCC 20 works well for you at the moment?</p> <p>21 MS NIXON: Yes.</p> <p>22 Q. You have a good relationship with them, you can speak to 23 them when you have a concern, you think they deal with 24 the complaints of your readers or celebrities 25 effectively but you're worried about reputational</p> <p style="text-align: center;">Page 54</p>	<p>1 maybe less editorial people, because that -- I suppose 2 that's the problem, isn't it?</p> <p>3 Q. Why is that a problem? Is it a perception problem?</p> <p>4 MS BYRNE: Well, it is a perception as I think someone said 5 yesterday it's marking your own homework. That's what 6 people might perceive it to be, so it might need to be 7 a bigger organisation, but that's all I can say about 8 it, to be honest.</p> <p>9 LORD JUSTICE LEVESON: There's no doubt, Mr Desmond made it 10 abundantly clear that it consisted of those with whom he 11 is in competition.</p> <p>12 MS BYRNE: Right.</p> <p>13 LORD JUSTICE LEVESON: And Mr Hislop said yesterday that it 14 consisted of those whom he criticised.</p> <p>15 MS BYRNE: Mm.</p> <p>16 LORD JUSTICE LEVESON: So therefore, therefore --</p> <p>17 MS BYRNE: I'm not critical of the people on the PCC at all, 18 because as I keep saying, I've had a very good 19 relationship with them, but maybe it needs to be more of 20 a wider -- people from different areas of the general 21 public. I don't know.</p> <p>22 MS PATRY HOSKINS: Is there anything that you worry about in 23 terms of future regulation? Is there something you 24 really wouldn't want to happen?</p> <p>25 A. I suppose we just go happily along as OK! magazine and</p> <p style="text-align: center;">Page 56</p>

14 (Pages 53 to 56)

<p>1 our readers are happy, the celebrities are happy,                  2 everyone seems happy, so if someone would come down with                  3 some ridiculous edict I had to follow, I wouldn't be --                  4 I would be really unhappy about that. As I think Rosie                  5 said, we haven't really done anything wrong, so this                  6 whole Inquiry is about -- came about because people were                  7 doing illegal things and we haven't been doing that, so                  8 if we're affected to some detrimental -- in some                  9 detrimental way, that would be really terrible for us.                  10 Q. Thank you. Ms Cave? Does the PCC work for you?                  11 MS CAVE: Heat magazine's dealings with the PCC have always                  12 found them to be a quick and fair resolution of                  13 problems. I found their mediation between both parties                  14 to be really good, to be excellent in fact, and I think                  15 that side of how the PCC operates shouldn't be                  16 overlooked.                  17 I agree with a lot of the points that Rosie made in                  18 that I think ex-editors would obviously be a useful                  19 resource to be on the new form of the PCC. I do think                  20 that if we're working towards a common standard, then                  21 every publisher should be involved. There shouldn't be                  22 the ability for a publisher to opt out, and I think                  23 there's been some discussion in there being some sort of                  24 branding or kite mark that publications can hold to say                  25 that they're proud that they are part of the PCC, and</p> <p style="text-align: center;">Page 57</p>	<p>1 weddings or vice versa, but I do -- I am sometimes                  2 extremely shocked by some of the foreign covers,                  3 especially the crazy Italian and French covers which are                  4 quite graphic. And also I think last week People had                  5 a cover which was "Murder at the Palace" about the body                  6 of the girl found at Sandringham Palace and it was so                  7 shocking, I mean for People to have done that, obviously                  8 no magazine could have done that here. They do behave                  9 in a different way, I think.                  10 MS CAVE: I'd agree with these guys. I don't really know                  11 the standards that they apply to their work.                  12 Q. Can I turn to some individual questions. I'm going to                  13 start with you, Ms Cave, and Heat magazine. Let's                  14 remind ourselves that you've been editor since September                  15 2011 and acting editor from January 2011, so some of the                  16 questions I ask will be relating to situations which                  17 occurred before your time as editor. Nevertheless,                  18 we'll see how we go.                  19 I'm going to take up, if I can, this week's Heat                  20 magazine. Do you have a copy?                  21 MS CAVE: Not on me.                  22 Q. I'll give you a copy.                  23 Can I check that you have it?                  24 LORD JUSTICE LEVESON: Yes.                  25 MS PATRY HOSKINS: Let me start with the photographs of</p> <p style="text-align: center;">Page 59</p>
<p>1 I think that's a good idea, particularly with digital                  2 sites as well.                  3 Q. Is there anything that any of you would like to add on                  4 regulation or fears for the future, anything at all?                  5 All right.                  6 Before I move on to each of you individually, I've                  7 been passed a question which is about foreign celebrity                  8 magazines. Do you consider yourself first of all to be                  9 in competition with foreign celebrity magazines? I'm                  10 thinking of People and American magazines and so on. Is                  11 that something that worries you?                  12 MS NIXON: Not in competition, no.                  13 Q. Do they have very different standards in terms of the --                  14 from your experience, in terms of the photographs that                  15 they would accept and publish?                  16 MS NIXON: Sometimes, yeah. We've noticed it especially                  17 around the Duchess of Cambridge that foreign magazines                  18 are able to publish photographs of her that we wouldn't                  19 publish over here. We've actually taken a decision not                  20 to publish any photos of her going about her daily life                  21 when she's not at an event or there's -- she's not                  22 expecting to be at a public event, and sometimes we see                  23 those photos appear in the foreign press.                  24 MS BYRNE: Like People magazine, OK! has worked very closely                  25 with People because often they have weddings or want our</p> <p style="text-align: center;">Page 58</p>	<p>1 Simon Cowell, page 14.                  2 MS CAVE: Yes.                  3 Q. For those of us who are watching this and don't have the                  4 magazine, it's a picture -- there are various -- there                  5 are two pictures of Simon Cowell, one with various items                  6 of fruit and the other with a young lady. These are                  7 clearly pictures taken on a boat, a yacht. Public or                  8 private place?                  9 MS CAVE: Private place.                  10 Q. I think when you were answering questions earlier, you                  11 said that you would always ask questions as to ascertain                  12 whether or not the picture was taken in a public or                  13 private place. Did you check with Simon Cowell that he                  14 was happy for you to print these photographs before they                  15 appeared in the magazine?                  16 MS CAVE: We didn't check with Simon Cowell in this                  17 instance, no. The reason being, when we were looking at                  18 any photos that come through to us that our picture                  19 editor would receive from an agency, there are various                  20 different checks that we go through, including where the                  21 photograph was taken and the circumstance, and as I've                  22 said before, there's a number of factors that come into                  23 play before any decision is made to putting ink on                  24 paper.                  25 In the example of Simon Cowell, we know from working</p> <p style="text-align: center;">Page 60</p>

<p>1 with him that he kind of enjoys the lifestyle that goes 2 with his celebrity, and we took the decision that he's 3 clearly playing up to the paparazzi that are there, so 4 in this instance -- and obviously generally around the 5 sort of tone of the piece -- we didn't feel that he 6 would have a problem with us printing that picture. We 7 have a good relationship with his PR.</p> <p>8 Q. When you're considering issues of privacy before you're 9 deciding whether to publish a photograph, you will take 10 into account whether it's a public or private place, but 11 even if it's a private place, the identity of the 12 celebrity would essentially dictate whether or not you 13 publish the photograph; is that right?</p> <p>14 MS CAVE: Yes, it is. It's rare that we would choose to 15 print a picture of a celebrity in a clearly private 16 place. Simon Cowell is quite unique in that respect, 17 I would say.</p> <p>18 Q. All right. Can I then ask you about articles dealing 19 with celebrities' bodies. The title of the headline in 20 Heat this week is "Our men love our wobbly bits" and 21 there are a number of articles dealing with celebrities' 22 bodies. So there's the article about Tulisa from 23 X Factor and an article on page 8 about 24 Christina Aguilera and her body. 25 Last week's Heat had an article about a model who</p> <p style="text-align: center;">Page 61</p>	<p>1 Would you satisfy yourself in advance that that 2 celebrity had previously spoken about being too thin or 3 about their weight?</p> <p>4 MS CAVE: I think, as again with everything, it's taken on 5 a case-by-case basis. I don't think you can have any 6 hard and fast rules. If there is a photo that lands on 7 our picture editor's desk, one of the checkpoints that 8 I talked about in my witness statement is that various 9 people in the office will be looking at those pictures, 10 be discussing those pictures. If they're particularly 11 shocked by them or they feel that there is comment to be 12 made, then we may make that decision to print them in 13 the magazine, but we'll be very careful about our 14 wording and the tone of the piece.</p> <p>15 Q. Right. Perhaps it might be helpful to look at the 16 particular piece from last week. I'm not sure we 17 have -- do you have this one?</p> <p>18 LORD JUSTICE LEVESON: No.</p> <p>19 MS PATRY HOSKINS: All right. Perhaps I'll just read out 20 the sections. 21 It's a picture of a lady who is a model whose name 22 I won't read out, for obvious reasons. The headline is: 23 "Hope you're going for a burger, [X]." 24 Then the celebrity says nothing, is not quoted, but 25 you say that you're concerned about her weight, you say</p> <p style="text-align: center;">Page 63</p>
<p>1 you were commenting looked too thin in a particular 2 photograph that you'd published. Is this not an 3 invasion of privacy, publishing photographs of 4 celebrities and commenting on whether they look fat or 5 thin?</p> <p>6 MS CAVE: Firstly, the same checks would have gone through 7 when we were deciding on buying this set of pictures, so 8 I know, because I had various conversations with our 9 picture editor at the time, they spoke at length to the 10 agency about the circumstance of these pictures and the 11 agency gave her the assurance that the celebrities were 12 very aware of this set of pictures being taken.</p> <p>13 In this instance, we felt that we were writing 14 a very empowering piece about a celebrity who loves her 15 wobbly bits and her boyfriend loves her too, but it's 16 a positive message to our readers, and the same instance 17 with Christina Aguilera who spoke about her body and her 18 boyfriend loving her body at a recent press conference.</p> <p>19 Q. One of the considerations is whether or not the 20 celebrity has spoken already about their body or their 21 weight and that might be something which justifies you 22 publishing a photograph? Is that your evidence?</p> <p>23 MS CAVE: Yes.</p> <p>24 Q. What about a situation where you're publishing 25 a photograph of someone who looks in your view too thin?</p> <p style="text-align: center;">Page 62</p>	<p>1 she clearly needs feeding up a bit and then you 2 attribute a quote to her, but it's obviously -- it 3 obviously hasn't come direct from her. I don't know -- 4 do you have a copy of it?</p> <p>5 MS CAVE: No, I don't have a copy.</p> <p>6 Q. I'll pass it to you if you would like me to.</p> <p>7 MS CAVE: Yes.</p> <p>8 Q. What I would like to understand is did you check with 9 that young lady whether she was happy for you to run 10 that article and publish that photo?</p> <p>11 MS CAVE: Obviously I'm editor so I'm not aware of every 12 single circumstance of that picture, but I don't believe 13 in that instance that we did, no.</p> <p>14 Q. Why not?</p> <p>15 MS CAVE: Because it was taken in a public place and we felt 16 that it was a picture that was out there in the wide 17 world. We weren't invading her privacy in printing that 18 particular picture. The people in the office were 19 genuinely quite shocked at how she looked in that 20 picture, and we felt that we took a gentle approach 21 rather than a kind of finger-pointing approach to that 22 piece, but our readers, it's the kind of thing our 23 readers would have said.</p> <p>24 Q. So in that circumstance, the overwhelming criteria or 25 the main factor in your decision to publish was that</p> <p style="text-align: center;">Page 64</p>

16 (Pages 61 to 64)



<p>1 people in the office were shocked, you knew that your 2 readers would be shocked and therefore it went into the 3 magazine; is that right? 4 MS CAVE: In that instance, yes. 5 Can I ask you about your Spotted section next, 6 please. Come back to the copy that we have. Spotted is 7 at page 38 of this week's Heat. 8 LORD JUSTICE LEVESON: Yes. 9 MS PATRY HOSKINS: Spotted has traditionally, correct me if 10 I'm wrong, been a section where people can email in and 11 say, "I spotted X celebrity" and they give a few words 12 about where the celebrity was spotted and what they were 13 doing. 14 I'll read out an example: 15 "Old-school crooner Cliff Richard leaving Barbados 16 airport." 17 That would be it. It would simply be a section 18 where you can say "I spotted X" and then you would 19 publish it. 20 More recently photographs have appeared in this part 21 of the magazine, photographs, some which are clearly 22 paparazzi pictures, but also some which are clearly 23 pictures sent in by readers. We can see that because at 24 the bottom of the right-hand page there, 39, there's 25 a section headed:</p> <p style="text-align: center;">Page 65</p>	<p>1 to win £200 just by snapping a picture of a celebrity 2 when they're unaware? 3 MS CAVE: I think that the kind of readers we have and the 4 general public, if they see a celebrity in a public 5 place that they like and they're excited by, I don't 6 think it takes us to tell them to take a photo of them. 7 I think they would, you know, in this day and age they 8 would post a picture on Twitter and say, "Look who I've 9 seen", or on their Facebook page. 10 Q. One of the photographs that's in this week's Spotted 11 section is a picture of Ben Affleck with his daughter. 12 The daughter's face isn't pixelated or obscured in any 13 way. How did you make that decision to publish that 14 photograph of a child? 15 MS CAVE: Again the same checks and measures would have gone 16 through, the questions would have been asked from our 17 picture editor to the picture agency as to whether they 18 were aware that the photo was being taken. I believe 19 that was in a very public place. In most instances 20 I have to say that we would pixelate a child's face, 21 unless they have been photographed on numerous 22 occasions, and I think in this instance Ben Affleck and 23 his wife have had their children -- photographs have 24 been taken on numerous occasions. 25 Q. Can I ask you to turn now to your bundle, tab 5. This</p> <p style="text-align: center;">Page 67</p>
<p>1 "Win £2000, text or email your snapped pictures 2 straight away to [a number] or email it with your name, 3 address and a daytime contact number. If your unposed 4 photograph of a star is printed in Heat, you'll win." 5 Two things there. One, the reader is invited to 6 send in photographs, if taken, and secondly, the 7 indication is they have to be pictures that are not 8 posed. It can't just be "Here I am with a celebrity", 9 it has to be almost catching them unawares. Would that 10 be a fair assessment of what you're inviting? 11 MS CAVE: Yes. 12 Q. What steps do you take to ensure that photographs that 13 are sent in to you through this invitation are not taken 14 in situations of harassment or situations where 15 someone's privacy is being invaded? 16 MS CAVE: As with any content and any picture that goes in 17 the magazine, we use the same conversations, the same 18 checks and measures. So in the same way that a picture 19 might come through to us from a picture agency, if 20 a picture came through to us from a reader, we would 21 obviously have a very keen eye as to the circumstance of 22 that photograph, where they were, who the celebrity was, 23 how they appeared in that photograph. 24 Q. But aren't you inviting further invasion of people's 25 privacy if you're offering your readers the opportunity</p> <p style="text-align: center;">Page 66</p>	<p>1 is a PCC adjudication relating to Katie Price and 2 Peter Andre. For those of us who don't have it, this 3 was a complaint made by Ms Katie Price and Peter Andre 4 relating to a sticker -- can we just give the context. 5 In one of the copies of Heat, there was a section where 6 a number of stickers were printed, and one of the 7 stickers that had been printed showed Katie's young son 8 with an imposed speech bubble. In the interests of 9 privacy, I'm not going to read out again what the 10 sticker said, but the allegation was that it was 11 a quotation -- it wasn't a real quotation, it was 12 something that had been imposed and something he hadn't 13 actually said, but it constituted, it was said, 14 a prejudicial and -- yeah, a prejudicial reference to 15 Katie Price's son's disability, as it's well-known that 16 he does suffer from a disability. 17 I want to understand what thought process went into, 18 if any, into publishing that particular sticker and how 19 it happened that you got to the point where a complaint 20 was made? 21 MS CAVE: A complaint was made in 2007. I was not editor at 22 the time, although I was working at the magazine, so 23 I can't speak for how that decision was made. 24 All I can say is that it was a grave mistake. 25 Everybody who worked at the magazine, including of</p> <p style="text-align: center;">Page 68</p>

<p>1 course the editor, as soon as we realised what a mistake 2 it was, then we did everything we could to apologise for 3 that mistake. I don't think I can sit here and justify 4 how it happened because I don't think it's justifiable, 5 and everyone who worked on the magazine at the time and 6 who still works at the magazine is mortified by that 7 instance.</p> <p>8 Q. Has there been any similar complaint during the years 9 that Heat has been in existence that you have made fun 10 of people's disabilities or any other similar complaint? 11 MS CAVE: No, certainly not that I'm aware of.</p> <p>12 Q. Just for the sake of completeness, we can see that the 13 complaint was resolved when you apologised both 14 privately to the complainants, you also published an 15 apology online and you also put text within the magazine 16 setting out how apologetic you were. Did that appear on 17 the emails page?</p> <p>18 MS CAVE: No, I don't believe it did. I think it had bigger 19 prominence than that. Obviously I can't recall, but --</p> <p>20 Q. You believe it had greater prominence, all right. Thank 21 you very much indeed --</p> <p>22 LORD JUSTICE LEVESON: It's probably a moment to have 23 a break, so we'll just have six, seven minutes off and 24 then we'll carry on. Thank you. 25 (11.32 am)</p> <p style="text-align: center;">Page 69</p>	<p>1 24 November 2011. It is very lengthy. If you look at 2 the bottom right-hand side of the page you'll find 3 numbers and you should find page 21 in the bottom 4 right-hand corner, but the actual page in the box is 5 page 82. Do you see that?</p> <p>6 MS NIXON: I have it here, yes.</p> <p>7 Q. She's asked about false attribution on about line 16, do 8 you see that?</p> <p>9 MS NIXON: Yeah.</p> <p>10 Q. She's being asked by the person who is questioning her: 11 "I will move on to false attribution in paragraph 12 63. In Hello! magazine an article in 2001, or 13 thereabouts, claiming to be a rare and exclusive 14 interview." 15 She says "Yes". 16 "Question: The one which never occurred?" 17 She says: "Yes. I think people might think that's 18 quite a banal occurrence, but in fact it's not. If you 19 are trying, as I am, to make it quite clear that my 20 person life -- my family life is out of bounds, then the 21 perception that I had granted an interview to a magazine 22 that is primarily notorious for going into people's 23 houses, photographing them with their families, hearing 24 personal details of their private lives, and I censor no 25 one by the way for doing those interviews. I don't</p> <p style="text-align: center;">Page 71</p>
<p>1 (A short break) 2 (11.43 am)</p> <p>3 MS PATRY HOSKINS: Ms Cave, I said I'd finished with you, 4 but for the sake of completeness, I think there's one 5 thing we need to clarify over the Katie Price/ 6 Peter Andre complaint. You did apologise online and in 7 your magazine, but it's important we also say that you 8 also made a significant donation to the Vision charity, 9 an organisation that Katie and her family had worked 10 with for a number of years.</p> <p>11 MS CAVE: Yes, we did.</p> <p>12 MS PATRY HOSKINS: It's all recorded in the (inaudible). 13 I'm going to turn, please, to Ms Nixon. I want to 14 ask you, please, about exclusives. Two aspects of that 15 I really want to ask you about. The first relates to an 16 exclusive interview with JK Rowling. Let's remind 17 ourselves before I even ask you about that that although 18 you've been a joint editor of Hello! since November 19 2010, you've only been at Hello! since April 2008, so 20 when I refer to this incident which took place in 2001, 21 that was well before your time, I appreciate that.</p> <p>22 Can we take up the bundle, please, relating to 23 Hello! and look at the evidence of Ms Rowling. It's 24 tab 3 in the bundle that you should have. This is 25 a transcript of evidence that she gave to the Inquiry on</p> <p style="text-align: center;">Page 70</p>	<p>1 think that's an awful thing to do. It simply happens 2 that that's not something I wish to do.</p> <p>3 "So the magazine asserting that I had done it, 4 I feared, would then be used as justification for 5 further invasion: 'Well you give an interview to Hello! 6 magazine, you are prepared to sell your private life in 7 this way', and as is clear from my statement, what they 8 had done was taken that article from a different paper 9 and repackaged it. From a different source, and 10 repackaged it."</p> <p>11 We'll pause there. She goes on to deal with the 12 apology that resulted. It was before your time. Can 13 you tell us anything at all about this incident? It 14 seems that she was alleging that the cover of Hello! had 15 indicated that there was inside an exclusive interview 16 with JK Rowling but actually the interview in there was 17 an interview that had been cobbled together from various 18 other sources.</p> <p>19 MS NIXON: Yes, I've looked into the situation, and from 20 what I can glean, it was a Q&amp;A session that JK Rowling 21 undertook with a group of children in support of 22 Comic Relief and the magazine reprinted the Q&amp;A session, 23 it did actually credit it to Comic Relief, but the 24 problem was that we attributed it as a rare and 25 exclusive interview with JK Rowling, which was clearly</p> <p style="text-align: center;">Page 72</p>

<p>1 misleading, and an apology was printed.</p> <p>2 But I think the important thing to take away from</p> <p>3 this is that we treat the word "exclusive" with respect.</p> <p>4 This situation has never recurred. We now have</p> <p>5 a process in place, you know, when we're taking</p> <p>6 interviews from another source, we make sure that we</p> <p>7 understand the circumstances in which the interview was</p> <p>8 done, and currently, had we been presented with a Q&amp;A</p> <p>9 like this, we would now have gone to JK Rowling's</p> <p>10 representative and said, "As this was done for charity,</p> <p>11 would you be happy with us reprinting it in Hello!? If</p> <p>12 you would rather not, then we won't do it."</p> <p>13 So the important thing that I want to make clear is</p> <p>14 that this doesn't indicate a culture and practice at the</p> <p>15 magazine. Mistakes occur occasionally, but we don't</p> <p>16 repeat the same mistakes.</p> <p>17 Q. All right. That was in 2001.</p> <p>18 MS NIXON: Yes.</p> <p>19 Q. Are you aware from your researches of any other</p> <p>20 misleading exclusive complaints made about Hello! since</p> <p>21 then?</p> <p>22 MS NIXON: No, none at all. As I said, we really treat the</p> <p>23 term "exclusive" and "world exclusive" with respect.</p> <p>24 I have a dialogue with our CEO, who is also the</p> <p>25 editor-in-chief, especially regarding our cover stories</p> <p style="text-align: center;">Page 73</p>	<p>1 what that was.</p> <p>2 The legal issues are thorny but an injunction was</p> <p>3 granted initially; is that correct?</p> <p>4 MS NIXON: Yes.</p> <p>5 Q. Then it was reversed by the Court of Appeal and the</p> <p>6 photographs were published in Hello!, the freelance</p> <p>7 photographer's photographs, effectively spoiling OK!'s</p> <p>8 exclusive. Is that fair and accurate?</p> <p>9 MS NIXON: Yes.</p> <p>10 Q. There was then a considerable amount of litigation over</p> <p>11 a number of years, and simply to summarise, Hello!</p> <p>12 eventually paid out considerable damages, yes?</p> <p>13 MS NIXON: Yes.</p> <p>14 Q. Would that be fair and accurate? It's also fair and</p> <p>15 accurate to say that the various judgments were fairly</p> <p>16 critical of Hello!'s behaviour during this period?</p> <p>17 MS NIXON: Yes.</p> <p>18 Q. I know that this was vastly before your time, but as far</p> <p>19 as you've been able to ascertain, why was the decision</p> <p>20 taken to buy and publish pictures in the knowledge that</p> <p>21 that would spoil the exclusive that had been obtained by</p> <p>22 another magazine?</p> <p>23 MS NIXON: I suppose at the time there was no sort of laws</p> <p>24 around protecting an exclusive, and it was actually OK!</p> <p>25 won this particular dispute sort of based on it was</p> <p style="text-align: center;">Page 75</p>
<p>1 and often, you know, we will refrain from putting the</p> <p>2 word "exclusive" on, even though it might be an</p> <p>3 exclusive photograph, we really save that word for use</p> <p>4 when a personality has spoken to us directly, to Hello!</p> <p>5 magazine, and then we use it.</p> <p>6 Q. All right. Let me ask you now about the issue of the</p> <p>7 Douglas versus Hello! litigation. You would be well</p> <p>8 familiar with that.</p> <p>9 MS NIXON: Yes.</p> <p>10 Q. Clearly a long time ago. The wedding itself took place</p> <p>11 in the year 2000. If I can summarise it, rather than</p> <p>12 getting it explained, and you can tell me whether you</p> <p>13 think I've summarised it accurately. We know that</p> <p>14 Catherine Zeta Jones and Michael Douglas got married in</p> <p>15 the year 2000 in New York. My understanding is that</p> <p>16 they sold their wedding to OK! magazine as an exclusive,</p> <p>17 doubtless they gave some of the reasons that you've</p> <p>18 explained today for deciding to feature in OK! magazine</p> <p>19 in that way.</p> <p>20 A freelance photographer then managed to obtain</p> <p>21 photographs, despite the fact that there was security in</p> <p>22 place, despite all the controls that were put in place,</p> <p>23 a freelance photographer managed to obtain pictures of</p> <p>24 the wedding and they were then sold to Hello! for</p> <p>25 a considerable sum of money, I don't need to look at</p> <p style="text-align: center;">Page 74</p>	<p>1 a commercial decision rather than a privacy dispute. It</p> <p>2 was a landmark case, and since then there are now --</p> <p>3 there's a sort of ring of protection around exclusives,</p> <p>4 which means that it is unlawful for other publications</p> <p>5 to spoil another exclusive. Preceding the year 2000,</p> <p>6 OK! had spoiled a number of Hello!'s exclusives, and</p> <p>7 Hello! hadn't sort of retaliated, so I guess there was</p> <p>8 a cavalier sort of feeling that these pictures had been</p> <p>9 offered so they were bought.</p> <p>10 But really rather than dwelling on this situation</p> <p>11 that did happen 12 years ago, the thing I want to make</p> <p>12 clear is that it was a mistake, it was a very costly</p> <p>13 mistake, it doesn't indicate a culture of practice at</p> <p>14 the magazine, the situation has never occurred again,</p> <p>15 there's actually quite a good relationship amongst the</p> <p>16 magazines in that we know if somebody else has an</p> <p>17 exclusive, we don't have to send legal letters out. We</p> <p>18 stay away from it and exclusives now are protected.</p> <p>19 Q. I'm going to interrupt you to ask whether Ms Byrne</p> <p>20 agrees. Is that right? Is there a cooperative</p> <p>21 atmosphere between --</p> <p>22 MS BYRNE: Definitely. I can't remember anything happening</p> <p>23 since this. If Rosie has a wedding or we have</p> <p>24 a wedding, I can't remember any problems.</p> <p>25 LORD JUSTICE LEVESON: It's perhaps rather odd that we have</p> <p style="text-align: center;">Page 76</p>

<p>1 the two opponents sitting next to each other.                  2 MS NIXON: We're sort of quite different as well, really,                  3 the magazines, in the type of personalities that we                  4 feature, but the important thing with the Douglas's case                  5 is that it has never happened again and actually the                  6 ruling has helped editors across the country actually be                  7 able to protect their own exclusives.                  8 MS PATRY HOSKINS: I understand, thank you. At the time,                  9 was the decision taken simply because Hello! were safe                  10 in the knowledge that if they published the photographs,                  11 that that would increase circulation? Was that                  12 essentially a commercial decision?                  13 MS NIXON: Yes, I guess it was. I guess there was a sort of                  14 cavalier feeling that they could do it. There wasn't                  15 any sort of law in place to say that they couldn't. And                  16 as we've discussed before, weddings do put on sales for                  17 us. So I think, you know, the proprietors of Hello!                  18 felt that their audience would be interested in seeing                  19 this wedding as well.                  20 Q. Again I know this was before your time, but as far as                  21 you've been able to ascertain, was any consideration                  22 given to the feelings of Catherine Zeta Jones and                  23 Michael Douglas, how they would feel? They had clearly                  24 made a decision to publish an exclusive, provide an                  25 exclusive to OK!. Ms Byrne explained earlier that</p> <p style="text-align: center;">Page 77</p>	<p>1 you about the front pages of Hello! and headlines and so                  2 on that are on the front page, if I can. You've told                  3 us, I think, that an exclusive may in some circumstances                  4 sell considerably more copies of the magazine.                  5 MS BYRNE: Yes.                  6 Q. And I think one source that I've seen would suggest that                  7 for example Jade Goody's wedding photos meant that sales                  8 increased four-fold?                  9 MS BYRNE: It was the biggest selling issue ever of OK!                  10 magazine.                  11 Q. Let's start, please, with tab 7. Around six pages in,                  12 so the first page is JK Rowling versus OK!, which we'll                  13 come back to, but if you turn six pages, you should find                  14 something from the Press Complaints Commission, it's                  15 written in handwriting from the November 2008                  16 newsletter. Do you see that?                  17 MS BYRNE: Yes, I have that.                  18 Q. This is an extract from the Press Complaints                  19 Commission's newsletter from November 2008 and it's                  20 headed "Readers misled by front page teasers."                  21 It says this:                  22 "The Commission has recently resolved a number of                  23 separate complaints from concerned readers complaining                  24 that magazine covers have promised content that does not                  25 correspond to the inside articles."</p> <p style="text-align: center;">Page 79</p>
<p>1 people often do that in order to control the situation                  2 so they know they will have beautiful photographs in                  3 a controlled environment. From memory, the photographs                  4 that were published in Hello! were not posed and                  5 beautiful, they were grainy and not taken always in the                  6 most flattering of circumstances. Was any consideration                  7 given to how the celebrities in question might feel                  8 about publication of the photographs?                  9 MS NIXON: I think clearly there wasn't at the time because                  10 the photos were run but we're in a very different time                  11 now. As I said, that was a mistake and a very costly                  12 mistake, and we simply are not in that position any                  13 more. We just wouldn't publish those photos.                  14 Q. So this type of spoiling of exclusives doesn't happen                  15 now?                  16 MS NIXON: No. I can't remember the last time it happened.                  17 Q. Ms Cave, I don't know if you'd like to say something,                  18 but it simply doesn't happen?                  19 MS BYRNE: No, it doesn't happen.                  20 MS NIXON: No.                  21 Q. Thank you. Ms Byrne, if I can turn to you, take up your                  22 bundle. Let's remind ourselves, you've been editor                  23 since 2004?                  24 MS BYRNE: Yes.                  25 Q. Although you've worked at OK! since 1999. I want to ask</p> <p style="text-align: center;">Page 78</p>	<p>1 Then they give a number of examples, one from                  2 Reveal, one from Look magazine, and then the third                  3 example they give is from OK! magazine:                  4 "OK! magazine ran a front-page headline referring to                  5 the star-studded wedding of Wayne and Coleen [Wayne and                  6 Coleen Rooney]. Inside there was just a full-page                  7 advert for the wedding which was to be covered in the                  8 following week's edition. The magazine indicated that                  9 it had not intended to mislead readers and offered the                  10 complainant a six-month subscription."                  11 Can you recall that particular --                  12 MS BYRNE: I can't, I was on maternity leave, but I looked                  13 at it yesterday. It was the week before the wedding and                  14 I think there was a DPS spread that the editorial team                  15 had done on the build-up and then a spread on the                  16 invitation, but, yeah, I can understand someone might                  17 buy it thinking, oh, that's the start of the wedding,                  18 because it says that. But then anyone who's aware of                  19 OK! magazine knows that if we had the wedding of Wayne                  20 and Coleen it would be a full image and nothing else on                  21 the cover, but I do understand that situation.                  22 Q. What importance do you place on the accuracy of the                  23 front page and the headlines that are on the front page?                  24 MS BYRNE: From the point of view as editor of this                  25 magazine, I have to sell the magazines and make sure</p> <p style="text-align: center;">Page 80</p>

<p>1 whatever's on the cover is inside the magazine, because  2 we love our readers and we don't want our readers buying  3 the magazine and then looking through it and thinking,  4 "I'm really upset, I don't have what I thought I was  5 going to get". So we have to -- it's a fine line making  6 the cover as spectacular and beautiful and fabulous as  7 it possibly can be and also making sure we have as much  8 information and interviews inside the magazine so  9 readers will be happy and stay happy.  10 Q. Would it be fair to say that you think that accuracy of  11 the front page is important?  12 MS BYRNE: I think that is very important.  13 Q. Okay. Can we turn, please, to tab 10 of the bundle?  14 MS BYRNE: Yes.  15 Q. This is an apology to Sienna Miller from June 2010.  16 This is an extract from your website and it says this:  17 "In an item which publicised the 16 March 2010  18 edition of OK!, we wrongly stated that the magazine  19 contained an exclusive interview with Sienna Miller. In  20 fact the article was not an exclusive interview but was  21 based on various interviews given by Sienna Miller in  22 the last few years."  23 The next paragraph is not relevant.  24 "We apologise to Sienna Miller and to our readers  25 for any misunderstanding which has been caused."</p> <p style="text-align: center;">Page 81</p>	<p>1 MS BYRNE: Absolutely. I mean, it wasn't an exclusive  2 interview and we didn't put that in the magazine itself.  3 Q. Can I ask you about last week's edition of OK!. I don't  4 know if you actually have this one so I'll pass up  5 a copy of the front cover. Do you have this one with  6 you?  7 MS BYRNE: I don't.  8 LORD JUSTICE LEVESON: I think I have a copy of the front  9 page.  10 MS PATRY HOSKINS: I want to understand because this is  11 obviously a very recent example of a front cover of OK!.  12 It has a prominent photograph of the Duchess of  13 Cambridge and the headline to the left says:  14 "The Duchess of Cambridge celebrates her 30th  15 birthday."  16 Just below that there is a box and the text within  17 that reads:  18 "My husband is my soulmate" -- world exclusive  19 interview, pictures."  20 Do you see that? Can you see that on first glance  21 of the magazine, that that looks as if OK! magazine may  22 have an interview with the Duchess of Cambridge in which  23 she says, "My husband is my soulmate"?  24 MS BYRNE: Well --  25 Q. Can you see that?</p> <p style="text-align: center;">Page 83</p>
<p>1 Again, what happened there?  2 MS BYRNE: What happened was we -- what's actually good  3 about this case actually to bring it up is the way  4 things were changed in the magazine. Like many  5 magazines and publications, we buy interviews from  6 agencies who are doing round-table chats when  7 celebrities want to promote their films. So we bought  8 this interview in and published it.  9 Now, we didn't actually put in the magazine that it  10 was exclusive or that Sienna spoke to OK!. That was put  11 on the website. So we never put "exclusive" in the  12 magazine because it wasn't an exclusive interview. The  13 fact that they state it was "various interviews given by  14 Sienna" really concerned me.  15 So since then, whenever we buy an interview in, we  16 always say to whichever agency, "You do have the tape,  17 you can categorically tell us that you do have the tape"  18 and I've told the writers to do that because I think  19 that's so important, because obviously there were some  20 agencies literally putting together quotes that the  21 celebrity did give, but they could be out of context,  22 because it's not just one long-running interview.  23 Q. And you accept that the headline or the description of  24 the interview as an exclusive on the website was simply  25 inaccurate?</p> <p style="text-align: center;">Page 82</p>	<p>1 MS BYRNE: I can see how some people might envisage that,  2 but --  3 Q. But in fact the exclusive interview and the quotation  4 comes from Joan Collins, which is at the bottom  5 left-hand corner.  6 MS BYRNE: Yeah.  7 Q. In your view, is that a bit misleading?  8 MS BYRNE: Well, after I did this cover, I spoke to legal  9 and we just made sure that these were both in the same  10 colour, so the story would relate to each other, and  11 also if I was going to be misleading, I would have  12 pushed that much further up so it was closer. There's  13 quite a big empty space between "birthday" and that box  14 itself. I mean, some people might see that it could be  15 misleading, but there was no -- nowhere else to put that  16 box as well. We do have on the cover occasionally some  17 boxes a lot bigger and the writing more huge than other  18 boxes. We just do that generally. I mean, we couldn't  19 have put this there because there would be all that  20 empty space, so.  21 Q. What about the headline at the top:  22 "Catherine's royal birthday, the intimate party,  23 gifts, star guests and delicious menu."  24 What might that suggest to the reader?  25 MS BYRNE: We had spoken to the palace and found out --</p> <p style="text-align: center;">Page 84</p>

<p>1 Q. Pause there. What might the headline suggest to a 2 reader who doesn't know what's inside, just sees that on 3 the news stand? 4 MS BYRNE: That we have detail inside. 5 Q. Right. 6 MS BYRNE: Yes. 7 Q. And what was there inside? 8 MS BYRNE: So we spoke to the palace. I think it was quite 9 late in the week we managed to get information on the -- 10 because all the papers and magazines were speculating 11 that Harry and Pippa were throwing this ridiculously mad 12 party and we spoke to the palace, who told us that it 13 was going to be a very quiet occasion, and really 14 intimate, just between, you know, William and Catherine, 15 and maybe a few others, but -- so the rest is kind of 16 speculation on what gifts they bought each other in the 17 past, but that obviously isn't speculation, what they 18 have bought each other in the past, what they could 19 expect, their favourite food, what they've said in the 20 past that they liked the most. 21 Q. If we just go back to the headline, the "intimate 22 party", that might be right because they were going to 23 have a very small party, intimate. "Gifts, star guests 24 and delicious menu", that's really nothing to do with 25 her 30th birth at all, it's just speculation on the part</p> <p style="text-align: center;">Page 85</p>	<p>1 misleading? Is that what you say? 2 MS BYRNE: Yeah. 3 Q. Let me ask you about tab 5, the evidence of 4 Ms JK Rowling again. Again transcript of her evidence. 5 Without having to turn it up, she was concerned here 6 about photographs published in Hello! in 2001 of her and 7 her daughter in swimsuits. 8 MS NIXON: In OK!. 9 Q. Did I say Hello!? Sorry. In OK!, concerned about 10 publication of photographs of her and her daughter in 11 swimsuits. I appreciate that relates back to 2001. 12 What the Chairman wants to understand is whether that's 13 something -- you may say that was a mistake. 14 MS BYRNE: Yes. 15 Q. What I want to understand is this: is that something 16 which you do now? Would you publish photographs of 17 children in swimsuits on private or public beaches? 18 MS BYRNE: In relation to JK Rowling, I looked at those 19 photos yesterday -- obviously I wasn't editor at the 20 time -- and they did look hugely private although she's 21 on a public beach, but I absolutely wouldn't have 22 published them myself. 23 Q. Right. 24 MS BYRNE: I don't know if privacy laws were different then, 25 I don't know, but from just looking at them, I feel</p> <p style="text-align: center;">Page 87</p>
<p>1 of OK!, isn't it? 2 MS BYRNE: I suppose, but it's just discussing what they 3 like as a couple. We haven't put "exclusive" anywhere 4 on Catherine's royal birthday. 5 Q. Can I ask you to go back to the bundle and look at 6 tab 5 -- 7 LORD JUSTICE LEVESON: Just before you do, do you think that 8 the questions there are being a bit precious or do you 9 think there's a point that is being made? Do you think 10 it's a fair point? 11 MS BYRNE: No, I don't think the questions are being 12 precious at all, I totally understand her point of view. 13 But I do feel that in this day and age I will protect 14 this magazine because it's my baby and I love it so much 15 and I want it to be very successful, and if that -- you 16 know, I'm not -- it's not like there's nothing in there. 17 There are details of gifts that had been given in the 18 past or they both liked, there's loads of detail in 19 there. We just have to -- all magazines and newspapers 20 have to, to an extent, sell their publication but not 21 cross a barrier, and I personally don't feel that we 22 crossed a barrier there at all. If we had done we'd 23 say, "World exclusive" blah, blah, and we haven't done, 24 we haven't done that. 25 MS PATRY HOSKINS: So it draws people in without being</p> <p style="text-align: center;">Page 86</p>	<p>1 personally I wouldn't have done that. And obviously 2 she's a very private person and you have to respect 3 that. 4 With publishing photographs of children on beaches? 5 I'm trying to think. Because that's a difficult one as 6 well, because there are some people who are very happy 7 to have their children in pictures on beaches having fun 8 with their parents, and there are some people just we 9 know would be unhappy with that, and we kind of know who 10 they are. If we were worried there's like a line we 11 might cross, then we definitely wouldn't publish them. 12 Q. I have one final question for you: the evidence of 13 Dr Kate and Dr Gerry McCann was that defamatory articles 14 were published about them in various newspapers, 15 including the Express, and their evidence was that they 16 were essentially offered an exclusive OK! interview as 17 a bargaining tool after these defamatory articles had 18 appeared. Were you aware of that at all? 19 MS BYRNE: We discussed this yesterday, and I -- I cannot 20 100 per cent say that I wasn't, but I wasn't -- when we 21 discussed it, I didn't think, "Oh my gosh, yes", at all, 22 so probably if I cannot remember -- 23 Q. So you either can't remember or you weren't aware? 24 MS BYRNE: Yes. 25 Q. Is this something that happens regularly? Are you aware</p> <p style="text-align: center;">Page 88</p>

<p>1 that there are occasions where people come to talk to 2 you because they've done a deal with the newspaper 3 group, for whatever reason? 4 MS BYRNE: Not really, because OK! is so separate. 5 Q. When you say not really, does that mean it doesn't 6 happen? 7 MS BYRNE: I don't -- 8 Q. Can you think of an occasion when it has happened? 9 MS BYRNE: I mean, I suppose the only time maybe recently it 10 might have happened was with Celebrity Big Brother, when 11 we all do interviews together, but I can't remember at 12 all a deal being done with all the newspapers and OK! 13 because we always want to have our interviews and 14 features be totally exclusive, so we have to help the 15 magazine. 16 MS PATRY HOSKINS: Ladies thank you very much indeed. Those 17 are all my questions. Was there anything that any of 18 you wished to add? 19 MS CAVE: No. 20 LORD JUSTICE LEVESON: Thank you very much. 21 Now you want to change gear to -- 22 MS PATRY HOSKINS: Yes. 23 LORD JUSTICE LEVESON: -- other newspapers. I'll rise and 24 allow that to happen. 25 MS PATRY HOSKINS: Thank you very much.</p> <p style="text-align: center;">Page 89</p>	<p>1 Our witnesses are going to be called in two groups 2 of four. The first group is going to include Mr John 3 McLellan from the Scotsman, Mr Spencer Feeney from the 4 South Wales Evening Post, Jonathan Russell from the 5 Herald and Mike Gilson from the Belfast Telegraph. 6 This afternoon we're going to hear from Noel Doran, 7 the Irish News, Maria McGeoghan from the Manchester 8 Evening News, Nigel Pickover of the Evening Star based 9 in Ipswich and Peter Charlton of the Yorkshire Post. 10 LORD JUSTICE LEVESON: There's no discourtesy intended to 11 the Irish in splitting them up. It's simply because we 12 can fit four people there but not five, so I say that so 13 that that's quite clear. 14 MR BARR: Could I ask first of all that each of the 15 witnesses is sworn in, please? 16 MR MIKE GILSON (sworn) 17 MR JONATHAN RUSSELL (sworn) 18 MR SPENCER FEENEY (sworn) 19 MR JOHN McLELLAN (sworn) 20 Questions by MR BARR 21 MR BARR: Mr McLellan, could I start with you, please? 22 Could you confirm your full name? 23 MR McLELLAN: John Crawford McLellan. 24 Q. You've provided a witness statement to the Inquiry. Are 25 the contents of that witness statement true and correct</p> <p style="text-align: center;">Page 91</p>
<p>1 (12.10 pm) 2 (A short break) 3 (12.19 pm) 4 LORD JUSTICE LEVESON: Yes, Mr Barr. 5 MR BARR: Sir, good morning. For the rest of the day, we're 6 going to be hearing from newspaper editors from 7 Scotland, Wales, Northern Ireland and then from the 8 editors of some English regional titles. 9 LORD JUSTICE LEVESON: Yes. Could I say before we start 10 that I'm particularly grateful to editors who have 11 travelled to London to help me. I'm very conscious that 12 the dynamic in Scotland, Northern Ireland and Wales may 13 indeed be different, and I'm equally conscious that the 14 dynamic outside the pressure of Fleet Street will itself 15 be different. So there are quite different elements of 16 the picture which I'm very grateful to you all for 17 helping to fill in. 18 MR BARR: Sir, before I formally call the first group of 19 witnesses, could I mention statements which are to be 20 taken as read? 21 LORD JUSTICE LEVESON: Yes. 22 MR BARR: First of all, Mr Tim Blott from the Herald, 23 Mr Paul Connolly from the Independent News &amp; Media, 24 Mr Peter McCall from the Johnston Press and 25 Mr David Brookes from the Birmingham Evening Mail.</p> <p style="text-align: center;">Page 90</p>	<p>1 to the best of your knowledge and belief? 2 MR McLELLAN: Yes. 3 Q. In your witness statement, you tell us that you have 4 spent your entire working life in journalism stretching 5 back for 29 years? 6 MR McLELLAN: Yeah. 7 Q. And that you started writing a weekly column in the 8 Stirling Observer whilst you were still a university 9 student. Since then you've worked for the Chester 10 Observer, the North West Evening Mail and the Journal 11 which is based in Newcastle upon Tyne. In 1993 you were 12 transferred to the Edinburgh Evening News and you were 13 appointed the editor of Scotland on Sunday. At the 14 beginning of 2002 you moved back to the Evening News 15 until February 2009 when you became the editor of the 16 Scotsman. 17 In addition to your editorial appointment, you were 18 also chair of the Editors Committee of the Scottish 19 Newspaper Society and you've also previously chaired the 20 same committee of the Scottish Daily Newspaper Society. 21 You are also a Press Complaints Commissioner, an 22 appointment which you've held since 2010, and since 23 2010, you've been an honorary professor of journalism 24 studies at Stirling University; is that right? 25 MR McLELLAN: Right.</p> <p style="text-align: center;">Page 92</p>

<p>1 Q. Mr Feeney, if I can ask you next please to confirm your 2 full name to the Inquiry? 3 MR FEENEY: Spencer Feeney. 4 Q. And are the contents of your witness statement true and 5 correct to the best of your knowledge and belief? 6 MR FEENEY: They are. 7 Q. Mr Feeney, you tell us that you're the editor of the 8 South Wales Evening Post, which is Wales' 9 largest-selling daily newspaper and is based in Swansea. 10 You were appointed in September 2002. You're also the 11 editor-in-chief of the Evening Post's publisher, South 12 West Wales Media, with oversight responsibilities for 13 its two paid-for weekly newspapers, the Carmarthen 14 Journal and the Llanelli Star. 15 This is your third editorship of a regional 16 newspaper. Previously you've been the editor of the 17 Citizen, a daily newspaper based in Gloucester, and the 18 Llanelli Star, a weekly newspaper in south west Wales. 19 You've also held senior editorial positions at regional 20 daily newspapers in Stoke-on-Trent and Exeter. You're 21 a former member of the Press Complaints Commission and 22 have served as an external examiner for Cardiff 23 University's School of Journalism; is that right? 24 MR FEENEY: That's right. 25 Q. Mr Russell, the same questions. Could you confirm your Page 93</p>	<p>1 experience of a Scottish newspaper and also the Scottish 2 arm of papers published in London? 3 MR RUSSELL: That's right. 4 MR BARR: Last but certainly not least, Mr Gilson, could you 5 tell us your full name? 6 MR GILSON: Michael Gilson. 7 Q. Are the contents of your witness statement true and 8 direct to the best of your knowledge and belief? 9 MR GILSON: Yes. 10 Q. Mr Gilson, you tell us that you are the editor of the 11 Belfast Telegraph, former editor of the Scotsman, the 12 News Portsmouth, Peterborough Evening Telegraph and 13 you've had senior positions on the Western Mail, Hull 14 Daily Mail, Kent Evening Post, as well as being a member 15 of the PCC Code Committee between 2003 and 2009; is that 16 correct? 17 MR GILSON: It is. 18 Q. Gentlemen, can I ask you first, so that we can 19 understand a little bit about the environments in which 20 you publish your newspapers, about your readership and 21 how it affects your papers and what you print? Could 22 I start, please, with Mr McLellan? 23 MR McLELLAN: We publish a daily quality newspaper that 24 covers the whole of Scotland. It circulates from the 25 islands in the north to the borders and until recently Page 95</p>
<p>1 full name? 2 MR RUSSELL: Jonathan Russell. 3 Q. And are the contents of your witness statement true and 4 correct to the best of your knowledge and belief? 5 MR RUSSELL: They are. 6 Q. Mr Russell, you tell us that you've been the editor of 7 the Herald newspaper in Glasgow and editor-in-chief of 8 Herald and Times Group, which comprises the Herald, the 9 Sunday Herald and Evening Times newspapers, since July 10 2010. Before your appointment as editor, you were 11 assistant editor at the Daily Record and Sunday Mail. 12 Your previous jobs have included Scottish 13 correspondent, then Scottish news editor and then 14 Scottish editor of the Daily Mirror, editor of the 15 Paisley Daily Express and Scottish bureau chief of the 16 Mail on Sunday. You've also worked for news agencies 17 and began your career on the Evening Express in 18 Aberdeen. Is that correct? 19 MR RUSSELL: It is. 20 LORD JUSTICE LEVESON: That means that you've always worked 21 in Scotland? 22 MR RUSSELL: I spent two years at the agencies I mentioned 23 and they were both based in Yorkshire. That was two 24 years in the early 1990s. 25 LORD JUSTICE LEVESON: I see. But you have both the Page 94</p>	<p>1 circulated widely in London and the south east as well. 2 We have a website, which is an extensive readership 3 around the world, serving the diaspora as well as the 4 home market. I'm also responsible for Scotland on 5 Sunday which has a similar publication pattern, and also 6 the Edinburgh Evening News which serves, as the title 7 would suggest, the Edinburgh market. 8 Q. So what sort of content do you publish to attract that 9 readership? 10 MR McLELLAN: The Scotsman is primarily a political and 11 business newspaper, and also serving the arts in 12 Scotland in ways that other publications, with the 13 possible exception of the Herald, doesn't, so we perform 14 a particular function in Scotland that is unique to 15 ourselves and the Herald. 16 LORD JUSTICE LEVESON: All right. I think we're going to 17 have to reorganise ourselves a little bit, because the 18 microphones aren't quite picking up what you're saying, 19 I'm afraid. 20 MR McLELLAN: Is that better? 21 LORD JUSTICE LEVESON: Thank you very much. 22 MR BARR: Mr Feeney, could I ask you the same question, 23 please? 24 MR FEENEY: Yes. The South Wales Evening Post is 25 a three-edition daily, covers three different counties Page 96</p>

24 (Pages 93 to 96)



<p>1 in South and West Wales. Three separate editions allow</p> <p>2 us to focus very much on local news and local sport,</p> <p>3 which are the staple of the product.</p> <p>4 Q. Mr Russell?</p> <p>5 MR RUSSELL: Broadly the same as Mr McLellan said about the</p> <p>6 Scotsman. We are -- we consider ourselves a Scottish</p> <p>7 national newspaper covering mainly Scottish news,</p> <p>8 Scottish sport, Scottish art, Scottish business plays</p> <p>9 a big part. There's also a flavour of more national and</p> <p>10 international news as well because a lot of our readers</p> <p>11 see the Herald as their main source of, you know, news</p> <p>12 for the day. So we have to cover the national and</p> <p>13 international agenda also, but it's largely a Scottish</p> <p>14 newspaper.</p> <p>15 Q. Thank you. Mr Gilson?</p> <p>16 MR GILSON: Yes, the Belfast Telegraph, despite its title,</p> <p>17 is a newspaper for the entire country of Northern</p> <p>18 Ireland. It competes in a tough marketplace against</p> <p>19 many local editions, if you like, of London-based</p> <p>20 newspapers and the Irish News, a predominantly</p> <p>21 nationalist newspaper, and the News Letter, a</p> <p>22 predominantly Unionist newspaper. Like everyone else,</p> <p>23 it focuses on politics and business and arts, although</p> <p>24 it would also cover news from the UK and news from the</p> <p>25 Republic.</p> <p style="text-align: center;">Page 97</p>	<p>1 Inquiry fits with the issues with which you are</p> <p>2 concerned and doesn't fail to address them, and that's</p> <p>3 why we're asking the questions. We're not trying to ask</p> <p>4 you to expose your concerns to your competitors or the</p> <p>5 world.</p> <p>6 MR FEENEY: I think the general picture is over the last</p> <p>7 five years advertising revenues in the regional press</p> <p>8 have about halved.</p> <p>9 MR RUSSELL: I couldn't give you the percentage figure, but</p> <p>10 our advertising revenues have come under increasing</p> <p>11 pressure in recent years as well. There's certainly</p> <p>12 been a drop-off.</p> <p>13 MR BARR: Does anyone wish to disagree?</p> <p>14 MR McLELLAN: Only to add a little bit of light and shape to</p> <p>15 it. The big categories are the ones that have taken the</p> <p>16 steepest fall, in particular the big classified</p> <p>17 categories of recruitment, property and motors are the</p> <p>18 ones that have taken the most flak, in particular</p> <p>19 recruitment, which was a mainstay of the regional press.</p> <p>20 And that has, I think it's fair to say, all but</p> <p>21 disappeared as far as print is concerned. What were</p> <p>22 24-page sections ten years ago are now one page.</p> <p>23 Some categories are doing a little bit better than</p> <p>24 others, but by and large the trend is still downward.</p> <p>25 Things like family notices are still rather robust but</p> <p style="text-align: center;">Page 99</p>
<p>1 Q. Thank you. I'd now like to get a feel, if I could,</p> <p>2 please, of the market in which you're operating and the</p> <p>3 pressures which you are under. Could I ask a question</p> <p>4 to all of you. Does any one of you have an increasing</p> <p>5 circulation at the moment or are you all facing the</p> <p>6 common trend of decreasing circulation? I take it from</p> <p>7 the silence that it's all heading south?</p> <p>8 LORD JUSTICE LEVESON: It's all a balance between the</p> <p>9 Internet and print is changing?</p> <p>10 MR GILSON: Yes, indeed. If you're talking about total</p> <p>11 audience, that's a different matter, but if you're</p> <p>12 talking about pure print figure, you're right.</p> <p>13 MR BARR: Has anyone got an increasing advertising revenue</p> <p>14 or are your advertising revenues all decreasing?</p> <p>15 LORD JUSTICE LEVESON: I'm not trying to elicit commercially</p> <p>16 sensitive information. I'm really trying to grapple</p> <p>17 with the concern which has been expressed that all print</p> <p>18 media are under pressure, but none more so than</p> <p>19 newspapers that are not London-based. It may not be so</p> <p>20 for the primary papers for Scotland or for Northern</p> <p>21 Ireland or indeed for Wales, so it may be you are</p> <p>22 different from a title that publishes, say, in Leeds or</p> <p>23 Manchester. I'm very keen to try and understand the</p> <p>24 different dynamics so that I have a picture of those</p> <p>25 dynamics and make sure that whatever comes out of this</p> <p style="text-align: center;">Page 98</p>	<p>1 not as strong as they once were.</p> <p>2 LORD JUSTICE LEVESON: Somebody said to me about</p> <p>3 recruitment. Is that because it's all going on the net</p> <p>4 or because the economic downturn has meant that there is</p> <p>5 just not the same recruitment?</p> <p>6 MR McLELLAN: It's both. There are free services available</p> <p>7 for small advertisers, large numbers of agencies have</p> <p>8 found easier ways to find the people that they're</p> <p>9 looking for. But at the same time, the downturn has</p> <p>10 meant that basically there are -- there's need to</p> <p>11 recruit, but also the downturn has encouraged companies</p> <p>12 to find more efficient ways that than a broadbrush print</p> <p>13 ad could provide, so the downturn has not only reduced</p> <p>14 the need to recruit, but also has encouraged people to</p> <p>15 find other ways to get to the market.</p> <p>16 Traditionally, regional newspapers across the board</p> <p>17 regarded recruitment advertising as a cash cow, and</p> <p>18 a lot of the economics of the businesses were based on</p> <p>19 the fact that classified markets particularly -- there</p> <p>20 was nowhere else to go locally, and so that's ended now.</p> <p>21 LORD JUSTICE LEVESON: Yes. The point has been made that</p> <p>22 the big difference between London and papers not printed</p> <p>23 in London is the balance between purchase price and</p> <p>24 advertising revenue. Would you agree with that?</p> <p>25 MR FEENEY: I think national papers' sales revenue, cover</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 price revenue is a much larger percentage of the overall 2 revenue than is the case in the regional press where 3 advertising revenue is the majority. 4 LORD JUSTICE LEVESON: That's a point that's been made. 5 MR GILSON: It works out roughly as I would say two-thirds 6 classified, one-third newspaper sales, so you get the 7 picture. 8 MR FEENEY: What we're finding in Wales of course is where 9 the public sector is such a big employer, about half of 10 our readers work in the public sector, that more and 11 more public sector organisations are only advertising 12 vacancies, when they have them, on their own websites. 13 So that's compounded the issue with the loss of 14 recruitment advertising in Wales. 15 I was only at a meeting last week where the Welsh 16 government is now proposing to remove the statutory 17 obligation on organisations like councils to place their 18 road traffic orders in local papers. If that comes into 19 law in Wales, then the regional press in Wales will lose 20 an additional £1 million a year revenue. 21 MR RUSSELL: There's a similar issue in Scotland to that 22 with the discussion about statutory notices being no 23 longer statutory in the press, and going online, which 24 would -- I couldn't tell you the exact figure, but that 25 would have a significant impact on Scottish newspaper</p> <p style="text-align: center;">Page 101</p>	<p>1 as opposed to people reading for free online. 2 I think the expectation was if you paid 500 or 600 3 quid for your home computer, then you expect everything 4 on it to be free, whereas, for some reason, people are 5 quite happy to pay £400 for an iPad and then have to pay 6 additional sums for whatever it is they want to read, 7 that has a potential to reenergise our industry, and in 8 fact it puts journalism back up to the top of the tree 9 again as well. 10 MR GILSON: I think the other thing is the old inky product 11 is not dead. If you listen perhaps in this room and to 12 other self-appointed media gurus, you would believe that 13 that would be the case, and I believe a lot of 14 imaginative strategies are now being developed to keep 15 the old ink product alive. I'm not as pessimistic as 16 a lot of people might be about the mix, and I think at 17 some point I think the word "bumping along the bottom" 18 was mentioned earlier this week, and I think in terms of 19 sales that will happen, I think there is still a big, 20 big market for a physical in-the-hand product and I'm 21 certainly not as pessimistic as some others. 22 LORD JUSTICE LEVESON: I'm delighted to hear it. Right. 23 MR BARR: Thank you. Having painted the background scene, 24 can we move on, please, to some editorial practices. My 25 first question -- I'm going to start with Mr McLellan.</p> <p style="text-align: center;">Page 103</p>
<p>1 revenues also. 2 LORD JUSTICE LEVESON: Is there any good news in any of 3 this? 4 MR FEENEY: We're still producing good papers that people 5 want to buy. 6 MR RUSSELL: And the content that we produce is still very 7 popular, whether in print or online, and the challenge 8 is to monetise the online content. 9 MR GILSON: As I said before, in terms of audience, 10 a Belfast Telegraph journalist will reach more people 11 now than perhaps ever, in terms of the reach and the 12 combined audience, but as was just said there, 13 monetising that of course is the 64 trillion dollar 14 question. 15 MR McLELLAN: I think the good news such as it is just now 16 will come in the form of tablet apps, Kindle devices and 17 things like that, because what they are doing is they 18 are reconnecting an electronic audience with the 19 principle of paying for what they are reading. The 20 basics of online readership is that the readers expect 21 to read what they get on the screen for nothing, and the 22 new way of reading on tablets and on phones is that 23 people are now relearning that they have to pay for some 24 of these services, so if there is a brighter future, 25 it's in being able to sell our services to tablet users</p> <p style="text-align: center;">Page 102</p>	<p>1 I'm reading from your witness statement where you tell 2 us about your attitude to sources, and in particular an 3 editor's knowledge of sources. You say: 4 "There is an absolute requirement on the part of 5 a reporter to divulge full details of how a story came 6 to light if asked by the editor. The senior team are 7 aware of this policy and it is understood the editor 8 will need to know exactly how the stories have been 9 obtained. 10 "Example 1, the Evening News: I refused to publish 11 a story and then threatened a reporter with disciplinary 12 action for refusing to divulge the identity of 13 a source." 14 I'm going to ask the other witnesses in a moment 15 about this same theme, but if I could ask you, 16 Mr McLellan, what is the rationale behind that approach? 17 MR McLELLAN: I simply want to be confident that what I'm 18 about to put in the paper is true, and that if I'm going 19 to publish a story that is going to be attributed to an 20 anonymous source, that I have the confidence that that 21 source is trustworthy. I don't want to publish a story 22 and then find out that there was some kind of background 23 to this which I wasn't aware of, which meant that, had 24 I been aware of that, I wouldn't have published the 25 story, so I don't think it's unreasonable for the editor</p> <p style="text-align: center;">Page 104</p>

26 (Pages 101 to 104)

<p>1 to be fully in command of all the facts of a story 2 before it gets him or her into trouble. 3 So I will always ask, "Who's telling us this?" and 4 if they say, "Well, I can't really say who it is", 5 I say, "Wait a minute, it's not going in the paper 6 then". As I say, it's only happened once, but once 7 I was in a situation where the reporter wouldn't tell me 8 who the source was and I said, "Well, the story's not 9 going in the paper"; then it became more of a principle 10 issue. I said, "Wait a minute, the editor has a right 11 to know the basis of the story that he is legally 12 responsible for", and when the reporter said, "Well, I'm 13 not comfortable with telling you this", I said, "That's 14 a real problem because if you're not comfortable telling 15 me who your sources are, what position does that put me 16 in? I'm responsible for your stories." In the end, the 17 reporter saw the sense of what I was saying and told me, 18 and so we remained friends. 19 LORD JUSTICE LEVESON: So the distinction is: you as his 20 editor are entitled to know but you will fight 21 vigorously not to tell anybody else? 22 MR McLELLAN: Yes, that's right. Because the person who's 23 told us may well find themselves exposed -- 24 LORD JUSTICE LEVESON: I understand. 25 MR McLELLAN: As we're finding right now in Scotland, where</p> <p style="text-align: center;">Page 105</p>	<p>1 reporter to protect him from the editor, but we have 2 example and I have had occasion where I've had to say, 3 "Without knowing the name, the story can't go in the 4 paper", and then it's really up to the reporter to 5 decide how to deal with that. 6 Q. So there's a subtle but distinct difference there? 7 MR RUSSELL: I think so too. It largely depends on how well 8 you know and trust the reporter and his sources 9 previously, so I wouldn't automatically expect to ask 10 the specific name of the person, but if necessary to 11 satisfy myself of the veracity of the story, then yeah, 12 we would. 13 Q. Mr Gilson, are you of the Russell school, the McLellan 14 school or is there -- 15 MR GILSON: I think there's a third middle way there. 16 Clearly you need to, on big stories that you're dealing 17 with, you might need to splash on, it follows that you 18 have to -- that the provenance of it. I think there are 19 times, as Jonathan said, where if you've been working 20 a long time with reporters who consistently delivered 21 that you may say, "I accept and I trust that reporter's 22 word", if there are reasons that he or she might not 23 want to divulge, but generally I think that would be 24 rare, but I do think there are reporters and very good 25 reporters, and track records come into play there, so</p> <p style="text-align: center;">Page 107</p>
<p>1 someone who is suspected of being the source of a story 2 in one of Jonathan's stable has been summarily 3 dismissed, without any hearing or anything like that, 4 because he's suspected of being a whistle-blower, and we 5 have to do all we can to protect people who come to us 6 with information which may well be in the public 7 interest. 8 MR BARR: Mr Feeney, do you align yourself with the McLellan 9 school on this or do you take a different view? 10 MR FEENEY: No, I take exactly the same view. I think it's 11 just a given that the editor has the right and an 12 obligation to know what the source of a story is. 13 I don't say I ask every reporter on every story, "What's 14 your source?" but there are certain stories where 15 I think you just have to know. How do you go about 16 protecting the identity of a source if you don't know 17 who the source is? It just seems to me it puts you with 18 a conflict. 19 Q. Thank you. Mr Russell? 20 MR RUSSELL: Broadly, I take the same view, but I would also 21 take the view that I would try, while I would endeavour 22 to find the organisation or whatever it is of the source 23 of the story, I would be reluctant to ask the reporter 24 to give me the specific name of the person, because 25 I think that the source has a right to expect the</p> <p style="text-align: center;">Page 106</p>	<p>1 I think I would take a slightly middle way. 2 MR McLELLAN: Just to come back on that, I would say that if 3 I'd worked with a reporter for a long time and knew and 4 trusted them, then they're unlikely to have any problem 5 telling me if I asked -- 6 LORD JUSTICE LEVESON: It works two ways. They know and 7 trust you. 8 MR McLELLAN: Trust me, yeah. 9 MR BARR: Your point is it's essential for the safety of the 10 newspaper and for you taking responsibility for the 11 story? 12 MR GILSON: Sorry, what I was saying was if a news editor 13 said to me, "This is the story and we got it from X, our 14 reporter", then you'd either be very confident or not 15 that it was true or not, and I don't think there is 16 every 100 per cent time where I would say, "I need to 17 know the name and address of the person involved in that 18 story." 19 Q. The next thing I'd like to ask about is phone hacking, 20 interception either of conversation or voicemails. I'll 21 start with Mr Gilson. I have a letter which is in the 22 bundle at page 394 and 395 under tab 8. It's towards 23 the back. It's a letter on the Scotsman's headed paper 24 dated 30 October 2007. It has the name "Mike Gilson, 25 editor".</p> <p style="text-align: center;">Page 108</p>

<p>1 MR GILSON: Is that 8J or where are we looking?  2 Q. It's under tab 8 towards the end.  3 LORD JUSTICE LEVESON: It's 8K.  4 MR GILSON: I have it, yes.  5 MR BARR: Is this your letter to Sir Christopher Meyer?  6 MR GILSON: It is.  7 Q. Who was then the chairman of the Press Complaints  8 Commission. It says that on behalf of your chief  9 executive, as chairman of the Johnston Press Editorial  10 Review Group, you were replying to a letter about  11 subterfuge. In the course of replying, in the fourth  12 paragraph, you say:  13 "On subterfuge and issues arising from the  14 Clive Goodman case, I have to say there are not that  15 many occasions in our group when such practice is ever  16 deemed necessary."  17 Could I ask you what you were referring to by the  18 words "such practice"?  19 MR GILSON: Just to give you some background, the Editorial  20 Review Group was, as it says there, a group of editors  21 which I chaired, which advised the Johnston Press board  22 on ethical and journalistic issues and we were asked to  23 look at this. I think what I was saying -- again, this  24 was 2007 -- but we had a fairly extensive trawl through  25 the newspapers to see was any of this sort of thing</p> <p style="text-align: center;">Page 109</p>	<p>1 come up for us at all. Many, many years in Edinburgh  2 covering many stories with local government, police and  3 all government agencies, it's just not been an issue.  4 Q. Mr Feeney?  5 MR FEENEY: The same answer. I've never done it, never been  6 asked to do it.  7 Q. Mr Russell?  8 MR RUSSELL: No, never.  9 Q. Mr Gilson?  10 MR GILSON: The same.  11 Q. Coming on to subterfuge, where Mr Gilson has told us  12 that there might have been some occasions where it had  13 happened, the question is: in what circumstances is  14 subterfuge practised by your titles and with what  15 controls? Mr Gilson, could I start with you?  16 MR GILSON: Certainly, yes. I think, like I said before,  17 the decision about whether this is in the public  18 interest becomes first. There is a rigorous and strong  19 debate. Lawyers may well be involved as well. If an  20 issue needed a journalist to pretend so be somebody  21 other than a journalist, that would only be sanctioned  22 by myself, there have been, you know, two or three  23 cases, certainly one recent case that I can think of, in  24 which we sanctioned that, because the public interest,  25 in my view, made it necessary.</p> <p style="text-align: center;">Page 111</p>
<p>1 happening and I think what we were saying there was that  2 at some points, and obviously with public interest  3 reasons, that subterfuge of some form was not something  4 you could rule out.  5 Q. So is your answer you were referring to subterfuge in  6 general and not to phone hacking specifically?  7 MR GILSON: Sorry. If that's your question, it's subterfuge  8 in general, yes.  9 Q. Mr Gilson, following up with you, have you ever come  10 across phone hacking during your career as a method  11 that's been used to obtain journalistic information?  12 MR GILSON: No.  13 Q. Mr Russell?  14 MR RUSSELL: No.  15 Q. Mr Feeney?  16 MR FEENEY: No.  17 Q. Mr McLellan?  18 MR McLELLAN: No.  19 Q. Can I ask you the same question about payments made to  20 public officials to obtain confidential information.  21 Mr McLellan, have you ever come across that during your  22 career?  23 MR McLELLAN: No. As a result of all this we asked many of  24 our reporters if there's ever been an issue here, they  25 were asked for money and it's just not something that's</p> <p style="text-align: center;">Page 110</p>	<p>1 Q. Is a written record kept, however succinct, of the  2 reasons, the fact of the decision to use subterfuge and  3 the reasons for it?  4 MR GILSON: Not written, no. It will be the subject of  5 numerous meetings. This particular case took three,  6 four months to come to gestation, and at that time it  7 was on a regular weekly meeting about how are we going,  8 where are we going, have we overstepped the mark? And  9 that was always involving myself, reporters and the  10 deputies.  11 LORD JUSTICE LEVESON: Would you minute that?  12 MR GILSON: No. Well, we didn't, no.  13 LORD JUSTICE LEVESON: The reason I ask is because there is  14 a risk that if something happens, and, for example, the  15 story doesn't come out as you want it to and then it all  16 emerges, that justifications come later, whereas if  17 they're at the time, they're that much easier to pin  18 down and to recognise as clearly justifiable.  19 MR GILSON: Yes, I take your point. The only things we'd  20 have had on that one were legal letters and emails about  21 how we should --  22 LORD JUSTICE LEVESON: About which you would say you're not  23 prepared to waive privilege. Probably.  24 MR GILSON: Indeed. But I take your point. As I say, those  25 things, when you are involved in those things, they take</p> <p style="text-align: center;">Page 112</p>

<p>1 long periods, they're not done overnight and the 2 journalists were thoroughly briefed and controlled. As 3 this case happened, it turned out that we exposed some 4 considerable wrongdoing, so again it was justified in my 5 view.</p> <p>6 MR BARR: Thank you. Mr Russell, does the Herald ever use 7 subterfuge, and if so, subject to what controls?</p> <p>8 MR RUSSELL: I would say the potential is there for it to be 9 used and it has been used. I would say there's 10 different levels of subterfuge. It's a very broad word, 11 I suggest. If I thought there was anything that was 12 likely to be illegal or be in breach of the Editors' 13 Code of Conduct or morally questionable, it would be 14 brought to my attention for a decision whether or not to 15 go ahead with it.</p> <p>16 Q. Are reasons recorded or not in writing?</p> <p>17 MR RUSSELL: No, they haven't been up till now.</p> <p>18 Q. Mr Feeney?</p> <p>19 MR FEENEY: We haven't used subterfuge in the time that I've 20 been editor of the Evening Post. I can't answer for if 21 it was used before, I don't know. But generally, on 22 a general point, when I have meetings with reporters to 23 discuss different issues, they're always minuted and 24 notes are issued.</p> <p>25 Q. Mr McLellan?</p> <p style="text-align: center;">Page 113</p>	<p>1 about my secret diner feature? Is that now off limits 2 because I'm using subterfuge?" So it goes from that 3 right the way up to the Daily Telegraph reporters 4 purporting to be members of the public to get 5 information out of Members of Parliament at their 6 surgeries, right the way down to that, so it may seem 7 trivial, but it's not, that the tightening up of 8 subterfuge rules and regulations has an effect over all 9 kinds of different things which the industry up until 10 now and the readers would have regarded as just part and 11 parcel of what we do: exposing things, finding out 12 things which otherwise might not reach the public's 13 attention.</p> <p>14 LORD JUSTICE LEVESON: I think obviously one has to look at 15 all this with a broad brush and with a degree of common 16 sense.</p> <p>17 MR McLELLAN: Yes.</p> <p>18 LORD JUSTICE LEVESON: Somebody said, "We couldn't possibly 19 write it all down because it would all take too long." 20 I'm not trying in any sense to suggest a bureaucratic 21 process, but it's really a question of self-protection 22 as much as anything else.</p> <p>23 MR McLELLAN: I think it's very easy to put up an argument 24 against it, but the sense of it seems to me to outweigh 25 the objections. Given that we have daily conferences,</p> <p style="text-align: center;">Page 115</p>
<p>1 MR McLELLAN: I think it's fair to say subterfuge has played 2 a part in most journalistic careers to one degree or 3 another. In particular, I remember an instance where we 4 sent a male and female reporter to investigate a new 5 swingers club just off Prince's Street and of course 6 they were not swingers and had to pass themselves off as 7 swingers, but that was not something which we had any 8 great moral debate about as to whether or not this was 9 something worth exposing in the public interest.</p> <p>10 It is true to say that custom and practice in 11 newsrooms has been to discuss these things and then go 12 on and do it, and not to note it, not to minute it and 13 not to maintain a paper trail. I'm fully aware that 14 that is something which is now -- if not changing, it 15 has changed, and the new guidelines for the industry as 16 a whole will be that any form of subterfuge that 17 requires a public interest justification must have 18 a paper trail so that, as you say, things gone wrong or 19 something that happens that shouldn't have happened, 20 that there is an audit that can be referred to so that 21 the process can be scrutinised quickly and effectively.</p> <p>22 But, you know, there are elements of subterfuge 23 which, you know, are at the frivolous end. We had 24 a discussion amongst Johnston Press editors not that 25 long ago whereby the one of the daily papers said, "What</p> <p style="text-align: center;">Page 114</p>	<p>1 it's not that difficult to make sure that there's 2 a minute of a discussion that took place surrounding an 3 expose that was going to be worked on.</p> <p>4 LORD JUSTICE LEVESON: Where you're using public interest 5 type explanations to justify what the code would 6 otherwise say was inappropriate?</p> <p>7 MR McLELLAN: Yes.</p> <p>8 LORD JUSTICE LEVESON: I don't suppose that would cover your 9 secret diner.</p> <p>10 MR McLELLAN: Exactly. I don't think you'd have to jot that 11 down every time you sent somebody out to have a 12 surreptitious meal. I suppose the swingers club might 13 require a minute, though.</p> <p>14 MR BARR: I'm going to keep up with that theme because 15 I wanted to move on to the question of how you deal with 16 privacy. If we take that story as an example, if you're 17 going to expose people going to a swingers club, you are 18 invading their privacy to an extent. Did you, when you 19 published the story about that -- I'm assuming you did?</p> <p>20 MR McLELLAN: Yes.</p> <p>21 Q. Did you identify individuals who were visiting that 22 club?</p> <p>23 MR McLELLAN: Not so that they could be identified. There 24 were names given, but not full names and addresses or 25 occupations or anything like that.</p> <p style="text-align: center;">Page 116</p>

<p>1 Q. Was that a deliberate decision to protect their privacy?                  2 MR McLELLAN: No, I just don't think that the full                  3 information was obtained because the situation these                  4 people were in was not one where you would normally say,                  5 "What do you do for a living? What's your second name?"                  6 It wasn't that kind of environment and that might have                  7 blown their cover.                  8 Q. I can quite see that, Mr McLellan. Perhaps I can put it                  9 on a more general level. If you are going to publish                  10 a story which invades somebody's privacy, do you see any                  11 difficulty with, where at least it's a feasible                  12 proposition, giving prior notice to the subject of the                  13 story so that they have an opportunity to object before                  14 irreparable damage is done to their reputation?                  15 MR McLELLAN: I can't think of an instance where that's been                  16 a scenario we've had to deal with, but we would                  17 always -- in general we would go to the source of the                  18 story and say, "Here is the story that we are                  19 considering publishing" --                  20 LORD JUSTICE LEVESON: No, you go to the subject of the                  21 story.                  22 MR McLELLAN: Yes, subject, "What is your reaction to our                  23 findings?" And that would be pre-publication, not post.                  24 But in terms of an invasion of someone's privacy,                  25 I can't think of an instance, other than something like</p> <p style="text-align: center;">Page 117</p>	<p>1 intrusive.                  2 Q. Mr Russell?                  3 MR RUSSELL: Likewise, if a subject of a story is to be                  4 shown in a poor light or criticised, it's incumbent upon                  5 us to go to that person for a reaction or a rebuttal or                  6 right of reply.                  7 Q. Mr Gilson, do you agree?                  8 MR GILSON: Yes, I do. I think in the example I mentioned                  9 to you, which was a case of a gentleman using a high                  10 office in politics to get sexual favours, we would go to                  11 him and gave him a short period of time to respond.                  12 I think in the land known as the land that invented the                  13 superinjunction, something the legal profession is very                  14 proud of, there are times certainly in Northern Ireland                  15 and certainly in some newspapers where you have this                  16 issue of beating the possibility of an injunction.                  17 There have been a case where people haven't been                  18 approached, but in my time in two and a half years at                  19 the Belfast Telegraph that hasn't arisen.                  20 MR BARR: Thank you. Sir, is that a convenient moment?                  21 LORD JUSTICE LEVESON: Yes, certainly. You are aware about                  22 when these gentlemen have to --                  23 MR BARR: Yes, I've established that none of them will be                  24 inconvenienced if we continue this session after the                  25 lunch adjournment.</p> <p style="text-align: center;">Page 119</p>
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<p>1 that club, where it was an issue. At the Scotsman we                  2 tend not to deal with that kind of material on a regular                  3 basis anyway.                  4 MR BARR: Mr Feeney, I need to ask you the same question.                  5 Is privacy and giving prior notice an issue for you?                  6 MR FEENEY: As far as prior notice is concerned, again, as                  7 a general rule we approach people who are the subject of                  8 stories before the stories are published to give them an                  9 opportunity to respond. It's not unusual for us to                  10 delay publication of that story by 24 hours, if they                  11 request that, to give them time to gather their                  12 response, although it's made clear to them that it's not                  13 a means whereby they can suppress publication and if we                  14 delay for 24 hours, we won't delay any further.                  15 I think in terms of views of invasion of privacy,                  16 then that's something that's very much to the forefront                  17 of our minds anyway. We're running a series of stories                  18 at the moment, for example, there's a young American                  19 woman who's gone missing while on a visit to Swansea.                  20 We have been provided with some information about her                  21 private behaviour which has come from a source, I know                  22 the source and I know the source is impeccable, and that                  23 information may well be useful in helping to find the                  24 whereabouts of this young woman, but I've chosen not to                  25 publish that information because I felt it was too</p> <p style="text-align: center;">Page 118</p>	<p>1 LORD JUSTICE LEVESON: I'm sure about that, but as long as                  2 we know when their flights go. Thank you.                  3 (1.02 pm)                  4 (The luncheon adjournment)                  5                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 120</p>
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<b>A</b>	101:11,14	<b>answer</b> 2:16	<b>arm</b> 95:2	<b>awful</b> 72:1	95:11 97:16	<b>bounty</b> 38:3
<b>ABC</b> 7:9	<b>advised</b> 109:21	19:19 21:8	<b>arranged</b> 20:16		102:10 119:19	<b>bowl</b> 42:12
<b>Aberdeen</b> 94:18	<b>affair</b> 15:3,6	39:19 42:18	<b>arrangements</b>	<b>B</b>	<b>belief</b> 2:8 92:1	<b>Bowman</b> 25:8
<b>ability</b> 57:22	16:9 39:13	43:6 47:11	36:21	<b>babies</b> 5:5,11	93:5 94:4 95:8	<b>box</b> 71:4 83:16
<b>able</b> 23:22 36:23	<b>affect</b> 40:15	54:19 110:5	<b>art</b> 6:17 97:8	38:11	<b>believe</b> 22:18	84:13,16
58:18 75:19	<b>affirmed</b> 1:19	111:5 113:20	<b>article</b> 35:13	<b>baby</b> 10:12 16:3	35:25 64:12	<b>boxes</b> 84:17,18
77:7,21 102:25	<b>Affleck</b> 67:11,22	<b>answered</b> 38:18	61:22,23,25	31:13 35:1	67:18 69:18,20	<b>boy</b> 43:24
<b>abounding</b> 46:7	<b>afraid</b> 96:19	38:23	64:10 71:12	38:1,20 39:12	103:12,13	<b>boyfriend</b> 62:15
<b>absolute</b> 43:6	<b>afternoon</b> 91:6	<b>answering</b> 1:9,10	72:8 81:20	86:14	<b>Ben</b> 67:11,22	62:18
48:23 104:4	<b>age</b> 55:24 67:7	60:10	<b>articles</b> 49:24	<b>back</b> 20:25 27:19	<b>best</b> 2:7 7:15	<b>brand</b> 9:17
<b>absolutely</b> 8:19	86:13	<b>answers</b> 38:17	61:18,21 79:25	32:1 41:9,11	10:25 16:23	<b>branding</b> 57:24
9:9,11 13:20	<b>agencies</b> 22:8,8	55:20	88:13,17	43:6 44:11	18:11 46:22,22	<b>Branson</b> 8:22
27:2 33:8	54:17 82:6,20	<b>anti</b> 43:18	<b>arts</b> 96:11 97:23	65:6 79:13	51:7 92:1 93:5	<b>Branson's</b> 8:22
41:10 47:25	94:16,22 100:7	<b>anybody</b> 18:3	<b>ascertain</b> 24:15	85:21 86:5	94:4 95:8	36:11
83:1 87:21	111:3	26:12 29:7	24:17 60:11	87:11 92:5,14	<b>better</b> 8:24 96:20	<b>breach</b> 113:12
<b>abundantly</b>	<b>agency</b> 20:8	40:17 105:21	75:19 77:21	103:8 108:2,23	99:23	<b>break</b> 2:14 69:23
56:10	21:13,19 25:1	<b>anyway</b> 12:5	<b>asked</b> 23:15 44:1	<b>backdrop</b> 4:16	<b>bidding</b> 36:13,14	70:1 90:2
<b>accept</b> 58:15	60:19 62:10,11	23:10 25:10	47:8 67:16	<b>background</b>	<b>big</b> 6:13 8:5,10	<b>break-up</b> 41:24
82:23 107:21	66:19 67:17	118:3,17	71:7,10 104:6	11:11 103:23	8:19 32:20	43:3
<b>access</b> 5:5 11:14	82:16	<b>apologetic</b> 69:16	108:5 109:22	104:22 109:19	42:24 43:13	<b>briefed</b> 113:2
14:16 15:16	<b>agenda</b> 97:13	<b>apologies</b> 48:15	110:23,25	<b>balance</b> 98:8	84:13 89:10	<b>briefly</b> 2:12 3:1
18:17 19:4	<b>agent</b> 25:19 30:1	<b>apologise</b> 69:2	111:6	100:23	97:9 99:15,16	<b>brighter</b> 102:24
42:23 46:16	44:2,6	70:6 81:24	<b>asking</b> 41:8 99:3	<b>balanced</b> 44:3,7	100:22 101:9	<b>brilliant</b> 53:5
<b>account</b> 27:18,18	<b>agents</b> 16:21	<b>apologised</b> 69:13	<b>aspect</b> 13:23	<b>banal</b> 71:18	103:19,20	<b>bring</b> 13:11 82:3
61:10	17:20 25:4	<b>apology</b> 48:12,22	39:1,7	<b>band</b> 43:24	107:16	<b>broad</b> 113:10
<b>accuracy</b> 32:11	31:20 44:4,18	49:16 50:3	<b>aspects</b> 15:8	<b>Barbados</b> 65:15	<b>bigger</b> 56:7	115:15
44:16 80:22	44:22	69:15 72:12	70:14	<b>bargaining</b>	69:18 84:17	<b>broadbrush</b>
81:10	<b>ago</b> 74:10 76:11	73:1 81:15	<b>aspirational</b> 5:14	88:17	<b>biggest</b> 36:5,6	100:12
<b>accurate</b> 3:22	99:22 114:25	<b>Appeal</b> 75:5	<b>asserting</b> 72:3	<b>Barr</b> 90:4,5,18	79:9	<b>Broadly</b> 97:5
44:23 75:8,14	<b>agree</b> 27:11	<b>appear</b> 19:24	<b>assessment</b>	90:22 91:14,20	<b>Birmingham</b>	106:20
75:15	33:25 38:19,25	31:22 34:3	66:10	91:21 95:4	90:25	<b>Brookes</b> 90:25
<b>accurately</b> 74:13	39:3 42:15	58:23 69:16	<b>assistant</b> 3:18	96:22 98:13	<b>birth</b> 85:25	<b>Brother</b> 89:10
<b>acting</b> 3:9 59:15	48:12 57:17	<b>appeared</b> 23:18	51:8 94:11	99:13 103:23	<b>birthday</b> 83:15	<b>brought</b> 53:1
<b>action</b> 104:12	59:10 100:24	60:15 65:20	<b>assisted</b> 29:19	106:8 108:9	84:13,22 86:4	113:14
<b>actor</b> 31:8	119:7	66:23 88:18	<b>associate</b> 3:7	109:5 113:6	<b>bit</b> 7:12 8:15	<b>brush</b> 53:7 55:1
<b>actress</b> 43:22	<b>agreed</b> 31:12,23	<b>appears</b> 21:14	<b>assuming</b> 47:6	116:14 118:4	13:21,24 14:1	115:15
<b>actual</b> 71:4	32:15,18 33:4	<b>applied</b> 10:21	116:19	119:20,23	14:2,9 19:17	<b>bubble</b> 68:8
<b>ad</b> 100:13	33:5 39:25	<b>applies</b> 11:18	<b>assurance</b> 62:11	<b>barrier</b> 86:21,22	20:22 30:5	<b>bugbear</b> 35:17
<b>adamant</b> 38:11	<b>agrees</b> 76:20	27:9	<b>atmosphere</b>	<b>based</b> 5:18,18	41:5 47:15	<b>build-up</b> 80:15
<b>add</b> 22:25 30:13	<b>Aguilera</b> 61:24	<b>apply</b> 12:5 59:11	76:21	40:14 43:5	50:16 64:1	<b>bulley</b> 49:14
39:18 55:2	62:17	<b>applying</b> 10:21	<b>attention</b> 113:14	75:25 81:21	84:7 86:8	<b>bumping</b> 103:17
58:3 89:18	<b>ahead</b> 17:24	<b>appointed</b> 92:13	115:13	91:8 92:11	95:19 96:17	<b>bundle</b> 3:3,25
99:14	43:19 113:15	93:10	<b>attitude</b> 104:2	93:9,17 94:23	99:14,23	67:25 70:22,24
<b>addition</b> 92:17	<b>aired</b> 42:1	<b>appointment</b>	<b>attract</b> 96:8	100:18	<b>bits</b> 61:20 62:15	78:22 81:13
<b>additional</b>	<b>airport</b> 65:16	92:17,22 94:10	<b>attribute</b> 64:2	<b>basically</b> 5:8	<b>blah</b> 86:23,23	86:5 108:22
101:20 103:6	<b>alerted</b> 26:1	<b>appreciate</b> 54:6	<b>attributed</b> 72:24	100:10	<b>blanket</b> 29:8	<b>bureau</b> 94:15
<b>address</b> 66:3	28:19	70:21 87:11	104:19	<b>basics</b> 102:20	<b>blended</b> 50:22	<b>bureaucratic</b>
99:2 108:17	<b>align</b> 106:8	<b>approach</b> 1:14	<b>attribution</b> 71:7	<b>basis</b> 20:9 54:16	<b>Blott</b> 90:22	115:20
<b>addresses</b> 116:24	<b>alive</b> 103:15	64:20,21	71:11	63:5 105:11	<b>blown</b> 117:7	<b>burger</b> 63:23
<b>adhere</b> 11:15	<b>allegation</b> 68:10	104:16 118:7	<b>audience</b> 77:18	118:3	<b>Blumenthal</b>	<b>busiest</b> 6:20
12:21 13:3,4	<b>alleging</b> 72:14	<b>approached</b>	98:11 102:9,12	<b>beach</b> 23:6,8	19:10,15 31:14	<b>business</b> 4:22
55:18	<b>allow</b> 89:24 97:1	23:12 119:18	102:18	25:6 87:21	<b>board</b> 100:16	26:11 36:3
<b>adheres</b> 11:7	<b>alongside</b> 10:7	<b>approval</b> 31:16	<b>audit</b> 114:20	<b>beaches</b> 87:17	109:21	46:4 96:11
<b>adjournment</b>	<b>amazing</b> 4:15	31:23	<b>automatically</b>	88:4,7	<b>boat</b> 60:7	97:8,23
119:25 120:4	5:12 9:12	<b>approved</b> 32:1	107:9	<b>beating</b> 119:16	<b>bodies</b> 61:19,22	<b>businesses</b>
<b>adjudication</b>	<b>American</b> 45:7,8	<b>approximately</b>	<b>available</b> 100:6	<b>beautiful</b> 6:4	<b>body</b> 12:14 30:22	100:18
68:1	58:10 118:18	6:12,14	<b>aware</b> 10:23	38:14 78:2,5	53:12,12 54:1	<b>buy</b> 75:20 80:17
<b>advance</b> 20:17	<b>amount</b> 25:11	<b>apps</b> 102:16	11:1 13:10	81:6	59:5 61:24	82:5,15 102:5
31:12 32:16,18	33:4 35:24	<b>April</b> 3:18 70:19	15:15 20:15,20	<b>began</b> 94:17	62:17,18,20	<b>buying</b> 62:7 81:2
40:1,7 63:1	47:1 53:17	<b>area</b> 11:6 15:21	21:6,17 26:7	<b>beginning</b> 3:2	<b>book</b> 33:21	<b>Byrne</b> 1:18 2:3,3
<b>advert</b> 80:7	75:10	<b>areas</b> 22:4 36:8	35:8 42:8	8:24 92:14	<b>borders</b> 95:25	2:11 3:24 4:5,9
<b>advertisers</b>	<b>Andre</b> 68:2,3	52:25,25 53:21	62:12 64:11	<b>behalf</b> 109:8	<b>bottom</b> 65:24	5:7,8 6:3,23
100:7	70:6	56:20	67:18 69:11	<b>behave</b> 59:8	71:2,3 84:4	7:13,20 9:9
<b>advertising</b>	<b>Anglesey</b> 23:8	<b>argument</b> 14:18	73:19 80:18	<b>behaviour</b> 75:16	103:17	10:10 11:17
98:13,14 99:7	<b>anodyne</b> 31:22	115:23	88:18,23,25	118:21	<b>bought</b> 76:9 82:7	12:19,21 13:7
99:10 100:17	<b>anonymous</b>	<b>arisen</b> 119:19	104:7,23,24	<b>beings</b> 39:6	85:16,18	13:15,20 16:17
100:24 101:3	104:20	<b>arising</b> 109:13	114:13 119:21	<b>Belfast</b> 91:5	<b>bounds</b> 71:20	16:19 17:12

24:20,23 26:22 26:25 27:13,25 29:22 32:13 33:3,8,12,16 34:21 36:18 37:5 38:10,24 39:10,11 43:20 43:21 44:12,18 45:1,3,5,16 47:12,14,18 48:7,9,16,18 48:23 49:7 55:10,15 56:4 56:12,15,17 58:24 76:19,22 77:25 78:19,21 78:24 79:5,9 79:17 80:12,24 81:12,14 82:2 83:1,7,24 84:1 84:6,8,25 85:4 85:6,8 86:2,11 87:2,14,18,24 88:19,24 89:4 89:7,9 <b>Byrne's</b> 52:4	<b>categories</b> 99:15 99:17,23 <b>Catherine</b> 23:7 74:14 77:22 85:14 <b>Catherine's</b> 84:22 86:4 <b>cause</b> 29:25 <b>caused</b> 81:25 <b>cautious</b> 25:16 <b>cavalier</b> 76:8 77:14 <b>Cave</b> 1:17,24,24 2:9,25 3:11 4:12,13 5:20 6:14 7:5 8:8,16 9:17 10:23 12:2 14:10,24 15:7,13 18:17 19:22 20:4,18 21:12 22:21,23 25:23 26:23 27:10,23 30:14 31:3,18 32:19 33:25 35:4 38:24,25 39:5 40:10 41:4,12 42:3 46:11 50:10,11 51:5 51:19 57:10,11 59:10,13,21 60:2,9,16 61:14 62:6,23 63:4 64:5,7,11 64:15 65:4 66:11,16 67:3 67:15 68:21 69:11,18 70:3 70:11 78:17 89:19 <b>celeb</b> 47:3 <b>celebrates</b> 83:14 <b>celebrities</b> 4:14 5:9,10,15,23 11:15 14:15,16 15:16 16:21,21 16:23 17:13,21 18:18 19:4,4 25:12,15,18,24 26:2,3,4 27:6 28:1 31:16 32:20 34:2 37:25 44:19 46:15 54:24 57:1 61:19,21 62:4,11 78:7 82:7 <b>celebrity</b> 7:6,15 8:8,11 9:25 14:4,7,13,18 14:22,24 15:7 16:25 17:9,14 17:18 18:25 20:15,19,25 21:6,10,20 25:22 27:20 29:23 30:9,15	31:12,19,22,24 32:18 33:20,25 36:15 39:1,15 40:6,11,13,23 41:10,15 42:5 42:6 45:7,13 45:14 46:18 48:8,9,12 50:17 58:7,9 61:2,12,15 62:14,20 63:2 63:24 65:11,12 66:8,22 67:1,4 82:21 89:10 <b>celebrity's</b> 21:25 47:2 <b>cancel</b> 71:24 <b>cent</b> 7:11 9:6,7 32:24 33:3 40:2,2 88:20 108:16 <b>central</b> 13:23 42:22 <b>centre</b> 44:25 <b>CEO</b> 73:24 <b>CEO's</b> 4:22 <b>certain</b> 20:21 26:2,7 27:6 31:20 48:23 50:16 53:17 106:14 <b>certainly</b> 24:3 69:11 95:4 99:11 103:21 111:16,23 119:14,15,21 <b>chair</b> 92:18 <b>chaired</b> 92:19 109:21 <b>chairman</b> 33:17 52:15 87:12 109:7,9 <b>challenge</b> 102:7 <b>challenging</b> 11:4 <b>change</b> 7:25 14:9 52:17 54:2 89:21 <b>changed</b> 13:16 82:4 114:15 <b>changes</b> 13:13,17 <b>changing</b> 13:17 98:9 114:14 <b>charge</b> 51:9 <b>charity</b> 36:10,13 37:12 70:8 73:10 <b>Charlotte</b> 37:17 38:10 <b>Charlton</b> 91:9 <b>chats</b> 82:6 <b>check</b> 13:15 23:2 24:1 27:7 28:16 29:5 45:9,11,14,16 45:17 59:23 60:13,16 64:8 <b>checking</b> 11:10	23:10 28:14 32:11 <b>checklist</b> 21:12 <b>checkpoints</b> 63:7 <b>checks</b> 60:20 62:6 66:18 67:15 <b>cheekier</b> 18:20 <b>cheeky</b> 19:9 <b>Chester</b> 92:9 <b>chief</b> 94:15 109:8 <b>child</b> 29:14,15 38:4 67:14 <b>children</b> 5:12 15:2 25:6,8,9 25:13,17 26:9 29:8 37:18 67:23 72:21 87:17 88:4,7 <b>children's</b> 27:4 29:16 <b>child's</b> 67:20 <b>choose</b> 40:14 61:14 <b>chosen</b> 34:4 118:24 <b>christening</b> 37:8 <b>christenings</b> 5:12 <b>Christian</b> 47:20 <b>Christina</b> 61:24 62:17 <b>Christopher</b> 109:5 <b>Church</b> 37:17 <b>circulated</b> 96:1 <b>circulates</b> 95:24 <b>circulation</b> 6:25 7:1,3,17 8:4,5 77:11 98:5,6 <b>circumstance</b> 16:9 30:15,23 60:21 62:10 64:12,24 66:21 <b>circumstances</b> 21:5 22:15 24:15 27:16 29:18 34:10 42:5 55:12 73:7 78:6 79:3 111:13 <b>Citizen</b> 93:17 <b>claiming</b> 71:13 <b>Clarence</b> 23:12 <b>clarification</b> 46:2 47:8,10 <b>clarified</b> 29:20 <b>clarify</b> 12:16 70:5 <b>classified</b> 99:16 100:19 101:6 <b>clear</b> 56:10 71:19 72:7 73:13 76:12 91:13 118:12 <b>clearcut</b> 43:3 <b>clearly</b> 19:2	20:15 23:14 60:7 61:3,15 64:1 65:21,22 72:25 74:10 77:23 78:9 107:16 112:18 <b>Cliff</b> 65:15 <b>Clive</b> 109:14 <b>close</b> 48:19 <b>closely</b> 58:24 <b>closer</b> 84:12 <b>club</b> 114:5 116:12,17,22 118:1 <b>cobbled</b> 72:17 <b>code</b> 10:24,24 11:8,19 12:2,6 12:9,11,16,22 12:22 13:10,14 16:6 52:24 95:15 113:13 116:5 <b>Coleen</b> 80:5,6,20 <b>colleague</b> 3:13 <b>Collins</b> 84:4 <b>collusively</b> 17:3 <b>colour</b> 84:10 <b>column</b> 48:22 92:7 <b>combination</b> 18:17 19:5 <b>combined</b> 102:12 <b>come</b> 1:11 6:8,11 12:24 14:1 20:2,9 22:4 33:22 35:16 44:18 45:4 46:12 47:3,16 47:19 50:25 51:5 52:3 57:2 60:18,22 64:3 65:6 66:19 79:13 89:1 99:10 102:16 106:5 107:25 108:2 110:9,21 111:1 112:6,15 112:16 118:21 <b>comes</b> 25:23 48:10 84:4 98:25 101:18 <b>comfortable</b> 105:13,14 <b>Comic</b> 72:22,23 <b>coming</b> 17:19 34:24 44:11 54:14 111:11 <b>command</b> 105:1 <b>comment</b> 11:15 63:11 <b>commenting</b> 62:1,4 <b>commercial</b> 76:1 77:12 <b>commercially</b> 98:15	<b>commission</b> 24:23 79:14,22 93:21 109:8 <b>commissioned</b> 22:5 <b>Commissioner</b> 92:21 <b>Commission's</b> 79:19 <b>committee</b> 55:21 92:18,20 95:15 <b>common</b> 2:20 57:20 98:6 115:15 <b>companies</b> 20:5 20:6,7 100:11 <b>competition</b> 56:11 58:9,12 <b>competitors</b> 99:4 <b>complain</b> 50:17 <b>complainant</b> 80:10 <b>complainants</b> 69:14 <b>complained</b> 47:22 <b>complainings</b> 79:23 <b>complaint</b> 12:12 28:13 30:3 47:7 48:9 51:3 68:3,19,21 69:8,10,13 70:6 <b>complaints</b> 12:12 47:6,9 47:17,24 48:8 49:4,4,6,10,11 49:12 50:8,14 50:15,20 51:1 51:5,8,10,18 51:21 52:23 53:1,3 54:24 73:20 79:14,18 79:23 92:21 93:21 109:7 <b>complementary</b> 9:23 <b>completely</b> 26:20 36:5,9 41:22 45:24 <b>completeness</b> 69:12 70:4 <b>completes</b> 97:18 <b>complicated</b> 30:6 <b>comply</b> 11:25 <b>compounded</b> 101:13 <b>comprises</b> 6:14 94:8 <b>computer</b> 103:3 <b>concept</b> 40:4 <b>concern</b> 37:6 54:23 98:17 <b>concerned</b> 10:11 13:1 24:15	27:21,22 31:7 63:25 79:23 82:14 87:5,9 99:2,21 118:6 <b>concerns</b> 52:14 99:4 <b>Conduct</b> 113:13 <b>conference</b> 12:14 22:12 62:18 <b>conferences</b> 20:10 115:25 <b>confidence</b> 104:20 <b>confident</b> 104:17 108:14 <b>confidential</b> 19:2 36:9 110:20 <b>confirm</b> 2:6 91:22 93:1,25 <b>confirmation</b> 11:11 46:6,8,9 46:11 <b>conflict</b> 106:18 <b>Connolly</b> 90:23 <b>conscious</b> 11:1 31:5 90:11,13 <b>consensual</b> 33:6 <b>consent</b> 40:5,6 <b>consider</b> 14:5 15:5 21:23 58:8 97:6 <b>considerable</b> 74:25 75:10,12 113:4 <b>considerably</b> 79:4 <b>consideration</b> 77:21 78:6 <b>considerations</b> 62:19 <b>considering</b> 61:8 117:19 <b>consisted</b> 56:10 56:14 <b>consistently</b> 107:20 <b>constituted</b> 68:13 <b>contact</b> 29:3 30:1 44:22 66:3 <b>contacted</b> 25:4,7 25:20 <b>contacting</b> 30:7 <b>contained</b> 81:19 <b>content</b> 5:6 37:13 54:13 66:16 79:24 96:8 102:6,8 <b>contentious</b> 40:12 <b>contents</b> 2:7 91:25 93:4 94:3 95:7 <b>context</b> 68:4 82:21 <b>continue</b> 55:5 119:24
---	--	--	---	---	--	--



<b>contract</b> 17:9	84:8,16 97:12	<b>deadline</b> 24:8	30:14 41:13	<b>disagreement</b>	<b>Duchess</b> 58:17	113:12 114:24
<b>contractually</b>	97:24 100:25	<b>deal</b> 5:21,22	42:4 107:7	2:23	83:12,14,22	<b>editorship</b> 24:3
33:20 34:12,14	116:8 117:7	41:13 51:2,4	<b>deputies</b> 112:10	<b>disagrees</b> 51:12	<b>dwelling</b> 76:10	93:15
34:21	<b>covered</b> 80:7	51:11 54:23	<b>deputy</b> 3:7 4:7	51:22	<b>dynamic</b> 90:12	<b>editor's</b> 21:3
<b>contradicts</b>	<b>covering</b> 9:22	72:11 89:2,12	47:20 51:11	<b>disappeared</b>	90:14	63:7 104:3
14:19	97:7 111:2	107:5 116:15	<b>describe</b> 4:10	99:21	<b>dynamics</b> 98:24	<b>editor-in-chief</b>
<b>control</b> 37:2,22	<b>covers</b> 59:2,3	117:16 118:2	<b>description</b>	<b>disciplinary</b>	98:25	73:25 93:11
78:1	79:24 95:24	<b>dealing</b> 10:22	82:23	104:11		94:7
<b>controlled</b> 22:7	96:25	47:17 53:2	<b>desire</b> 37:23	<b>disclose</b> 15:6	<hr/> <b>E</b> <hr/>	<b>effect</b> 7:5 115:8
36:19,24 37:22	<b>cow</b> 100:17	61:18,21	<b>desk</b> 6:15 10:24	33:24	<b>earlier</b> 33:18	<b>effectively</b> 54:25
38:7 78:3	<b>Cowell</b> 60:1,5,13	107:16	13:9 20:9 21:3	<b>discourtesy</b>	39:21 55:7	75:7 114:21
113:2	60:16,25 61:16	<b>dealings</b> 57:11	46:14 63:7	91:10	60:10 77:25	<b>efficient</b> 100:12
<b>controls</b> 74:22	<b>co-operating</b>	<b>deals</b> 47:21 49:3	<b>Desmond</b> 56:9	<b>discuss</b> 12:24	103:18	<b>egg</b> 19:10,15
111:15 113:7	17:6	49:6	<b>despite</b> 44:11	13:2,2 25:1	<b>early</b> 94:24	31:14
<b>convenient</b>	<b>co-operative</b>	<b>dealt</b> 49:10	74:21,22 97:16	113:23 114:11	<b>earned</b> 15:1	<b>eight</b> 50:14
119:20	18:1,9	<b>debate</b> 50:16	<b>detail</b> 85:4 86:18	<b>discussed</b> 48:10	<b>easier</b> 25:3 100:8	<b>either</b> 22:5 32:9
<b>conversation</b>	<b>Crawford</b> 91:23	51:14 53:10	<b>details</b> 71:24	55:7 77:16	112:17	52:12 88:23
32:2 108:20	<b>crazy</b> 59:3	111:19 114:8	86:17 104:5	88:19,21	<b>easily</b> 42:14	108:14,20
<b>conversations</b>	<b>credible</b> 4:17	<b>decide</b> 20:10	<b>detrimental</b> 57:8	<b>discussing</b> 12:6	<b>east</b> 96:1	<b>electronic</b>
62:8 66:17	<b>credit</b> 72:23	29:15 34:25	57:9	63:10 86:2	<b>easy</b> 24:9 44:19	102:18
<b>converse</b> 27:5	<b>criteria</b> 64:24	38:1 107:5	<b>developed</b>	<b>discussion</b> 48:1	115:23	<b>element</b> 54:1
<b>cooperative</b>	<b>critical</b> 56:17	<b>decided</b> 39:7	103:14	49:17 57:23	<b>economic</b> 100:4	<b>elements</b> 90:15
76:20	75:16	<b>decides</b> 13:25	<b>devices</b> 102:16	101:22 114:24	<b>economics</b>	114:22
<b>copies</b> 7:10 9:4	<b>criticised</b> 56:14	<b>deciding</b> 10:18	<b>dialogue</b> 49:24	116:2	100:18	<b>elicit</b> 98:15
68:5 79:4	119:4	10:19 15:20	51:14 73:24	<b>discussions</b> 9:21	<b>edict</b> 57:3	<b>email</b> 51:25
<b>copy</b> 10:24 13:5	<b>criticism</b> 18:4	61:9 62:7	<b>diaspora</b> 96:3	45:25	<b>Edinburgh</b>	65:10 66:1,2
13:8 31:16,23	<b>crooner</b> 65:15	74:18	<b>dictate</b> 61:12	<b>dismissed</b> 106:3	92:12 96:6,7	<b>emails</b> 50:19
31:25 32:11	<b>cross</b> 13:1 86:21	<b>decision</b> 23:4	<b>difference</b> 8:7	<b>dispute</b> 75:25	111:1	51:9,17 69:17
59:20,22 64:4	88:11	24:6 27:15	14:11 18:14	76:1	<b>edit</b> 9:16,19,20	112:20
64:5 65:6 83:5	<b>crossed</b> 86:22	58:19 60:23	100:22 107:6	<b>disputes</b> 42:1	<b>Edith</b> 25:8	<b>embodies</b> 12:2
83:8	<b>culture</b> 73:14	61:2 63:12	<b>different</b> 1:14	<b>distinct</b> 107:6	<b>edition</b> 80:8	<b>emerges</b> 112:16
<b>core</b> 5:6	76:13	64:25 67:13	12:18,25 14:3	<b>distinction</b>	81:18 83:3	<b>emphasis</b> 4:15
<b>corner</b> 71:4 84:5	<b>current</b> 53:22	68:23 75:19	15:12,21 16:1	105:19	<b>editions</b> 97:1,19	<b>employ</b> 6:12 12:8
<b>Coronation</b>	<b>currently</b> 7:13	76:1 77:9,12	16:15 19:13,18	<b>divulge</b> 104:5,12	<b>editor</b> 1:24 2:1,3	<b>employees</b> 11:1
43:22	52:5 73:8	77:24 111:17	22:4 30:8,10	107:23	3:7,7,8,8,9,10	<b>employer</b> 101:9
<b>correct</b> 3:11,22	<b>curtain</b> 20:25	112:2 113:14	34:10 36:16	<b>doing</b> 7:20 9:24	3:12,19,20 4:7	<b>empowering</b>
4:9 65:9 75:3	<b>curtains</b> 42:14	117:1	52:4 54:10,18	17:4 18:18	4:7,8 6:16 10:3	62:14
91:25 93:5	<b>custom</b> 114:10	<b>decisions</b> 10:17	55:11 56:20	26:13 35:9	10:11,22,23	<b>empty</b> 18:15
94:4,18 95:16		54:15	58:13 59:9	36:18 39:22	11:8 21:12,18	84:13,20
<b>correction</b> 48:22	<hr/> <b>D</b> <hr/>	<b>declined</b> 7:18	60:20 72:8,9	41:15 45:12	23:4 25:1 28:9	<b>encounter</b> 12:11
50:3	<b>daily</b> 20:9,10	<b>declining</b> 7:3	77:2 78:10	57:7,7 65:13	47:20 49:2,3	<b>encouraged</b>
<b>corrections</b> 47:6	29:13 54:15	<b>decreasing</b> 98:6	87:24 90:13,15	71:25 82:6	49:12 50:12	45:24 53:11
48:15 50:20	58:20 92:20	98:14	90:15 96:25	99:23 102:17	51:5 54:14	100:11,14
<b>correspond</b>	93:9,17,20	<b>deemed</b> 109:16	98:11,22,24	<b>dollar</b> 102:13	59:14,15,17	<b>encourages</b>
79:25	94:11,14,15	<b>defamatory</b>	106:9 113:10	<b>domain</b> 37:21	60:19 62:9	23:23
<b>correspondent</b>	95:14,23 96:25	88:13,17	113:23 115:9	<b>donate</b> 36:12	64:11 67:17	<b>endeavour</b>
94:13	114:25 115:3	<b>defining</b> 16:7	<b>difficult</b> 11:6	<b>donated</b> 36:10	68:21 69:1	106:21
<b>costly</b> 76:12	115:25	39:21	23:3 24:5	<b>donation</b> 70:8	70:18 78:22	<b>ended</b> 100:20
78:11	<b>damage</b> 55:1	<b>definitely</b> 6:3	55:19 88:5	<b>Doran</b> 91:6	80:24 87:19	<b>engaged</b> 43:25
<b>councils</b> 101:17	117:14	7:20 8:1 22:23	116:1	<b>double</b> 46:23	92:13,15 93:7	<b>English</b> 90:8
<b>counties</b> 96:25	<b>damages</b> 75:12	25:11 32:14	<b>difficulty</b> 117:11	<b>doubles</b> 8:14,16	93:16 94:6,10	<b>enjoy</b> 18:18 34:3
<b>country</b> 5:9 7:16	<b>date</b> 13:12,13	38:2,25 76:22	<b>digital</b> 58:1	<b>doubt</b> 7:5 8:2,9	94:11,13,14,14	<b>enjoys</b> 61:1
16:23 53:21	52:19	88:11	<b>diminish</b> 37:24	56:9	95:10,11 104:6	<b>ensure</b> 11:25
77:6 97:17	<b>dated</b> 108:24	<b>degree</b> 114:2	<b>diner</b> 115:1	<b>doubtless</b> 74:17	104:7,25	21:9 24:21
<b>couple</b> 6:16	<b>daughter</b> 8:22	115:15	116:9	<b>Douglas</b> 74:7,14	105:10,20	44:16 66:12
24:17 36:11	67:11 87:7,10	<b>delay</b> 118:10,14	<b>direct</b> 11:14	77:23	106:11 107:1	<b>entered</b> 17:8
41:17 42:7	<b>daughter's</b> 67:12	118:14	16:20,20 51:5	<b>Douglas's</b> 77:4	108:12,25	<b>entertain</b> 4:20
50:12 86:3	<b>David</b> 90:25	<b>deliberate</b> 117:1	64:3 95:8	<b>downturn</b> 100:4	113:20	14:14
<b>course</b> 47:11	<b>day</b> 4:14 12:25	<b>deliberately</b> 18:6	<b>directly</b> 11:12	100:9,11,13	<b>editorial</b> 22:10	<b>entertaining</b>
52:12 69:1	67:7 86:13	<b>delicious</b> 84:23	17:13,21,22	<b>downward</b> 99:24	51:8 56:1	4:14 53:6
101:8 102:13	90:5 97:12	85:24	28:16 36:10	<b>DPS</b> 80:14	80:14 92:17	<b>entertainment</b>
109:11 114:5	<b>days</b> 9:4 36:15	<b>delighted</b> 103:22	45:22 74:4	<b>Dr</b> 88:13,13	93:19 103:24	4:17
<b>court</b> 39:16 75:5	49:14	<b>delivered</b> 107:20	<b>disabilities</b> 69:10	<b>draw</b> 42:13	109:9,19	<b>entire</b> 92:4 97:17
<b>cover</b> 4:14 8:21	<b>daytime</b> 66:3	<b>department</b>	<b>disability</b> 68:15	<b>draws</b> 86:25	<b>editors</b> 1:5 6:16	<b>entitled</b> 105:20
59:5 72:14	<b>day's</b> 44:4	22:11 45:10	68:16	<b>dress</b> 18:21	12:22 49:18	<b>entrenched</b> 12:4
73:25 80:21	<b>de</b> 4:24	48:11	<b>disagree</b> 27:14	<b>drop</b> 41:23	77:6 90:6,8,10	<b>environment</b>
81:1,6 83:5,11	<b>dead</b> 103:11	<b>depends</b> 8:8	99:13	<b>drop-off</b> 99:12	92:18 109:20	22:7 24:7

34:16 36:24 37:13 38:7 78:3 117:6 <b>environments</b> 95:19 <b>envisage</b> 84:1 <b>equally</b> 90:13 <b>especially</b> 5:4 9:1 13:11 23:5 23:11 27:3 58:16 59:3 73:25 <b>essence</b> 32:1 37:18 <b>essential</b> 108:9 <b>essentially</b> 61:12 77:12 88:16 <b>established</b> 119:23 <b>ethical</b> 109:22 <b>ethics</b> 11:2 12:2 12:10 52:22 <b>Evening</b> 90:25 91:4,8,8 92:10 92:12,14 93:8 93:11 94:9,17 95:12,14 96:6 96:24 104:10 113:20 <b>event</b> 17:14,15 42:24 58:21,22 <b>events</b> 46:16 <b>eventually</b> 19:20 75:12 <b>everybody</b> 39:8 53:9,13 68:25 <b>everybody's</b> 33:6 <b>everyone's</b> 13:12 <b>evidence</b> 37:17 42:16 49:1 62:22 70:23,25 87:3,4 88:12 88:15 <b>exact</b> 101:24 <b>exactly</b> 23:25 104:8 106:10 116:10 <b>examiner</b> 93:22 <b>example</b> 9:24 14:21,23 15:4 19:9 41:17,25 43:21 54:17 60:25 65:14 79:7 80:3 83:11 104:10 107:2 112:14 116:16 118:18 119:8 <b>examples</b> 80:1 <b>excellent</b> 57:14 <b>exception</b> 96:13 <b>exceptions</b> 40:8 <b>excited</b> 67:5 <b>exciting</b> 7:8 <b>exclusive</b> 5:8,13 5:14 7:21 8:6 8:10,20 15:18	19:25 31:13,13 32:15 33:19 37:3 45:12 70:16 71:13 72:15,25 73:3 73:20,23,23 74:2,3,16 75:8 75:21,24 76:5 76:17 77:24,25 79:3 81:19,20 82:10,11,12,24 83:1,18 84:3 86:3,23 88:16 89:14 <b>exclusives</b> 70:14 76:3,6,18 77:7 78:14 <b>exclusivity</b> 40:15 <b>executive</b> 3:8 109:9 <b>Exeter</b> 93:20 <b>existence</b> 50:14 69:9 <b>expect</b> 2:15 85:19 102:20 103:3 106:25 107:9 <b>expectation</b> 103:2 <b>expecting</b> 52:6 58:22 <b>experience</b> 12:18 25:23 27:21 34:2 37:3 52:10,18 53:21 55:11 58:14 95:1 <b>experienced</b> 12:8 43:1 <b>explain</b> 2:12 3:16 4:1 43:16 47:24 <b>explained</b> 40:1 46:25 74:12,18 77:25 <b>explaining</b> 47:22 <b>explains</b> 4:25 <b>explanations</b> 116:5 <b>expose</b> 52:7 99:4 116:3,17 <b>exposed</b> 105:23 113:3 <b>exposing</b> 114:9 115:11 <b>exposure</b> 33:14 <b>Express</b> 88:15 94:15,17 <b>expressed</b> 98:17 <b>extensive</b> 96:2 109:24 <b>extent</b> 14:5 17:3 17:4,7 20:12 40:7 86:20 116:18 <b>external</b> 51:6 93:22	<b>extract</b> 79:18 81:16 <b>extramarital</b> 15:3 <b>extremely</b> 6:2 59:2 <b>ex-editors</b> 53:20 57:18 <b>eye</b> 9:19 66:21 <hr/> <b>F</b> <hr/> <b>fabulous</b> 81:6 <b>face</b> 18:11 54:8,9 67:12,20 <b>Facebook</b> 67:9 <b>facing</b> 98:5 <b>fact</b> 3:12 4:25 12:12 15:6 36:14 40:14 55:6 57:14 71:18 74:21 81:20 82:13 84:3 100:19 103:8 112:2 <b>factor</b> 16:5,6,7 39:21,22 61:23 64:25 <b>factors</b> 21:22 41:15 47:1 60:22 <b>facts</b> 24:7 45:10 45:11 105:1 <b>factual</b> 45:17 <b>fail</b> 99:2 <b>failed</b> 52:25 <b>fair</b> 19:14 39:5 42:2,3 57:12 66:10 75:8,14 75:14 81:10 86:10 99:20 114:1 <b>fairly</b> 75:15 109:24 <b>fall</b> 99:16 <b>false</b> 71:7,11 <b>familiar</b> 74:8 <b>families</b> 26:8 71:23 <b>family</b> 4:22 14:25 15:9,9 15:11 16:13 26:15 29:24 39:13 70:9 71:20 99:25 <b>famous</b> 4:21 5:9 37:6 42:7 <b>fancy</b> 50:16 <b>fans</b> 37:10 <b>fantastic</b> 5:14 6:7 25:3 30:1 <b>far</b> 10:11 12:10 34:15 52:22 75:18 77:20 99:21 118:6 <b>fashion</b> 4:15 20:6 <b>fast</b> 41:12 63:6 <b>fat</b> 62:4	<b>faults</b> 52:7 <b>favourite</b> 85:19 <b>favours</b> 119:10 <b>feared</b> 72:4 <b>fears</b> 58:4 <b>feasible</b> 117:11 <b>feature</b> 5:2 16:19 17:24 21:15 33:19 38:20 74:18 77:4 115:1 <b>featured</b> 8:21 <b>features</b> 3:8,8,19 4:7 5:3 6:15 7:21,21 12:25 16:18 31:10 36:16 45:21 89:14 <b>February</b> 92:15 <b>fee</b> 35:15,19,22 <b>feedback</b> 49:22 <b>feeding</b> 64:1 <b>feel</b> 7:11 10:3 30:10,11 35:15 37:13 41:18 55:19 61:5 63:11 77:23 78:7 86:13,21 87:25 98:1 <b>feeling</b> 76:8 77:14 <b>feelings</b> 77:22 <b>Feeny</b> 91:3,18 93:1,3,3,6,7,24 96:22,24 99:6 100:25 101:8 102:4 106:8,10 110:15,16 111:4,5 113:18 113:19 118:4,6 <b>fees</b> 36:9 <b>felt</b> 62:13 64:15 64:20 77:18 118:25 <b>female</b> 114:4 <b>fight</b> 105:20 <b>figure</b> 50:8 98:12 99:9 101:24 <b>figures</b> 6:25 7:2 7:3,9,17 8:4,5 33:1 <b>fill</b> 90:17 <b>film</b> 9:25 17:10 17:10,17,19 20:6 29:16 33:21 <b>films</b> 82:7 <b>final</b> 88:12 <b>find</b> 3:3 19:8 23:12 29:18 36:14,18 44:22 48:21 50:6 71:2,3 79:13 100:8,12,15 104:22 105:23 106:22 118:23 <b>finding</b> 101:8	105:25 115:11 <b>findings</b> 117:23 <b>fine</b> 14:9 26:10 26:25 30:7 47:25 81:5 <b>finger-pointing</b> 64:21 <b>finished</b> 70:3 <b>firm</b> 7:6 <b>first</b> 2:15 5:12 13:25 28:5 31:11,15 35:18 38:4 39:12,23 52:9 58:8 70:15 79:12 83:20 90:18,22 91:2,14 95:18 103:25 111:18 <b>Firstly</b> 62:6 <b>fit</b> 91:12 <b>fits</b> 99:1 <b>five</b> 7:19 12:13 91:12 99:7 <b>flak</b> 99:18 <b>flattering</b> 18:5,7 78:6 <b>flavour</b> 47:9 97:9 <b>Fleet</b> 90:14 <b>flights</b> 120:2 <b>fluctuate</b> 9:6 <b>fluctuation</b> 9:12 <b>focus</b> 97:2 <b>focused</b> 34:19 <b>focuses</b> 97:23 <b>follow</b> 41:8 57:3 <b>followed</b> 23:16 38:15 <b>following</b> 41:7 80:8 110:9 <b>follows</b> 107:17 <b>food</b> 85:19 <b>forced</b> 35:7 <b>forefront</b> 118:16 <b>foreign</b> 58:7,9,17 58:23 59:2 <b>forever</b> 30:24 <b>form</b> 57:19 102:16 110:3 114:16 <b>formally</b> 90:18 <b>format</b> 2:12 <b>former</b> 55:22 93:21 95:11 <b>forward</b> 18:12 <b>found</b> 15:2 57:12 57:13 59:6 84:25 100:8 <b>four</b> 32:20 91:2 91:12 112:6 <b>fourth</b> 109:11 <b>four-fold</b> 79:8 <b>free</b> 36:6 100:6 103:1,4 <b>freelance</b> 74:20 74:23 75:6 <b>freelancers</b> 6:24 <b>freelancing</b> 4:4	<b>French</b> 59:3 <b>Friday</b> 6:22 23:7 40:17 41:6 <b>friendly</b> 30:9 <b>friends</b> 105:18 <b>frivolous</b> 114:23 <b>front</b> 8:20 18:24 20:7 48:19 79:1,2,20 80:23,23 81:11 83:5,8,11 <b>front-page</b> 80:4 <b>froth</b> 4:25 <b>fruit</b> 60:6 <b>full</b> 1:22 18:14 18:15 22:14,22 46:25 80:20 91:22 93:2 94:1 95:5 104:5 116:24 117:2 <b>fully</b> 105:1 114:13 <b>full-page</b> 80:6 <b>fun</b> 69:9 88:7 <b>function</b> 4:19 96:14 <b>fund</b> 36:12 <b>further</b> 66:24 72:5 84:12 118:14 <b>future</b> 25:10 42:24 44:13 52:7,14 53:8 54:3 56:23 58:4 102:24 <hr/> <b>G</b> <hr/> <b>gather</b> 118:11 <b>gear</b> 89:21 <b>general</b> 2:14 6:11 7:21 8:12 9:14 21:2,15 27:8 31:14,18 32:4,8,9,24 40:10 44:21 55:24 56:20 67:4 99:6 110:6,8 113:22 117:9,17 118:7 <b>generally</b> 17:24 25:25 49:20 50:22 61:4 84:18 107:23 113:21 <b>gentle</b> 64:20 <b>gentleman</b> 119:9 <b>gentlemen</b> 95:18 119:22 <b>genuinely</b> 64:19 <b>Gerry</b> 88:13 <b>gestation</b> 112:6 <b>getting</b> 17:7 37:5 74:12 <b>gifts</b> 84:23 85:16 85:23 86:17 <b>Gilson</b> 91:5,16	95:4,6,6,9,10 95:17 97:15,16 98:10 101:5 102:9 103:10 107:13,15 108:12,21,24 109:1,4,6,19 110:7,9,12 111:9,10,11,15 111:16 112:4 112:12,19,24 119:7,8 <b>girl</b> 59:6 <b>give</b> 1:22 9:2 14:21,22 31:15 31:23 32:22 33:20 34:24 35:2,3,14 37:11,17 40:10 41:12 47:8 48:4 50:21 52:6 59:22 65:11 68:4 72:5 80:1,3 82:21 99:9 106:24 109:19 118:8,11 <b>given</b> 12:20 44:4 49:4 77:22 78:7 81:21 82:13 86:17 106:11 115:25 116:24 <b>giving</b> 34:24 48:25 117:12 118:5 <b>glance</b> 83:20 <b>glaringly</b> 21:24 <b>Glasgow</b> 94:7 <b>glass</b> 18:14,15,15 42:12 <b>glean</b> 72:20 <b>glossy</b> 6:4 10:4 <b>Gloucester</b> 93:17 <b>go</b> 10:1 14:8 15:17 17:13,24 20:5 21:22 22:1 24:14 26:17 28:5,15 29:4 34:15,18 37:14 40:16,17 47:1,5,7 50:19 51:7,8 56:25 59:18 60:20 85:21 86:5 100:20 106:15 107:3 113:15 114:11 117:17 117:20 119:5 119:10 120:2 <b>goes</b> 8:15 13:25 45:10 61:1 66:16 72:11 115:2 <b>going</b> 1:8,9 2:13 2:14,25 8:12 9:20 10:17
---	--	---	--	---	--	---

17:7 21:7	14:24 15:3	<b>heading</b> 98:7	45:2 48:13,18	<b>impact</b> 101:25	<b>initially</b> 75:3	<b>interviewed</b>
25:14 26:18	18:14 30:14,20	<b>headline</b> 61:19	<b>home</b> 6:5 16:3	<b>impartial</b> 53:19	<b>injunction</b> 25:19	17:15 32:5
29:13 30:18	34:5 35:10	63:22 80:4	33:19 34:8,18	53:23	75:2 119:16	<b>interviewing</b>
31:9 32:6	39:20 49:25	82:23 83:13	38:20 96:4	<b>impeccable</b>	<b>ink</b> 60:23 103:15	33:11
35:16,19 40:4	76:7 77:13,13	84:21 85:1,21	103:3	118:22	<b>inky</b> 103:10	<b>interviews</b> 4:15
40:8,11 43:25	<b>guests</b> 84:23	<b>headlines</b> 79:1	<b>homes</b> 5:5,11	<b>importance</b> 5:25	<b>innocent</b> 16:14	5:3 6:5 12:25
44:24 47:1	85:23	80:23	<b>homework</b> 56:5	6:6 12:3 80:22	<b>Inquiry</b> 1:23 2:6	18:19 31:16
52:17 58:20	<b>guidance</b> 28:12	<b>heads</b> 22:11	<b>honest</b> 18:1,9	<b>important</b> 5:4	28:7 49:1	32:15,20 71:25
59:12,19 63:23	<b>guidelines</b> 10:25	<b>hear</b> 30:2 91:6	39:17 44:14	6:2 9:15,17	52:12 53:1	73:6 81:8,21
68:9 70:13	46:22 114:15	103:22	56:8	10:8,15 11:23	57:6 70:25	82:5,13 89:11
71:22 76:19	<b>guiding</b> 12:13	<b>heard</b> 41:2 48:25	<b>honorary</b> 92:23	12:7 13:22	91:24 93:2	89:13
81:5 84:11	<b>Guiltenane</b>	52:11	<b>Hope</b> 63:23	15:9 19:19	99:1	<b>intimate</b> 84:22
85:13,22 90:6	47:20	<b>hearing</b> 54:2	<b>hopefully</b> 2:22	31:6,19 41:18	<b>inside</b> 72:15	85:14,21,23
91:1,2,6 96:16	<b>gurus</b> 103:12	71:23 90:6	53:11	53:4,8 70:7	79:25 80:6	<b>introduction</b> 5:5
100:3 101:23	<b>guys</b> 59:10	106:3	<b>horse's</b> 16:20	73:2,13 77:4	81:1,8 85:2,4,7	<b>intrusive</b> 21:14
103:25 104:14		<b>Heat</b> 1:5,24 3:6	44:20	81:11,12 82:19	<b>insight</b> 4:20	119:1
104:18,19	<b>H</b>	4:13 6:14	<b>HOSKINS</b> 1:4,8	<b>imposed</b> 68:8,12	<b>instance</b> 26:3	<b>invade</b> 39:9
105:5,9 112:7	<b>hacking</b> 108:19	14:14 20:18	1:15,20,21	<b>inaccurate</b> 82:25	43:17 50:7	<b>invaded</b> 24:22
112:8 116:3,14	110:6,10	22:21 34:1,1	2:25 19:7,12	<b>inappropriate</b>	60:17 61:4	66:15
116:17,17	<b>half</b> 18:14,15,15	40:16 46:9	19:16 24:20	116:6	62:13,16 64:13	<b>invades</b> 117:10
117:9	20:4 101:9	57:11 59:13,19	27:5 30:12	<b>inaudible</b> 70:12	65:4 67:22	<b>invading</b> 64:17
<b>good</b> 1:4,16,21	119:18	61:20,25 65:7	31:9 33:17	<b>incident</b> 70:20	69:7 114:3	116:18
8:20 10:15	<b>halved</b> 99:8	66:4 68:5 69:9	37:16 41:8	72:13	117:15,25	<b>invasion</b> 21:11
15:18 23:11	<b>handed</b> 51:11	<b>Heat's</b> 50:13	42:18 51:24	<b>incisive</b> 53:6	<b>instances</b> 31:23	62:3 66:24
33:9,10,16	<b>handful</b> 47:12,13	<b>held</b> 92:22 93:19	52:2 54:19	<b>include</b> 91:2	40:19 42:4	72:5 117:24
41:20,25 44:13	<b>hands</b> 38:8	<b>Hello</b> 1:5 2:2	56:22 59:25	<b>included</b> 94:12	67:19	118:15
52:24 53:12,24	<b>handwriting</b>	3:12,18 4:19	63:19 65:9	<b>including</b> 50:8	<b>intended</b> 80:9	<b>invented</b> 119:12
54:7,11,22	79:15	4:23 7:8 9:5	70:3,12 77:8	60:20 68:25	91:10	<b>investigate</b> 114:4
55:16 56:18	<b>happen</b> 33:19	12:10 15:20	83:10 86:25	88:15	<b>intense</b> 28:14	<b>invitation</b> 5:8
57:14 58:1	37:9 49:17	16:4,10 18:5	89:16,22,25	<b>inconvenienced</b>	<b>interact</b> 55:12	66:13 80:16
61:7 76:15	56:24 76:11	22:20 23:9,25	<b>hours</b> 2:13	119:24	<b>interception</b>	<b>invite</b> 1:11 5:10
82:2 90:5	78:14,18,19	28:14 35:20	118:10,14	<b>increase</b> 8:19 9:7	108:20	<b>invited</b> 16:3 66:5
102:2,4,15	89:6,24 103:19	36:3,16 70:18	<b>house</b> 12:23	9:7 77:11	<b>interest</b> 14:3,6	<b>inviting</b> 66:10,24
107:24	<b>happened</b> 24:18	70:19,23 71:12	23:12	<b>increased</b> 7:18	14:11,18 15:5	<b>involved</b> 16:12
<b>Goodman</b>	37:8 68:19	72:5,14 73:11	<b>Housekeeping</b>	79:8	15:16 16:17,24	16:13,14 17:25
109:14	69:4 77:5	73:20 74:4,7	53:25 54:7,11	<b>increasing</b> 98:4	28:23 35:11	39:24 53:14
<b>Goody's</b> 79:7	78:16 82:1,2	74:24 75:6,11	<b>houses</b> 71:23	98:13 99:10	43:14 106:7	57:21 108:17
<b>gosh</b> 9:3 33:3	89:8,10 105:6	75:16 76:6,7	<b>huge</b> 16:24 17:12	<b>incredibly</b> 9:17	110:2 111:18	111:19 112:25
45:5 88:21	111:13 113:3	77:9,17 78:4	26:12 41:16	<b>incumbent</b> 119:4	111:24 114:9	<b>involving</b> 112:9
<b>gossip</b> 44:24 45:1	114:19	79:1 87:6,9	84:17	<b>independent</b>	114:17 116:4	<b>in-house</b> 6:24
45:2 46:5	<b>happening</b> 44:12	<b>help</b> 89:14 90:11	<b>hugely</b> 17:20	10:2 49:3	<b>interested</b> 26:13	<b>in-the-hand</b>
48:13,18,20	76:22 110:1	<b>helped</b> 77:6	87:20	90:23	31:25 33:10	103:20
<b>government</b>	<b>happens</b> 72:1	<b>helpful</b> 63:15	<b>Hull</b> 95:13	<b>indicate</b> 28:2	42:9 77:18	<b>iPad</b> 103:5
101:16 111:2,3	88:25 112:14	<b>helpfully</b> 28:2	<b>human</b> 39:6	73:14 76:13	<b>interesting</b> 14:12	<b>Ipswich</b> 91:9
<b>grainy</b> 78:5	114:19	<b>helping</b> 90:17	<b>husband</b> 83:18	<b>indicated</b> 72:15	28:6	<b>Ireland</b> 90:7,12
<b>grandfather</b>	<b>happily</b> 51:13	118:23	83:23	80:8	<b>interests</b> 2:20	97:18 98:21
4:22	56:25	<b>helps</b> 11:13 37:1		<b>indication</b> 66:7	68:8	119:14
<b>granted</b> 71:21	<b>happy</b> 29:16	<b>Herald</b> 90:22	<b>I</b>	<b>individual</b> 1:11	<b>international</b>	<b>Irish</b> 91:7,11
75:3	30:19 32:5	91:5 94:7,8,8,9	<b>idea</b> 2:19 6:13	2:17 16:8 29:6	97:10,13	97:20
<b>graphic</b> 59:4	33:6 36:22	96:13,15 97:11	9:2 37:2 53:19	29:17 34:10	<b>Internet</b> 7:25 8:3	<b>irreparable</b>
<b>grapple</b> 98:16	37:13 42:13	113:6	58:1	59:12	98:9	117:14
<b>grateful</b> 90:10,16	48:3 57:1,1,2	<b>Heston</b> 19:10	<b>identified</b> 29:9	<b>individually</b> 58:6	<b>interrupt</b> 76:19	<b>islands</b> 95:25
<b>grave</b> 68:24	60:14 64:9	31:14	116:23	<b>individuals</b>	<b>interrupted</b>	<b>issue</b> 10:25 23:20
<b>great</b> 5:21,22	73:11 81:9,9	<b>hide</b> 37:8	<b>identify</b> 1:22	16:13 39:23	26:24	29:2 52:3 74:6
14:11 15:16	88:6 103:5	<b>high</b> 119:9	2:23 116:21	116:21	<b>interview</b> 8:10	79:9 101:13,21
18:17 25:10	<b>harassed</b> 21:11	<b>highly</b> 4:17	<b>identity</b> 61:11	<b>industry</b> 7:4	9:24,25 10:1	105:10 110:24
29:11 52:20	24:22	<b>Hislop</b> 56:13	104:12 106:16	103:7 114:15	31:21 33:18,20	111:3,20 118:1
53:13 114:8	<b>harassment</b>	<b>history</b> 3:1,4,15	<b>illegal</b> 57:7	115:9	34:18 35:2	118:5 119:16
<b>greater</b> 69:20	22:17,19 23:13	3:24	113:12	<b>infiltrate</b> 37:7	38:14 45:12	<b>issued</b> 113:24
<b>grips</b> 2:24	37:24 66:14	<b>hit</b> 40:18,24	<b>image</b> 80:20	<b>information</b> 81:8	46:17 70:16	<b>issues</b> 2:24 31:5
<b>group</b> 11:22	<b>hard</b> 23:4 41:12	42:10	<b>images</b> 6:4	85:9 98:16	71:14,21 72:5	54:8,9 61:8
72:21 89:3	53:23 63:6	<b>hold</b> 44:2,7,8	<b>imaginative</b>	106:6 110:11	72:15,16,17,25	75:2 99:1
90:18 91:2	<b>Harry</b> 85:11	57:24	103:14	110:20 115:5	73:7 81:19,20	109:13,22
94:8 109:10,15	<b>hassled</b> 38:16	<b>holding</b> 7:6	<b>immediacy</b> 11:5	117:3 118:20	82:8,12,15,22	113:23
109:20,20	<b>head</b> 38:4	<b>Holly</b> 8:22 25:7	<b>immediate</b> 7:22	118:23,25	82:24 83:2,19	<b>Italian</b> 59:3
<b>groups</b> 91:1	<b>headed</b> 65:25	36:11	<b>immediately</b>	<b>infringement</b>	83:22 84:3	<b>item</b> 81:17
<b>guess</b> 4:19 10:3	79:20 108:23	<b>Hollywood</b> 45:1	23:14 32:13	21:25	88:16	<b>items</b> 60:5

<b>J</b>	91:10 94:20,25 96:16,21 98:8 98:15 100:2,21 101:4 102:2 103:22 105:19 105:24 108:6 109:3 112:11 112:13,22 115:14,18 116:4,8 117:20 119:21 120:1	46:5 48:23,25 50:6 52:4,25 53:10 55:12,23 56:21 59:10 60:25 62:8 64:3 67:7 73:5 74:1,13 75:18 76:16 77:17,20 78:2,17 83:4 85:2,14 86:16 87:24,25 88:9 88:9 97:11 104:8 105:11 105:20 106:12 106:15,16 107:8 108:6,17 111:22 113:21 114:22,23 118:21,22 120:2	105:11 <b>length</b> 62:9 <b>lengthy</b> 71:1 <b>lens</b> 23:15 <b>letter</b> 97:21 108:21,23 109:5,10 <b>letters</b> 49:19,20 50:22,23 76:17 112:20 <b>Let's</b> 19:8,16 59:13 70:16 78:22 79:11 <b>level</b> 117:9 <b>levelled</b> 18:5 <b>levels</b> 113:10 <b>LEVESON</b> 1:3,7 1:13,16 2:19 17:2 18:11 19:6,11,13 23:20 24:9,11 24:19 26:17,24 28:20,23 29:2 29:9,19 31:1,4 33:5,9,13 35:23 36:2 37:2 41:2,24 42:10 51:17,23 51:25 54:6 56:9,13,16 59:24 63:18 65:8 69:22 76:25 83:8 86:7 89:20,23 90:4,9,21 91:10 94:20,25 96:16,21 98:8 98:15 100:2,21 101:4 102:2 103:22 105:19 105:24 108:6 109:3 112:11 112:13,22 115:14,18 116:4,8 117:20 119:21 120:1	<b>linen</b> 42:1 <b>Lisa</b> 1:18 2:3 <b>list</b> 30:6,24 <b>listen</b> 55:4 103:11 <b>literally</b> 82:20 <b>litigation</b> 31:7 74:7 75:10 <b>little</b> 6:25 8:15 52:17 95:19 96:17 99:14,23 <b>lived</b> 42:12 <b>lives</b> 4:20 15:17 35:12 42:24 71:24 <b>living</b> 117:5 <b>Llanelli</b> 93:14,18 <b>loads</b> 21:22 43:23 86:18 <b>local</b> 97:2,2,19 101:18 111:2 <b>locally</b> 100:20 <b>London</b> 90:11 95:2 96:1 100:22,23 <b>London-based</b> 97:19 98:19 <b>long</b> 17:23 22:9 23:15 29:22 74:10 107:20 108:3 113:1 114:25 115:19 120:1 <b>longer</b> 101:23 <b>long-running</b> 82:22 <b>look</b> 5:1,15 10:13 10:14,15 13:15 15:19 16:8 22:12 24:11 35:14 36:20 38:14 39:22 51:24 62:4 63:15 67:8 70:23 71:1 74:25 80:2 86:5 87:20 109:23 115:14 <b>looked</b> 62:1 64:19 72:19 80:12 87:18 <b>looking</b> 51:20 60:17 63:9 81:3 87:25 100:9 109:1 <b>looks</b> 62:25 83:21 <b>LORD</b> 1:3,7,13 1:16 2:19 17:2 18:11 19:6,11 19:13 23:20 24:9,11,19 26:17,24 28:20 28:23 29:2,9 29:19 31:1,4 33:5,9,13 35:23 36:2	37:2 41:2,24 42:10 51:17,23 51:25 54:6 56:9,13,16 59:24 63:18 65:8 69:22 76:25 83:8 86:7 89:20,23 90:4,9,21 91:10 94:20,25 96:16,21 98:8 98:15 100:2,21 101:4 102:2 103:22 105:19 105:24 108:6 109:3 112:11 112:13,22 115:14,18 116:4,8 117:20 119:21 120:1 <b>lose</b> 101:19 <b>loss</b> 101:13 <b>lot</b> 11:14 15:7 28:6 29:18 38:5 42:8 53:5 53:20 57:17 84:17 97:10 100:18 103:13 103:16 <b>lots</b> 9:21 13:17 16:1 20:1 34:8 35:14 36:7 45:20 53:10 <b>love</b> 61:20 81:2 86:14 <b>loved</b> 16:22 <b>lovely</b> 4:21,23 35:14 <b>loves</b> 62:14,15 <b>loving</b> 62:18 <b>Lucie</b> 1:17,24 26:6 <b>lunch</b> 119:25 <b>luncheon</b> 120:4 <b>Lynn</b> 45:5	23:9 25:24 26:5 30:8,8 31:24 32:16 34:1,2,3,3,7 37:14,15,19 38:6,12 40:3 41:14 44:13 47:10,19 48:14 49:12,15,21 50:1,3,24 51:13 52:5,22 53:25 54:1,12 56:25 58:24 59:8,13,20 60:4,15 63:13 65:3,21 66:17 68:22,25 69:5 69:6,15 70:7 71:12,21 72:3 72:6,22 73:15 74:5,16,18 75:22 76:14 79:4,10,24 80:2,3,4,8,19 80:25 81:1,3,8 81:18 82:4,9 82:12 83:2,21 83:21 86:14 89:15 <b>magazines</b> 1:11 3:5,17 4:2 5:17 8:1 14:13 20:19 28:24 31:5 40:16 41:4 53:24 54:8 58:8,9,10 58:17 76:16 77:3 80:25 82:5 85:10 86:19 <b>magazine's</b> 57:11 <b>Mail</b> 90:25 92:10 94:11,16 95:13 95:14 <b>main</b> 10:8 64:25 97:11 <b>maintain</b> 99:19 <b>maintain</b> 114:13 <b>majority</b> 47:25 101:3 <b>making</b> 27:15 81:5,7 <b>male</b> 114:4 <b>managed</b> 74:20 74:23 85:9 <b>Manchester</b> 91:7 98:23 <b>manipulation</b> 18:8 <b>March</b> 81:17 <b>Maria</b> 91:7 <b>mark</b> 25:6 57:24 112:8 <b>market</b> 4:13 7:6 8:23 54:18 96:4,7 98:2
	<b>K</b>	<b>L</b>		<b>M</b>		
<b>Jade</b> 79:7 <b>January</b> 1:1 3:9 8:24 59:15 <b>JK</b> 26:14 70:16 72:16,20,25 73:9 79:12 87:4,18 <b>Joan</b> 84:4 <b>job</b> 6:19 10:5 <b>jobs</b> 94:12 <b>John</b> 91:2,19,23 <b>Johnston</b> 90:24 109:9,21 114:24 <b>joined</b> 3:18 4:3 <b>joint</b> 3:12 70:18 <b>jokes</b> 11:9 <b>Jonathan</b> 91:4 91:17 94:2 107:19 <b>Jonathan's</b> 106:2 <b>Jones</b> 74:14 77:22 <b>Jordan</b> 51:20 <b>jot</b> 116:10 <b>journal</b> 19:13 92:10 93:14 <b>journalism</b> 53:6 92:4,23 93:23 103:8 <b>journalist</b> 13:9 28:8 102:10 111:20,21 <b>journalistic</b> 109:22 110:11 114:2 <b>journalists</b> 6:19 6:24 11:17 12:8,23 13:6 22:11 36:25 43:1 45:24 46:21 113:2 <b>judgments</b> 75:15 <b>July</b> 94:9 <b>jump</b> 8:6 <b>June</b> 81:15 <b>JUSTICE</b> 1:3,7 1:13,16 2:19 17:2 18:11 19:6,11,13 23:20 24:9,11 24:19 26:17,24 28:20,23 29:2 29:9,19 31:1,4 33:5,9,13 35:23 36:2 37:2 41:2,24 42:10 51:17,23 51:25 54:6 56:9,13,16 59:24 63:18 65:8 69:22 76:25 83:8 86:7 89:20,23 90:4,9,21	91:10 94:20,25 96:16,21 98:8 98:15 100:2,21 101:4 102:2 103:22 105:19 105:24 108:6 109:3 112:11 112:13,22 115:14,18 116:4,8 117:20 119:21 120:1 <b>justifiable</b> 69:4 112:18 <b>justification</b> 72:4 114:17 <b>justifications</b> 112:16 <b>justified</b> 113:4 <b>justifies</b> 62:21 <b>justify</b> 69:3 116:5	46:5 48:23,25 50:6 52:4,25 53:10 55:12,23 56:21 59:10 60:25 62:8 64:3 67:7 73:5 74:1,13 75:18 76:16 77:17,20 78:2,17 83:4 85:2,14 86:16 87:24,25 88:9 88:9 97:11 104:8 105:11 105:20 106:12 106:15,16 107:8 108:6,17 111:22 113:21 114:22,23 118:21,22 120:2 <b>knowing</b> 107:3 <b>knowledge</b> 2:8 75:20 77:10 92:1 93:5 94:4 95:8 104:3 <b>known</b> 16:23 119:12 <b>knows</b> 80:19	105:11 <b>length</b> 62:9 <b>lengthy</b> 71:1 <b>lens</b> 23:15 <b>letter</b> 97:21 108:21,23 109:5,10 <b>letters</b> 49:19,20 50:22,23 76:17 112:20 <b>Let's</b> 19:8,16 59:13 70:16 78:22 79:11 <b>level</b> 117:9 <b>levelled</b> 18:5 <b>levels</b> 113:10 <b>LEVESON</b> 1:3,7 1:13,16 2:19 17:2 18:11 19:6,11,13 23:20 24:9,11 24:19 26:17,24 28:20,23 29:2 29:9,19 31:1,4 33:5,9,13 35:23 36:2 37:2 41:2,24 42:10 51:17,23 51:25 54:6 56:9,13,16 59:24 63:18 65:8 69:22 76:25 83:8 86:7 89:20,23 90:4,9,21 91:10 94:20,25 96:16,21 98:8 98:15 100:2,21 101:4 102:2 103:22 105:19 105:24 108:6 109:3 112:11 112:13,22 115:14,18 116:4,8 117:20 119:21 120:1 <b>liaise</b> 51:6 <b>life</b> 4:25 15:8,21 25:3 29:13 30:16 38:21 39:2,7,9 42:8 42:12 58:20 71:20,20 72:6 92:4 <b>lifestyle</b> 61:1 <b>lifestyles</b> 5:16 <b>light</b> 38:17 99:14 104:6 119:4 <b>lighter</b> 5:1 <b>liked</b> 49:25 85:20 86:18 <b>Likewise</b> 119:3 <b>limit</b> 29:22 <b>limits</b> 115:1 <b>line</b> 13:1 39:17 71:7 81:5 88:10	37:2 41:2,24 42:10 51:17,23 51:25 54:6 56:9,13,16 59:24 63:18 65:8 69:22 76:25 83:8 86:7 89:20,23 90:4,9,21 91:10 94:20,25 96:16,21 98:8 98:15 100:2,21 101:4 102:2 103:22 105:19 105:24 108:6 109:3 112:11 112:13,22 115:14,18 116:4,8 117:20 119:21 120:1 <b>lose</b> 101:19 <b>loss</b> 101:13 <b>lot</b> 11:14 15:7 28:6 29:18 38:5 42:8 53:5 53:20 57:17 84:17 97:10 100:18 103:13 103:16 <b>lots</b> 9:21 13:17 16:1 20:1 34:8 35:14 36:7 45:20 53:10 <b>love</b> 61:20 81:2 86:14 <b>loved</b> 16:22 <b>lovely</b> 4:21,23 35:14 <b>loves</b> 62:14,15 <b>loving</b> 62:18 <b>Lucie</b> 1:17,24 26:6 <b>lunch</b> 119:25 <b>luncheon</b> 120:4 <b>Lynn</b> 45:5	23:9 25:24 26:5 30:8,8 31:24 32:16 34:1,2,3,3,7 37:14,15,19 38:6,12 40:3 41:14 44:13 47:10,19 48:14 49:12,15,21 50:1,3,24 51:13 52:5,22 53:25 54:1,12 56:25 58:24 59:8,13,20 60:4,15 63:13 65:3,21 66:17 68:22,25 69:5 69:6,15 70:7 71:12,21 72:3 72:6,22 73:15 74:5,16,18 75:22 76:14 79:4,10,24 80:2,3,4,8,19 80:25 81:1,3,8 81:18 82:4,9 82:12 83:2,21 83:21 86:14 89:15 <b>magazines</b> 1:11 3:5,17 4:2 5:17 8:1 14:13 20:19 28:24 31:5 40:16 41:4 53:24 54:8 58:8,9,10 58:17 76:16 77:3 80:25 82:5 85:10 86:19 <b>magazine's</b> 57:11 <b>Mail</b> 90:25 92:10 94:11,16 95:13 95:14 <b>main</b> 10:8 64:25 97:11 <b>maintain</b> 99:19 <b>maintain</b> 114:13 <b>majority</b> 47:25 101:3 <b>making</b> 27:15 81:5,7 <b>male</b> 114:4 <b>managed</b> 74:20 74:23 85:9 <b>Manchester</b> 91:7 98:23 <b>manipulation</b> 18:8 <b>March</b> 81:17 <b>Maria</b> 91:7 <b>mark</b> 25:6 57:24 112:8 <b>market</b> 4:13 7:6 8:23 54:18 96:4,7 98:2	

100:15 103:20 <b>marketplace</b> 97:18 <b>markets</b> 100:19 <b>marking</b> 56:5 <b>Marriage</b> 41:24 <b>married</b> 37:5 74:14 <b>material</b> 17:3,4 43:16 118:2 <b>maternity</b> 80:12 <b>matter</b> 9:4 54:10 98:11 <b>matters</b> 52:2 <b>Max</b> 43:23 <b>McCall</b> 90:24 <b>McCann</b> 88:13 <b>McGeoghan</b> 91:7 <b>McLellan</b> 91:3 91:19,21,23,23 92:2,6,25 95:22,23 96:10 96:20 97:5 99:14 100:6 102:15 103:25 104:16,17 105:22,25 106:8 107:13 108:2,8 110:17 110:18,21,23 113:25 114:1 115:17,23 116:7,10,20,23 117:2,8,15,22 <b>meal</b> 116:12 <b>mean</b> 8:14,16 14:10 18:4 19:22 20:13,14 21:2 27:14 34:15 38:2,21 39:8 53:11 59:7 83:1 84:14,18 89:5 89:9 <b>means</b> 4:24 16:4 38:7 76:4 94:20 118:13 <b>meant</b> 79:7 100:4,10 104:23 <b>measures</b> 66:18 67:15 <b>mechanism</b> 10:6 28:14 29:20 47:16 53:2 <b>media</b> 15:25 36:8 53:21 55:8 90:23 93:12 98:18 103:12 <b>mediation</b> 57:13 <b>meerkat</b> 51:20 52:1 <b>meet</b> 55:16 <b>meeting</b> 101:15 112:7 <b>meetings</b> 12:15	112:5 113:22 <b>member</b> 93:21 95:14 <b>members</b> 6:23 11:20,21,22 12:20 55:24 115:4,5 <b>memory</b> 78:3 <b>men</b> 61:20 <b>mention</b> 90:19 <b>mentioned</b> 5:17 15:11 94:22 103:18 119:8 <b>menu</b> 84:23 85:24 <b>message</b> 62:16 <b>method</b> 110:10 <b>Meyer</b> 109:5 <b>Michael</b> 74:14 77:23 95:6 <b>Michelle</b> 43:22 <b>microphones</b> 96:18 <b>middle</b> 107:15 108:1 <b>Mike</b> 91:5,16 108:24 <b>Miller</b> 81:15,19 81:21,24 <b>million</b> 7:14 9:4 9:11,18 36:4 101:20 <b>mind</b> 26:14 27:20 <b>mind</b> 118:17 <b>mine</b> 42:16 <b>minute</b> 105:5,10 112:11 114:12 116:2,13 <b>minuted</b> 113:23 <b>minutes</b> 69:23 <b>Mirror</b> 94:14 <b>mislead</b> 80:9 <b>misleading</b> 73:1 73:20 84:7,11 84:15 87:1 <b>misled</b> 79:20 <b>missing</b> 118:19 <b>mistake</b> 68:24 69:1,3 76:12 76:13 78:11,12 87:13 <b>mistakes</b> 73:15 73:16 <b>misunderstand...</b> 81:25 <b>mix</b> 103:16 <b>mixture</b> 5:20 <b>Mm</b> 51:23 56:15 <b>moaning</b> 51:19 <b>model</b> 14:18 61:25 63:21 <b>moment</b> 7:9,11 7:12 17:21 29:25 30:7,16 47:6 52:10 54:20 55:5,14	69:22 98:5 104:14 118:18 119:20 <b>monetise</b> 102:8 <b>monetising</b> 102:13 <b>money</b> 15:1 17:6 20:22 23:23 26:12 35:24 36:13 37:11,11 38:5 74:25 110:25 <b>month</b> 9:18 <b>monthly</b> 54:12 <b>months</b> 7:18 48:4 50:12 112:6 <b>moral</b> 114:8 <b>morally</b> 113:13 <b>morning</b> 1:4,4 1:21 22:11 44:1 90:5 <b>mortified</b> 69:6 <b>motors</b> 99:17 <b>mouth</b> 16:20 44:20 <b>move</b> 31:9 49:9 58:6 71:11 103:24 116:15 <b>moved</b> 92:14 <b>Murder</b> 59:5 <b>music</b> 35:7 <b>mustn't</b> 35:25 <hr/> <b>N</b> <b>name</b> 1:22,24 2:1 2:3 14:22 63:21 66:2 91:22 93:2 94:1 95:5 106:24 107:3 107:10 108:17 108:24 117:5 <b>names</b> 116:24,24 <b>nasty</b> 32:6 <b>national</b> 36:25 97:7,9,12 100:25 <b>nationalist</b> 97:21 <b>nature</b> 21:4 36:15 50:1 <b>near</b> 22:1 <b>necessarily</b> 17:8 24:9 42:13 51:25 <b>necessary</b> 107:10 109:16 111:25 <b>need</b> 27:7 28:15 41:20 53:17 56:6 70:5 74:25 100:10 100:14 104:8 107:16,17 108:16 118:4 <b>needed</b> 111:20 <b>needs</b> 56:19 64:1 <b>negates</b> 40:25	<b>negotiation</b> 17:23 43:15 <b>net</b> 100:3 <b>never</b> 10:7 15:11 24:2 25:9 26:20 32:13 71:16 73:4 76:14 77:5 82:11 111:5,5 111:8 <b>Nevertheless</b> 59:17 <b>new</b> 53:12 57:19 74:15 102:22 114:4,15 <b>Newcastle</b> 92:11 <b>news</b> 3:7 6:15 7:10,20,22 10:6 11:10 17:1 18:25,25 40:18 44:21 46:14,21 54:12 85:3 90:23 91:7,8 92:12 92:14 94:13,16 95:12 96:6 97:2,7,10,11 97:20,21,24,24 102:2,15 104:10 108:12 <b>newsletter</b> 79:16 79:19 <b>newspaper</b> 7:4 14:4 19:1 40:24 89:2 90:6 92:19,20 93:9,16,17,18 94:7 95:1,23 96:11 97:7,14 97:17,21,22 101:6,25 108:10 <b>newspapers</b> 4:2 8:1 30:10 41:3 44:4 49:2 86:19 88:14 89:12,23 93:13 93:20 94:9 95:20 97:20 98:19 100:16 109:25 119:15 <b>newsrooms</b> 114:11 <b>newsworthy</b> 8:11 <b>newsy</b> 49:14 <b>nice</b> 27:3 49:20 53:25 <b>Nigel</b> 91:8 <b>Nixon</b> 1:19 2:1,1 2:10 3:12,14 3:21,23 4:19 5:24 6:18 7:8 8:18,19 9:3 10:2 11:7 12:8 15:14,15 17:22 18:13 22:4	23:2,25 24:10 24:13 26:6,20 27:12,24 28:6 28:22 29:1,6 29:11,21 32:9 32:23 33:2,15 34:5,14 35:10 35:25 36:3 38:2,18,23 39:19,20 42:17 42:20 43:8,12 43:15 45:19,20 49:9,11 50:5,9 52:18,20 54:11 54:21 55:3 58:12,16 70:13 71:6,9 72:19 73:18,22 74:9 75:4,9,13,17 75:23 77:2,13 78:9,16,20 87:8 <b>nodding</b> 22:21 <b>Noel</b> 91:6 <b>normal</b> 19:14 <b>normally</b> 9:13 21:24 48:19 117:4 <b>north</b> 92:10 95:25 <b>Northern</b> 11:22 90:7,12 97:17 98:20 119:14 <b>note</b> 114:12 <b>notes</b> 113:24 <b>notice</b> 117:12 118:5,6 <b>noticed</b> 58:16 <b>notices</b> 99:25 101:22 <b>notification</b> 40:4 40:10 42:19 <b>notified</b> 40:20 <b>notify</b> 40:7,9 42:20 <b>notorious</b> 71:22 <b>November</b> 3:19 70:18 71:1 79:15,19 <b>number</b> 3:17 6:21 31:6 41:14 49:4 60:22 61:21 66:2,3 68:6 70:10 75:11 76:6 79:22 80:1 <b>numbers</b> 71:3 100:7 <b>numerous</b> 21:12 46:13 47:1 67:21,24 112:5 <hr/> <b>O</b> <b>object</b> 117:13 <b>objections</b> 115:25	<b>obligation</b> 101:17 106:12 <b>obliged</b> 33:20 34:11,12,12,15 34:22 <b>obscured</b> 67:12 <b>Observer</b> 92:8 92:10 <b>obtain</b> 74:20,23 110:11,20 <b>obtained</b> 75:21 104:9 117:3 <b>obvious</b> 19:24 21:21,24 23:14 63:22 <b>obviously</b> 6:17 7:15 8:9 9:3,5 9:19,22 11:13 13:16 14:3,10 14:17 15:15 16:25 17:14 21:17,20 23:2 24:23 35:8 38:10 41:5 45:12,21 47:18 51:6,10 52:24 54:9 55:15,25 57:18 59:7 61:4 64:2,3,11 66:21 69:19 82:19 83:11 85:17 87:19 88:1 110:2 115:14 <b>occasion</b> 85:13 89:8 107:2 <b>occasionally</b> 46:18 48:11 73:15 84:16 <b>occasions</b> 40:2 40:13 67:22,24 89:1 109:15 111:12 <b>occupations</b> 116:25 <b>occur</b> 73:15 <b>occurred</b> 23:13 59:17 71:16 76:14 <b>occurrence</b> 71:18 <b>October</b> 108:24 <b>odd</b> 49:13 76:25 <b>offer</b> 9:16 32:13 34:16 38:6 <b>offered</b> 23:6 24:4 54:16 76:9 80:9 88:16 <b>offering</b> 34:6 66:25 <b>offers</b> 4:11 9:23 <b>office</b> 12:24 63:9 64:18 65:1 119:10 <b>officers</b> 55:22,22 <b>officials</b> 110:20 <b>oh</b> 36:2 80:17	88:21 <b>OK</b> 1:5 2:3 4:3 5:8 6:3 7:13,20 10:11 16:18 17:19 29:25 30:8 37:14 38:10,11 39:11 44:13 56:25 58:24 74:16,18 75:7,24 76:6 77:25 78:25 79:9,12 80:3,4 80:19 81:18 82:10 83:3,11 83:21 86:1 87:8,9 88:16 89:4,12 <b>Okay</b> 41:22 49:9 55:2 81:13 <b>old</b> 103:10,15 <b>Old-school</b> 65:15 <b>once</b> 37:20 38:14 38:19 39:1,8 100:1 105:6,6 <b>ones</b> 99:15,18 <b>one-third</b> 101:6 <b>online</b> 11:3 69:15 70:6 101:23 102:7,8,20 103:1 <b>open</b> 12:23 38:21 39:2,14,15 45:24 <b>opened</b> 16:3 <b>opening</b> 15:20 <b>operate</b> 12:10 46:14,15 <b>operates</b> 57:15 <b>operating</b> 98:2 <b>opponents</b> 77:1 <b>opportunity</b> 66:25 117:13 118:9 <b>opposed</b> 32:17 33:22 103:1 <b>opt</b> 57:22 <b>option</b> 53:15 <b>order</b> 14:9 78:1 <b>orders</b> 101:18 <b>organ</b> 37:8 <b>organisation</b> 56:7 70:9 106:22 <b>organisations</b> 101:11,17 <b>outfits</b> 18:22 <b>outside</b> 90:14 <b>outweigh</b> 115:24 <b>overall</b> 9:15 101:1 <b>overlooked</b> 57:16 <b>overnight</b> 113:1 <b>overregulated</b> 53:5,8,18 <b>overregulating</b> 54:3
--	--	--	---	--	--	---

<b>oversight</b> 93:12	10:19 25:18,22	30:7 32:4	<b>Peterborough</b>	78:10,13 79:7	81:13 91:15,21	33:5
<b>overstepped</b>	27:20 31:12	34:24,25 36:18	95:12	87:19	93:1 95:22	<b>predominantly</b>
112:8	52:16 55:11	36:25 37:5,6	<b>Phillips</b> 9:10	<b>photoshoot</b> 22:7	96:23 98:2	97:20,22
<b>overwhelming</b>	62:1 63:16	41:25 42:23	<b>philosophy</b>	<b>photoshoots</b> 15:1	103:24	<b>prejudicial</b>
64:24	64:18 68:18	48:3 53:20	26:21	15:1 18:18	<b>pm</b> 90:1,3 120:3	68:14,14
<b>Owen</b> 25:6	75:25 80:11	55:21,21 56:1	<b>phone</b> 108:19	<b>phrase</b> 4:22,24	<b>point</b> 14:13	<b>premiere</b> 17:17
	96:14 99:16,18	56:6,17,20	110:6,10	<b>physical</b> 103:20	20:19,24 38:22	29:15
<b>P</b>	104:2 112:5	57:6 58:10,24	<b>phoned</b> 46:19	<b>physically</b> 13:4	68:19 80:24	<b>prepared</b> 17:3
<b>package</b> 9:16	114:3	58:25 59:4,7	<b>phones</b> 102:22	<b>pick</b> 54:6	86:9,10,12	72:6 112:23
<b>page</b> 6:4,4 19:12	<b>particularly</b> 8:5	63:9 64:18	<b>photo</b> 4:15 5:3	<b>picking</b> 96:18	100:21 101:4	<b>present</b> 38:8
34:19 44:3	30:16 58:1	65:1,10 71:17	5:17,18,22,25	<b>Pickover</b> 91:8	103:17 108:9	<b>presented</b> 22:9
49:14,15 50:19	63:10 90:10	78:1 84:1,14	19:9,25 21:4	<b>picture</b> 20:9,14	112:19,24	22:13 73:8
50:23 51:9,24	100:19	86:25 88:6,8	21:14 22:15	21:3,3,12,18	113:22	<b>press</b> 28:24 35:5
60:1 61:23	<b>parties</b> 5:13	89:1 91:12	23:5 24:4	22:14 25:1	<b>pointed</b> 30:21	39:16 40:17
65:7,24 67:9	16:14 57:13	100:8,14 102:4	29:13 63:6	46:25 60:4,12	<b>points</b> 57:17	43:21 44:1
69:17 71:2,3,4	<b>parts</b> 9:25 15:25	102:10,23	64:10 67:6,18	60:18 61:6,15	110:2	45:7 52:8
71:5 79:2,12	<b>party</b> 84:22	103:1,4,16	<b>photograph</b>	62:9 63:7,21	<b>police</b> 55:22,22	58:23 62:18
79:20 80:23,23	85:12,22,23	106:5 116:17	10:19 19:22	64:12,16,18,20	111:2	79:14,18 90:24
81:11 83:9	<b>part-time</b> 6:20	117:4 118:7	21:9,23 25:22	66:16,18,19,20	<b>policy</b> 12:23	92:21 93:21
99:22 108:22	<b>pass</b> 64:6 83:4	119:17	27:16,17 30:17	67:1,8,11,17	104:7	99:7,19 101:2
<b>pages</b> 6:1,1 10:4	114:6	<b>people's</b> 5:5,11	30:20 60:21	67:17 90:16	<b>political</b> 96:10	101:19,23
34:17 44:24	<b>passed</b> 58:7	66:24 69:10	61:9,13 62:2	98:24 99:6	<b>politics</b> 97:23	109:7,9,21
45:3 48:18,19	<b>PATRY</b> 1:4,8,15	71:22	62:22,25 66:4	101:7	119:10	114:24
48:20 50:24	1:20,21 2:25	<b>perceive</b> 56:6	66:22,23 67:14	<b>pictures</b> 5:12	<b>poor</b> 119:4	<b>pressure</b> 24:6
79:1,11,13	19:7,12,16	<b>percentage</b> 9:2	74:3 83:12	7:23 11:2,3	<b>popular</b> 102:7	90:14 98:18
<b>paid</b> 36:4,6,9	24:20 27:5	17:12 32:16,22	<b>photographed</b>	24:25 25:5,9	<b>portray</b> 14:20	99:11
75:12 103:2	30:12 31:9	40:3 99:9	25:9 67:21	25:20 26:4	<b>portrayal</b> 18:5	<b>pressured</b> 24:7
<b>paid-for</b> 93:13	33:17 37:16	101:1	<b>photographer</b>	28:3,4 29:24	<b>portrayed</b> 14:24	<b>pressures</b> 98:3
<b>paint</b> 39:12	41:8 42:18	<b>perception</b> 56:3	23:21 24:11,13	30:25 37:10,19	<b>Portsmouth</b>	<b>presumably</b>
40:23	51:24 52:2	56:4 71:21	25:2,5 74:20	37:20,21,23	95:12	23:22
<b>painted</b> 103:23	54:19 56:22	<b>perform</b> 96:13	74:23	38:13 39:12	<b>pose</b> 29:16	<b>pretend</b> 20:23
<b>Paisley</b> 94:15	59:25 63:19	<b>period</b> 75:16	<b>photographers</b>	60:5,7 62:7,10	<b>posed</b> 66:8 78:4	35:16 111:20
<b>palace</b> 59:5,6	65:9 70:3,12	119:11	20:2,14 22:6	62:12 63:9,10	<b>position</b> 50:21	<b>pretty</b> 5:18 10:2
84:25 85:8,12	77:8 83:10	<b>periods</b> 113:1	24:24	65:22,23 66:1	52:4 78:12	<b>prevalent</b> 25:2
<b>paparazzi</b> 5:21	86:25 89:16,22	<b>permissible</b> 29:3	<b>photographer's</b>	66:7 74:23	105:15	<b>preview</b> 38:13
20:8 24:25	89:25	29:4	75:7	75:20 76:8	<b>positions</b> 93:19	<b>previous</b> 39:19
37:23 61:3	<b>pattern</b> 96:5	<b>person</b> 14:25	<b>photographing</b>	83:19 88:7	95:13	44:4 94:12
65:22	<b>Paul</b> 90:23	15:9 17:5	33:11 71:23	<b>piece</b> 32:1 39:23	<b>positive</b> 18:13	<b>previously</b> 63:2
<b>paparazzo</b> 38:5	<b>pause</b> 72:11 85:1	18:15 24:4	<b>photographs</b> 6:6	61:5 62:14	49:20,25 62:16	92:19 93:16
<b>paper</b> 60:24 72:8	<b>pay</b> 102:23 103:5	28:3,4 33:10	6:8,10 10:4	63:14,16 64:22	<b>possibility</b>	107:9
104:18 105:5,9	103:5	35:20 39:13	13:21,22 14:1	<b>pieces</b> 31:6	119:16	<b>pre-agreed</b>
107:4 108:23	<b>paying</b> 102:19	44:9 47:22	14:8 19:8,16	<b>pin</b> 112:17	<b>possible</b> 96:13	32:24
114:13,18	<b>payments</b> 110:19	71:10,20 88:2	19:20,24 20:5	<b>Pippa</b> 85:11	<b>possibly</b> 81:7	<b>pre-empted</b>
<b>papers</b> 43:23	<b>PCC</b> 10:23,24	105:22 106:24	20:8,8,10,12	<b>pixelate</b> 67:20	115:18	25:14
85:10 95:2,21	11:8,19,20,21	107:10 108:17	20:15,16,17	<b>pixelated</b> 67:12	<b>post</b> 67:8 91:4,9	<b>pre-publication</b>
98:20 100:22	11:23,24 12:2	119:5	22:3,8 23:22	<b>place</b> 23:3,22	93:8 95:14	117:23
100:25 101:18	12:6,9,10,16	<b>personal</b> 71:24	24:20 25:16	26:19 39:23	96:24 113:20	<b>price</b> 68:1,3 70:5
102:4 114:25	12:21 13:13	<b>personalities</b> 5:1	26:15,19 27:8	48:14 50:2	117:23	100:23 101:1
<b>paragraph</b> 3:15	16:6 26:1 28:8	11:12 28:10	27:22 31:7,9	60:8,9,13	<b>Post's</b> 93:11	<b>Price's</b> 68:15
71:11 81:23	28:11,19 30:2	43:4 55:8 77:3	31:13 35:1,14	61:10,11,16	<b>potential</b> 103:7	<b>primarily</b> 71:22
109:12	30:22 47:19	<b>personality</b>	36:23 38:1	64:15 67:5,19	113:8	96:10
<b>paramount</b> 6:6	48:3 50:8,14	15:20 18:21	54:16 58:14,18	70:20 73:5	<b>pounds</b> 36:4	<b>primary</b> 98:20
<b>paraphrasing</b>	51:1,5 52:6,7	24:13 31:21	59:25 60:14	74:10,22,22	<b>PR</b> 24:16 26:1	<b>prime</b> 5:25 12:3
37:18	52:10,18,20	32:7,10 45:22	62:3 65:20,21	77:15 80:22	40:20 41:9	<b>Prince</b> 9:10 23:7
<b>parcel</b> 115:11	53:12,25 54:19	74:4	66:6,12 67:10	101:17 116:2	45:14 46:11,17	24:16
<b>parents</b> 88:8	55:3,12,15	<b>personally</b> 9:16	67:23 74:21	<b>placed</b> 48:13	61:7	<b>Prince's</b> 114:5
<b>Parliament</b>	56:17 57:10,11	9:19 51:3,12	75:6,7 77:10	<b>places</b> 1:12	<b>practice</b> 10:25	<b>principle</b> 11:18
115:5	57:15,19,25	86:21 88:1	78:2,3,8 87:6	<b>plant</b> 40:23	12:22 13:10	38:25 102:19
<b>part</b> 11:21 12:21	68:1 95:15	<b>person's</b> 28:16	87:10,16 88:4	<b>play</b> 21:22 60:23	46:22,22 73:14	105:9
28:8 47:18	<b>peak</b> 8:12,14	<b>perspective</b> 28:9	<b>photos</b> 5:21,22	107:25	76:13 109:15	<b>principles</b> 10:20
53:10 57:25	<b>peel</b> 20:25	52:16	5:24 6:1 20:22	<b>played</b> 114:1	109:18 114:10	11:16 12:1
65:20 85:25	<b>penny</b> 36:7	<b>persuading</b>	21:15 22:4,9	<b>playing</b> 61:3	<b>practices</b> 103:24	<b>print</b> 14:8 25:20
97:9 104:4	<b>people</b> 6:15 7:23	26:12	22:18 23:6,16	<b>plays</b> 97:8	<b>practised</b> 111:14	26:4,15 41:6
114:2 115:10	12:4 16:11,22	<b>pessimistic</b>	23:18 24:2,16	<b>please</b> 1:21 2:6	<b>Preceding</b> 76:5	46:8 49:16
<b>participating</b>	18:11,23 21:16	103:15,21	29:8 35:15	25:4,20 52:9	<b>precious</b> 86:8,12	50:7 60:14
17:6	25:7 26:7,11	<b>Peter</b> 68:2,3 70:6	38:4,20 58:20	65:6 70:13,14	<b>precise</b> 7:1	61:15 63:12
<b>particular</b> 2:18	28:23 29:7,18	90:24 91:9	58:23 60:18	70:22 79:11	<b>predominant</b>	95:21 98:9,12

98:17 99:21 100:12 102:7 <b>printed</b> 27:8 66:4 68:6,7 73:1 100:22 <b>printing</b> 21:23 25:16 46:5 61:6 64:17 <b>prints</b> 46:10 <b>prior</b> 40:4,10 42:19,20 117:12 118:5,6 <b>privacy</b> 13:11 21:11,25 24:22 27:2 31:4 38:22 42:11 61:8 62:3 64:17 66:15,25 68:9 76:1 87:24 116:16 116:18 117:1 117:10,24 118:5,15 <b>private</b> 15:21 21:21 23:3 26:2 28:25 38:21 39:2,9 42:1,5 60:8,9 60:13 61:10,11 61:15 71:24 72:6 87:17,20 88:2 118:21 <b>privately</b> 69:14 <b>privilege</b> 112:23 <b>probably</b> 11:5 20:18,24 41:24 41:25 45:6 47:12 54:14 69:22 88:22 112:23 <b>problem</b> 28:17 29:23,25 42:11 56:2,3,3 61:6 72:24 105:14 108:4 <b>problems</b> 12:11 52:23 57:13 76:24 <b>process</b> 13:24 17:24,25 43:15 47:15 51:7 68:17 73:5 114:21 115:21 <b>produce</b> 35:13 102:6 <b>produced</b> 2:5 <b>producing</b> 102:4 <b>product</b> 10:12 33:7 97:3 103:10,15,20 <b>production</b> 6:17 <b>profession</b> 119:13 <b>professor</b> 92:23 <b>programme</b> 34:19 <b>project</b> 16:1 34:7	<b>prominence</b> 69:19,20 <b>prominent</b> 50:21 83:12 <b>promised</b> 79:24 <b>promote</b> 16:1 17:19 35:7 82:7 <b>promoting</b> 33:21 34:9,20 35:6 <b>promotion</b> 34:7 <b>property</b> 16:5 21:22 99:17 <b>proposing</b> 101:16 <b>proposition</b> 117:12 <b>proprietors</b> 77:17 <b>protect</b> 77:7 86:13 106:5 107:1 117:1 <b>protected</b> 26:7 26:15 38:12 76:18 <b>protecting</b> 75:24 106:16 <b>protection</b> 76:3 <b>proud</b> 57:25 119:14 <b>provenance</b> 107:18 <b>provide</b> 4:20 77:24 100:13 <b>provided</b> 91:24 118:20 <b>provides</b> 33:13 <b>PRs</b> 23:12 32:3 40:10 41:21 <b>public</b> 14:2,5,7 14:11,12,17 15:5,16 16:4 16:17,24 23:6 23:8 36:23 37:4,21 42:1 55:24 56:21 58:22 60:7,12 61:10 64:15 67:4,4,19 87:17,21 101:9 101:10,11 106:6 110:2,20 111:17,24 114:9,17 115:4 116:4 <b>publication</b> 27:22 31:7 39:8 53:9 78:8 86:20 87:10 96:5 118:10,13 <b>publications</b> 28:7 57:24 76:4 82:5 96:12 <b>publicised</b> 81:17 <b>publicising</b> 17:10	<b>public's</b> 115:12 <b>publish</b> 6:10 10:18,19 14:6 14:7 25:9 27:15 31:10 40:8 41:11 48:15,22 58:15 58:18,19,20 61:9,13 64:10 64:25 65:19 67:13 75:20 77:24 78:13 87:16 88:11 95:20,23 96:8 104:10,19,21 117:9 118:25 <b>published</b> 19:20 28:3,4 50:4 62:2 69:14 75:6 77:10 78:4 82:8 87:6 87:22 88:14 95:2 104:24 116:19 118:8 <b>publisher</b> 57:21 57:22 93:11 <b>publishes</b> 98:22 <b>publishing</b> 21:9 25:22 62:3,22 62:24 68:18 88:4 117:19 <b>purchase</b> 100:23 <b>pure</b> 98:12 <b>purely</b> 39:14 <b>purporting</b> 115:4 <b>purpose</b> 49:5 <b>purposes</b> 2:6 3:5 32:11 <b>pushed</b> 32:12 84:12 <b>pushing</b> 32:3 <b>put</b> 2:15 9:1 11:2 11:3,9 12:15 18:11 26:8 37:21 41:14,22 46:1 48:20 50:18 51:13 69:15 74:22 77:16 82:9,10 82:11 83:2 84:15,19 86:3 104:18 105:15 115:23 117:8 <b>puts</b> 103:8 106:17 <b>putting</b> 40:25 46:24 51:21 60:23 74:1 82:20	21:7,21 22:24 25:14 33:17 38:18 42:11,15 42:18 44:15 58:7 71:16 78:7 88:12 96:22 98:3 102:14 103:25 110:7,19 111:13 115:21 116:15 118:4 <b>questionable</b> 113:13 <b>questioning</b> 71:10 <b>questions</b> 1:9,10 1:20 2:14,17 6:9,11 8:3 9:15 18:20 19:6 21:2,4,8,13,19 22:2,24,25 31:15 38:17 50:25 59:12,16 60:10,11 67:16 86:8,11 89:17 91:20 93:25 99:3 <b>quick</b> 57:12 <b>quickly</b> 2:24 114:21 <b>quid</b> 103:3 <b>quiet</b> 85:13 <b>quite</b> 2:24 7:8 10:5 31:6,22 33:3 35:23 40:21,22 41:24 42:14,20 48:18 49:20 59:4 61:16 64:19 71:18,19 76:15 77:2 84:13 85:8 90:15 91:13 96:18 103:5 117:8 <b>quotation</b> 68:11 68:11 84:3 <b>quote</b> 44:4 64:2 <b>quoted</b> 63:24 <b>quotes</b> 82:20 <b>Q&amp;A</b> 72:20,22 73:8	115:12 <b>reaction</b> 117:22 119:5 <b>read</b> 7:15 36:1 52:13 55:17 63:19,22 65:14 68:9 90:20 102:21 103:6 <b>reader</b> 20:24 46:19 47:24 48:6 51:12,15 51:22 66:5,20 84:24 85:2 <b>readers</b> 4:12 5:11,15 7:7 14:15,19 31:19 31:25 33:10,16 35:8 41:17,18 42:8 43:14 47:23 49:2,18 49:19,24 50:6 50:15 51:7 54:24 57:1 62:16 64:22,23 65:2,23 66:25 67:3 79:20,23 80:9 81:2,2,9 81:24 97:10 101:10 102:20 115:10 <b>readership</b> 7:14 95:20 96:2,9 102:20 <b>reading</b> 102:19 102:22 103:1 104:1 <b>reads</b> 83:17 <b>ready</b> 40:21 <b>real</b> 9:12 14:25 39:13 68:11 105:14 <b>realised</b> 69:1 <b>reality</b> 11:4 20:21 <b>really</b> 6:23 7:8 8:20 10:13 15:18 17:1 18:1,8 22:16 22:24 24:14 26:25 27:1,7 28:9 32:19,22 34:9 35:17 42:10 43:5,18 49:7,8 54:12 56:24 57:4,5,9 57:14 59:10 70:15 73:22 74:3 76:10 77:2 81:4 82:14 85:13,24 89:4,5 98:16 105:4 107:4 115:21 <b>reason</b> 30:18 35:21 37:19 60:17 89:3 103:4 112:13	<b>reasons</b> 15:19,22 16:2 34:23 35:2 39:22 52:21 63:22 74:17 107:22 110:3 112:2,3 113:16 <b>reassurance</b> 24:12 <b>rebuttal</b> 119:5 <b>recall</b> 69:19 80:11 <b>receive</b> 49:5 60:19 <b>recognise</b> 112:18 <b>recommendati...</b> 52:14 <b>reconnecting</b> 102:18 <b>record</b> 15:23 35:4 94:11 112:1 <b>recorded</b> 70:12 113:16 <b>records</b> 107:25 <b>recruit</b> 100:11 100:14 <b>recruitment</b> 99:17,19 100:3 100:5,17 101:14 <b>recurred</b> 73:4 <b>red</b> 21:16 29:16 <b>reduced</b> 100:13 <b>reenergise</b> 103:7 <b>refer</b> 13:5 70:20 <b>reference</b> 25:11 68:14 <b>referred</b> 12:14 114:20 <b>referring</b> 80:4 109:17 110:5 <b>reformed</b> 53:12 <b>refrain</b> 74:1 <b>refused</b> 32:2 104:10 <b>refusing</b> 104:12 <b>regarded</b> 100:17 115:10 <b>regarding</b> 73:25 <b>regardless</b> 11:23 43:13 <b>regional</b> 90:8 93:15,19 99:7 99:19 100:16 101:2,19 <b>register</b> 28:21 <b>regular</b> 50:5 112:7 118:2 <b>regularly</b> 88:25 <b>regulated</b> 52:5 <b>regulation</b> 52:3,8 52:13 53:18 56:23 58:4 <b>regulations</b> 55:4 115:8 <b>reiterating</b> 39:20 55:6	<b>relate</b> 84:10 <b>related</b> 1:10 <b>relates</b> 70:15 87:11 <b>relating</b> 43:2 59:16 68:1,4 70:22 <b>relation</b> 87:18 <b>relationship</b> 18:2 18:10 23:11 41:20 52:20 54:22 55:15 56:19 61:7 76:15 <b>relationships</b> 42:23 <b>relatively</b> 8:13 <b>relaxed</b> 27:8 <b>relearning</b> 102:23 <b>releases</b> 45:7 <b>relevant</b> 81:23 <b>Relief</b> 72:22,23 <b>reluctant</b> 106:23 <b>remained</b> 105:18 <b>remember</b> 13:8 24:2 30:4 34:21 44:12 76:22,24 78:16 88:22,23 89:11 114:3 <b>remind</b> 59:14 70:16 78:22 <b>reminds</b> 55:4 <b>remove</b> 101:16 <b>reorganise</b> 96:17 <b>rep</b> 24:1,14 <b>repackaged</b> 72:9 72:10 <b>repeat</b> 73:16 <b>replicate</b> 10:4 <b>reply</b> 119:6 <b>replying</b> 109:10 109:11 <b>reporter</b> 104:5 104:11 105:7 105:12,17 106:13,23 107:1,4,8 108:3,14 114:4 <b>reporters</b> 107:20 107:24,25 110:24 112:9 113:22 115:3 <b>reporter's</b> 107:21 <b>represent</b> 1:23 <b>representative</b> 28:16 35:18 46:2,18 73:10 <b>representatives</b> 11:13 23:11 28:10 43:4 55:8 <b>represented</b> 53:24 <b>reprinted</b> 72:22
---	---	--	---	---	---	---

<b>reprinting</b> 73:11	46:9 48:6 50:2	93:25 94:2,2,5	97:8,8,13	97:1	<b>Similarly</b> 45:20	110:7
<b>Republic</b> 97:25	51:16 56:12	94:6,19,22	101:25	<b>separately</b> 10:10	<b>Simon</b> 60:1,5,13	<b>sort</b> 5:6 6:18,22
<b>reputation</b>	58:5 61:13,18	95:3 97:4,5	<b>screen</b> 102:21	<b>September</b> 3:10	60:16,25 61:16	10:6,7 12:11
117:14	63:15,19 65:3	99:9 101:21	<b>scrutinised</b>	59:14 93:10	<b>simple</b> 37:19	12:14 17:22
<b>reputational</b>	69:20 73:17	102:6 106:19	114:21	<b>series</b> 21:19 22:2	<b>simply</b> 10:5 20:2	18:1 19:13
54:25	74:6 76:20	106:20 107:7	<b>Sean</b> 45:5	118:17	37:24 42:20	21:8 22:8,12
<b>request</b> 26:9,10	85:5,22 87:23	107:13 110:13	<b>season</b> 38:21	<b>serious</b> 50:20	65:17 72:1	28:8 29:17
118:11	92:24,25 93:23	110:14 111:7,8	39:2,14,15	51:10	75:11 77:9	32:24 38:3,3
<b>requests</b> 47:9	93:24 95:3	113:6,8,17	<b>second</b> 117:5	<b>served</b> 93:22	78:12,18 82:24	43:16 47:9
55:3	96:16 98:12	119:2,3	<b>secondly</b> 52:11	<b>serves</b> 96:6	91:11 104:17	49:14 52:6
<b>require</b> 116:13	103:22 105:10	<b>Ruth</b> 3:13 22:10	66:6	<b>service</b> 9:23	<b>single</b> 12:25	53:7 54:2,9
<b>required</b> 32:14	105:22,25	45:25 49:19	<b>secret</b> 115:1	<b>services</b> 100:6	42:14 47:3	57:23 61:5
<b>requirement</b>	106:11,25		116:9	102:24,25	64:12	75:23,25 76:3
53:15 104:4	115:3,6 119:6	<b>S</b>	<b>section</b> 2:16 4:17	<b>serving</b> 96:3,11	<b>sir</b> 1:4 8:22 90:5	76:7,8 77:2,13
<b>requires</b> 114:17	<b>right-hand</b> 65:24	<b>s</b> 12:10 75:7,16	18:24 20:6	<b>session</b> 72:20,22	90:18 109:5	77:15 96:8
<b>researches</b> 73:19	71:2,4	76:6	65:5,10,17,25	119:24	119:20	109:25
<b>resolution</b> 57:12	<b>rigorous</b> 111:18	<b>sad</b> 38:2	67:11 68:5	<b>set</b> 3:1,4,15,24	<b>sit</b> 52:22 69:3	<b>sorts</b> 10:17 19:24
<b>resolved</b> 69:13	<b>ring</b> 76:3	<b>safe</b> 35:15 38:7	<b>sections</b> 63:20	15:23 20:22,23	<b>sites</b> 58:2	54:8
79:22	<b>ringing</b> 47:21	77:9	99:22	22:12,16,22	<b>sitting</b> 1:8 77:1	<b>soulmate</b> 83:18
<b>resource</b> 57:19	<b>rip</b> 31:21	<b>safety</b> 108:9	<b>sector</b> 101:9,10	23:14 25:11	<b>situation</b> 21:10	83:23
<b>respect</b> 61:16	<b>rise</b> 89:23	<b>sake</b> 27:4 69:12	101:11	31:1 36:12	24:18 30:3,23	<b>source</b> 19:17,19
73:3,23 88:2	<b>rises</b> 8:17	70:4	<b>secure</b> 37:14	48:14 62:7,12	33:22 62:24	22:3 43:16
<b>respectful</b> 27:2	<b>risk</b> 41:3 112:14	<b>salacious</b> 46:5	<b>security</b> 36:21	<b>setting</b> 35:4	72:19 73:4	44:16 45:13,14
35:13	<b>road</b> 101:18	<b>sales</b> 7:9,12 8:6	74:21	69:16	76:10,14 78:1	45:15,21,22
<b>respond</b> 49:19	<b>robust</b> 99:25	8:12,13,14,19	<b>see</b> 7:23,24 8:19	<b>seven</b> 49:14	80:21 105:7	46:19,23,24
118:9 119:11	<b>role</b> 4:13 14:18	8:24 9:1,11	22:16,21 31:19	69:23	117:3	47:3 72:9 73:6
<b>response</b> 118:12	<b>room</b> 2:23	15:17 77:16	32:11 36:23	<b>sexual</b> 119:10	<b>situations</b> 12:17	79:6 97:11
<b>responsibilities</b>	103:11	79:7 100:25	37:2,10 39:16	<b>shape</b> 52:8 99:14	43:2 44:10	104:13,20,21
93:12	<b>Rooney</b> 80:6	101:6 103:19	49:5 52:7	<b>share</b> 6:19 15:22	59:16 66:14,14	105:8 106:1,12
<b>responsibility</b>	<b>Rosie</b> 1:19 2:1	<b>sanctioned</b>	58:22 59:18	34:6 35:11,12	<b>six</b> 7:18 69:23	106:14,16,17
108:10	30:14,20 57:4	111:21,24	65:23 67:4	52:15	79:11,13	106:22,25
<b>responsible</b> 96:4	57:17 76:23	<b>Sandringham</b>	69:12 71:5,8	<b>Shell</b> 11:22	<b>six-month</b> 80:10	117:17 118:21
105:12,16	<b>rough</b> 33:1	59:6	79:16 83:20,20	<b>she'd</b> 37:21	<b>slightly</b> 1:14 2:13	118:22,22
<b>rest</b> 50:22 85:15	<b>roughly</b> 101:5	<b>satisfy</b> 63:1	83:25 84:1,14	<b>shocked</b> 59:2	8:17 11:6	<b>sourced</b> 6:9 19:3
90:5	<b>round-table</b> 82:6	107:11	94:25 97:11	63:11 64:19	12:18 16:15	24:21
<b>result</b> 48:11	<b>round-tables</b>	<b>save</b> 74:3	109:25 117:8	65:1,2	18:20 19:18	<b>sources</b> 19:2
110:23	17:17	<b>saw</b> 37:16 105:17	117:10	<b>shocking</b> 59:7	21:14 40:12	44:15 45:23
<b>resulted</b> 72:12	<b>Rowling</b> 26:14	<b>saying</b> 8:9 25:4	<b>seeing</b> 14:7 23:14	<b>shoot</b> 20:20	52:4 55:10	46:1,13,15,21
<b>retain</b> 38:22	70:16,23 72:16	44:5,11 56:18	77:18	<b>shoots</b> 4:16 5:3	108:1	72:18 104:2,3
<b>retaliated</b> 76:7	72:20,25 79:12	96:18 105:17	<b>seek</b> 43:1	5:17,22,25	<b>small</b> 8:7 85:23	105:15 107:8
<b>Reveal</b> 80:2	87:4,18	108:12 109:23	<b>seen</b> 4:1 7:24	20:1 22:5	100:7	<b>south</b> 91:4 93:8
<b>revealing</b> 16:9	<b>Rowling's</b> 73:9	110:1	45:9 49:17	24:24 34:8	<b>smaller</b> 18:24	93:11,18 96:1
<b>revelation</b> 16:12	<b>royal</b> 9:3 84:22	<b>says</b> 16:6 41:9,10	51:25 52:25	<b>short</b> 2:16 70:1	<b>smiling</b> 21:16	96:24 97:1
<b>revenue</b> 98:13	86:4	63:24 71:15,17	67:9 79:6	90:2 119:11	<b>snapped</b> 66:1	98:7
100:24,25	<b>ruined</b> 32:1	79:21 80:18	<b>sees</b> 85:2	<b>shorter</b> 34:18	<b>snapping</b> 67:1	<b>space</b> 35:14 50:5
101:1,2,3,20	<b>rule</b> 31:18 32:4,8	81:16 83:13,23	<b>self-appointed</b>	<b>shots</b> 22:14	<b>Society</b> 92:19,20	84:13,20
<b>revenues</b> 98:14	32:9,24 40:9	109:8,20	103:12	<b>show</b> 13:5 29:12	<b>sold</b> 9:4 15:7	<b>speak</b> 14:13
99:7,10 102:1	110:4 118:7	<b>scenario</b> 117:16	<b>self-protection</b>	35:6	37:18 38:19	16:20 17:14
<b>reverse</b> 14:9	<b>rules</b> 41:12 63:6	<b>scene</b> 103:23	115:21	<b>showed</b> 68:7	39:1 74:16,24	40:17 46:11,13
<b>reversed</b> 75:5	115:8	<b>school</b> 55:23	<b>sell</b> 35:1,1 38:1,1	<b>showing</b> 32:7	<b>somebody</b> 16:2	54:22 68:23
<b>review</b> 20:6	<b>ruling</b> 77:6	93:23 106:9	72:6 79:4	<b>shown</b> 16:3,10	16:10 23:17	<b>speaking</b> 25:25
109:10,20	<b>rumour</b> 36:7	107:13,14	80:25 86:20	119:4	26:14,17 27:1	<b>specific</b> 1:10 8:3
<b>reviews</b> 4:17	46:7	<b>scoops</b> 36:5	102:25	<b>shows</b> 45:8	29:9 39:6	14:23 50:2,25
6:16	<b>rumours</b> 43:23	<b>Scotland</b> 90:7,12	<b>selling</b> 79:9	<b>shy</b> 51:21	42:21 51:9	106:24 107:10
<b>rich</b> 4:21 5:9	44:6	92:13 94:21	<b>send</b> 66:6 76:17	<b>side</b> 6:2 18:20	76:16 100:2	<b>specifically</b>
<b>Richard</b> 8:22	<b>run</b> 5:25 10:10	95:24 96:4,12	<b>senior</b> 4:6 93:19	57:15 71:2	111:20 115:18	110:6
65:15	11:17 23:10,25	96:14 98:20	95:13 104:6	<b>sides</b> 5:1	116:11	<b>spectacular</b> 81:6
<b>ridiculous</b> 18:22	24:5 32:2 40:4	101:21 105:25	<b>sense</b> 15:17	<b>Sienna</b> 81:15,19	<b>somebody's</b>	<b>spectrum</b> 55:25
57:3	40:11 41:11,20	<b>Scotsman</b> 91:3	36:13 105:17	81:21,24 82:10	117:10	<b>speculating</b>
<b>ridiculously</b>	42:21,22 43:9	92:16 95:11	115:16,20,24	82:14	<b>someone's</b> 6:5	85:10
85:11	43:9,10,11	96:10 97:6	<b>sensitive</b> 40:12	<b>significant</b> 70:8	66:15 117:24	<b>speculation</b>
<b>right</b> 3:14,21	44:10 46:3	118:1	98:16	101:25	<b>son</b> 68:7	85:16,17,25
4:18 10:9	64:9 78:10	<b>Scotsman's</b>	<b>sent</b> 65:23 66:13	<b>silence</b> 98:7	<b>son's</b> 68:15	<b>speech</b> 68:8
15:14 16:5,15	<b>running</b> 43:18	108:23	114:4 116:11	<b>similar</b> 24:23	<b>soon</b> 55:16 69:1	<b>speed</b> 2:22
20:12 24:6	118:17	<b>Scottish</b> 92:18,20	<b>separate</b> 10:11	26:6 32:23	<b>sorry</b> 26:24	<b>Spencer</b> 91:3,18
29:12 34:23	<b>runs</b> 10:6	94:12,13,14,15	10:14 47:16	54:8 69:8,10	28:25 47:23	93:3
35:20 39:9,18	<b>Russell</b> 91:4,17	95:1,1 97:6,7,8	79:23 89:4	96:5 101:21	87:9 108:12	<b>spent</b> 92:4 94:22



<b>splash</b> 107:17	<b>steepest</b> 99:16	<b>substantial</b>	<b>swingers</b> 114:5,6	93:7 94:6 95:5	39:11,14,21	30:15,19 35:9
<b>split</b> 41:17	<b>step</b> 17:23	35:23	114:7 116:12	95:10 101:24	41:12,19 42:3	47:25 49:12
<b>splitting</b> 43:24	<b>steps</b> 24:21 66:12	<b>substantiated</b>	116:17	104:1 105:7,21	43:17 44:13	59:17 62:9
91:11	<b>sticker</b> 68:4,10	19:3	<b>sworn</b> 1:17,18	<b>telling</b> 105:3,13	47:2 49:8 50:5	68:22 69:5
<b>spoil</b> 75:21 76:5	68:18	<b>subterfuge</b>	91:15,16,17,18	105:14 108:5	52:24 53:2,4,8	70:21 72:12
<b>spoiled</b> 76:6	<b>stickers</b> 68:6,7	109:11,13	91:19	<b>tells</b> 27:21	53:17,24 54:3	74:10 75:18,23
<b>spoiler</b> 41:3	<b>Stirling</b> 92:8,24	110:3,5,7	<b>system</b> 30:5	<b>ten</b> 13:17 99:22	54:10,11,17,23	77:8,20 78:9
<b>spoiling</b> 75:7	<b>Stoke-on-Trent</b>	111:11,14		<b>tend</b> 6:20 40:9	56:4 57:4,14	78:10,16 87:20
78:14	93:20	112:2 113:7,10	<b>T</b>	118:2	57:18,19,22	89:9 100:9
<b>spoke</b> 24:17 62:9	<b>stone</b> 31:2	113:19 114:1	<b>tab</b> 67:25 70:24	<b>tends</b> 49:25	58:1 59:4,9	107:20 108:3
62:17 82:10	<b>stories</b> 9:22	114:16,22	79:11 81:13	<b>term</b> 73:23	60:10 63:4,5	108:16 112:6
84:8 85:8,12	10:18 11:5,10	115:2,8	86:6 87:3	<b>terms</b> 3:17 4:2	67:3,6,7,22	112:17 113:19
<b>spoken</b> 40:20	11:12 14:1,7	<b>subtle</b> 107:6	108:22 109:2	7:9 10:21 27:9	69:3,4,18 70:4	116:11 118:11
62:20 63:2	14:15 15:24	<b>successful</b> 86:15	<b>tablet</b> 102:16,25	32:15 56:23	71:17,17 72:1	119:11,18
74:4 84:25	16:17,19,24	<b>succinct</b> 112:1	<b>tablets</b> 102:22	58:13,14 102:9	73:2 74:13	<b>times</b> 30:19
<b>sport</b> 97:2,8	17:1,8 19:3	<b>suffer</b> 37:24	<b>take</b> 1:12 5:1	102:11 103:18	77:17 78:9	32:10 36:4
<b>spot</b> 49:16	31:10,10,11,17	68:16	20:14 22:7	117:24 118:15	79:3,6 80:14	49:13,23 94:8
<b>spotted</b> 65:5,6,9	32:15,17 39:25	<b>sufficient</b> 45:13	24:2,21 26:19	<b>terrible</b> 57:9	81:10,12 82:18	94:9 107:19
65:11,12,18	44:16,18,21,21	<b>suggest</b> 18:7 79:6	27:17,18 29:15	<b>text</b> 5:18 66:1	83:8 85:8 86:7	119:14
67:10	45:20,23 46:23	84:24 85:1	38:7 41:19	69:15 83:16	86:9,9,11 88:5	<b>title</b> 54:18 61:19
<b>spread</b> 80:14,15	73:25 104:8	96:7 113:11	59:19 61:9	<b>thank</b> 1:13,16	88:21 89:8	96:6 97:16
<b>springs</b> 26:14	105:16 106:14	115:20	66:12 67:6	2:24 54:5	96:16 99:6,20	98:22
<b>spuma</b> 4:24	107:16 111:2	<b>suggesting</b> 31:1	70:22 73:2	57:10 69:20,24	100:25 102:15	<b>titles</b> 53:22 90:8
<b>stable</b> 106:2	118:8,8,17	<b>Sullivan</b> 3:13	78:21 98:6	77:8 78:21	103:2,10,16,17	111:14
<b>staff</b> 6:12,21,23	<b>story</b> 8:6,20 14:6	<b>sum</b> 74:25	106:9,10,20,21	89:16,20,25	103:18,19	<b>today</b> 3:5 74:18
11:25	17:5 32:17	<b>summarily</b> 106:2	108:1 112:19	96:21 97:15	104:25 106:10	<b>told</b> 13:22 79:2
<b>stage</b> 4:4	34:25 35:5	<b>summarise</b>	112:24,25	98:1 103:23	106:15,25	82:18 85:12
<b>staged</b> 20:13,13	38:19 40:5,8	54:19 74:11	115:19 116:16	106:19 113:6	107:7,15,18,23	105:17,23
<b>stance</b> 41:19	40:11,15,20,21	75:11	<b>taken</b> 4:6 19:25	119:20 120:2	107:24 108:1	111:11
<b>stand</b> 85:3	40:22,22,24	<b>summarised</b>	20:2,16,17	<b>theme</b> 104:15	108:15 109:23	<b>tone</b> 61:5 63:14
<b>standard</b> 57:20	41:11,13,16,16	74:13	21:10,21 22:15	116:14	110:1 111:16	<b>tool</b> 30:21 88:17
<b>standards</b> 12:5	41:23 43:13,14	<b>sums</b> 26:12	23:2,5,8,15	<b>thereabouts</b>	111:23 114:1	<b>top</b> 84:21 103:8
58:13 59:11	44:10 46:1	103:6	27:17 30:17,20	71:13	115:14,23	<b>torso</b> 50:18
<b>standpoint</b> 28:9	47:22,24 84:10	<b>Sunday</b> 43:21,25	30:25 58:19	<b>they'd</b> 15:11	116:10 117:2	<b>total</b> 6:18 98:10
<b>stands</b> 40:18	104:5,11,19,21	44:1 92:13	60:7,12,21	34:14	117:15,25	<b>totally</b> 10:13
<b>stand-wise</b> 7:11	104:25 105:1	94:9,11,16	62:12 63:4	<b>thin</b> 62:1,5,25	118:15 119:8	26:25 30:10
<b>staple</b> 97:3	105:11 106:1	96:5	64:15 66:6,13	63:2	119:12	44:7 86:12
<b>star</b> 66:4 84:23	106:12,13,23	<b>superinjunction</b>	67:18,24 72:8	<b>thing</b> 35:18	<b>thinking</b> 58:10	89:14
85:23 91:8	107:3,11	119:13	75:20 77:9	64:22 70:5	80:17 81:3	<b>touch</b> 3:1 25:12
93:14,18	108:11,13,18	<b>supplied</b> 20:5	78:5 90:20	72:1 73:2,13	<b>third</b> 49:15 80:2	<b>touched</b> 11:19
<b>stars</b> 5:4 17:22	112:15 116:16	<b>support</b> 72:21	99:15,18	76:11 77:4	93:15 107:15	33:17
18:6 20:21	116:19 117:10	<b>suppose</b> 13:7	<b>takes</b> 67:6	103:10 108:19	<b>thorny</b> 75:2	<b>tough</b> 8:23 97:18
<b>start</b> 2:25 3:3,25	117:13,18,18	16:19 17:12	<b>talk</b> 28:7 33:23	109:25	<b>thoroughly</b>	<b>track</b> 107:25
4:12 19:8,16	117:21 118:10	27:5 36:18	39:7 89:1	<b>things</b> 2:22 13:15	45:15 55:17	<b>traditionally</b>
44:17 52:17	119:3	37:5 44:15	<b>talked</b> 63:8	14:12 37:9	113:2	8:23 65:9
59:13,25 79:11	<b>story's</b> 105:8	49:22 56:1,25	<b>talking</b> 98:10,12	47:5 52:9,17	<b>thought</b> 28:18	100:16
80:17 90:9	<b>straight</b> 10:6	75:23 86:2	<b>tape</b> 82:16,17	53:4 54:2 57:7	31:25 54:13	<b>traffic</b> 101:18
91:21 95:22	15:24 35:4	89:9 116:8,12	<b>tarred</b> 53:7 55:1	66:5 82:4	68:17 81:4	<b>trail</b> 114:13,18
103:25 108:21	44:20 66:2	<b>suppress</b> 118:13	<b>teachers</b> 55:23	99:25 102:17	113:11	<b>trained</b> 11:17
111:15	<b>strategies</b> 103:14	<b>sure</b> 22:16 36:22	<b>team</b> 6:17 10:14	112:19,25,25	<b>threatened</b>	<b>transcript</b> 70:25
<b>started</b> 92:7	<b>street</b> 29:14	45:16,16 53:16	10:22,23 13:2	114:11,18	104:11	87:4
<b>star-studded</b>	43:22 90:14	63:16 73:6	18:25 22:10	115:9,11,12	<b>three</b> 2:20 6:15	<b>transferred</b>
80:5	114:5	80:25 81:7	48:2,10 80:14	8:16 11:20	32:20 45:3	92:12
<b>state</b> 82:13	<b>stretching</b> 92:4	84:9 98:25	104:6	14:12,17 15:15	48:19 54:15	<b>transparent</b>
<b>stated</b> 81:18	<b>strong</b> 100:1	116:1 120:1	<b>teasers</b> 79:20	15:19 16:2,5,8	96:25 97:1	45:25
<b>statement</b> 2:5	111:18	<b>surgeries</b> 115:6	<b>Telegraph</b> 91:5	16:11 19:11,17	111:22 112:5	<b>travelled</b> 90:11
3:2,16,25 18:7	<b>student</b> 92:9	<b>surreptitious</b>	95:11,12 97:16	19:18 20:18,19	<b>three-edition</b>	<b>trawl</b> 109:24
50:11 63:8	<b>studies</b> 92:24	116:12	102:10 115:3	24:15 25:5,21	96:25	<b>treat</b> 73:3,22
72:7 91:24,25	<b>subeditors</b> 6:19	<b>surrounding</b>	119:19	25:23 26:6,18	<b>throwing</b> 85:11	<b>treated</b> 25:18
92:3 93:4 94:3	45:9	11:2 116:2	<b>television</b> 3:4	27:10 28:5,15	<b>tie</b> 34:8	<b>tree</b> 103:8
95:7 104:1	<b>subject</b> 17:5 54:9	<b>suspected</b> 106:1	31:8	29:6,7,21	<b>tightening</b> 115:7	<b>trend</b> 98:6 99:24
<b>statements</b> 90:19	112:4 113:7	106:4	<b>tell</b> 1:22 6:25	31:18 32:21	<b>till</b> 113:17	<b>trillion</b> 102:13
<b>States</b> 5:10	117:12,20,22	<b>suspicious</b> 24:1	19:17 22:17	33:25 34:7,14	<b>Tim</b> 90:22	<b>triple</b> 46:24
<b>statutory</b> 53:14	118:7 119:3	<b>Swansea</b> 93:9	41:18 42:16	34:16 35:19	<b>time</b> 3:17 7:8	<b>trivial</b> 115:7
101:16,22,23	<b>subs</b> 45:16	118:19	47:15 67:6	36:3,16 37:9	8:11 11:4	<b>trouble</b> 105:2
<b>stay</b> 76:18 81:9	<b>subscription</b>	<b>swimsuits</b> 87:7	72:13 74:12	38:17,23 39:5	12:24 16:23	<b>true</b> 2:7 14:15
<b>steady</b> 8:13	48:4 80:10	87:11,17	82:17 92:3		21:3 22:9 24:2	22:21 43:8

46:4 91:25 93:4 94:3 95:7 104:18 108:15 114:10 <b>trust</b> 36:12 43:3 107:8,21 108:7 108:8 <b>trusted</b> 22:6 45:23 46:21 108:4 <b>trusting</b> 18:1 42:22 <b>trustworthy</b> 104:21 <b>truth</b> 18:8 38:2 43:2 <b>try</b> 13:19 14:21 14:22 22:12,16 31:18 37:7 44:8,8 98:23 106:21 <b>trying</b> 19:8 36:25 71:19 88:5 98:15,16 99:3 115:20 <b>Tuesday</b> 40:18 41:1,7 <b>Tulisa</b> 61:22 <b>turn</b> 3:7 4:7 16:16 39:25 59:12 67:25 70:13 78:21 79:13 81:13 87:5 <b>turned</b> 26:10 113:3 <b>TV</b> 4:17 20:5,6 20:21 34:19 35:6 45:8 <b>tweets</b> 45:7 <b>twice</b> 25:21 48:24 <b>Twitter</b> 11:13 46:7 49:23 67:8 <b>two</b> 2:13 22:4,13 44:24 45:3 48:19 51:1 52:9 60:5 66:5 70:14 77:1 91:1 93:13 94:22,23 108:6 111:22 119:18 <b>two-thirds</b> 101:5 <b>Tyne</b> 92:11 <b>type</b> 15:7 19:22 28:2 32:17 33:18 34:24 36:15 77:3 78:14 116:5 <b>types</b> 14:6 31:16 34:23 <b>typically</b> 47:10	<b>ultimately</b> 18:2 22:18 39:5 <b>ultra</b> 25:16 <b>unaware</b> 67:2 <b>unawares</b> 66:9 <b>understand</b> 1:14 7:2 9:8 17:11 30:12 32:10 34:25 42:11 52:9 55:10 64:8 68:17 73:7 77:8 80:16,21 83:10 86:12 87:12,15 95:19 98:23 105:24 <b>understanding</b> 12:9 74:15 <b>understood</b> 104:7 <b>undertook</b> 72:21 <b>unhappy</b> 57:4 88:9 <b>Unionist</b> 97:22 <b>unique</b> 9:18 36:17 61:16 96:14 <b>universal</b> 53:9 <b>universally</b> 28:11 55:6,7 <b>university</b> 92:8 92:24 <b>University's</b> 93:23 <b>unlawful</b> 76:4 <b>unposed</b> 66:3 <b>unreasonable</b> 104:25 <b>unscrupulous</b> 23:21,24 <b>unsure</b> 12:15 46:3 <b>unusual</b> 118:9 <b>update</b> 30:22 <b>upset</b> 18:3 28:15 42:25 81:4 <b>up-to-date</b> 13:19 <b>use</b> 6:24 17:16 18:6 20:11 22:6,18 23:16 23:17,19 24:24 25:4 28:10 45:23 46:21 49:16 66:17 74:3,5 112:2 113:6 <b>useful</b> 28:10 30:21 50:5 57:18 118:23 <b>users</b> 9:18 102:25 <b>uses</b> 28:8	<b>various</b> 4:1 60:4 60:5,19 62:8 63:8 72:17 75:15 81:21 82:13 88:14 <b>vary</b> 9:3 32:25 <b>vastly</b> 75:18 30:12 32:10 <b>veracity</b> 107:11 <b>versa</b> 59:1 <b>versus</b> 74:7 79:12 <b>vice</b> 59:1 <b>victims</b> 27:4 <b>vida</b> 4:24 <b>view</b> 5:19 14:14 55:13 62:25 80:24 84:7 86:12 106:9,10 106:20,21 111:25 113:5 <b>views</b> 118:15 <b>vigorously</b> 105:21 <b>Vision</b> 70:8 <b>visit</b> 118:19 <b>visiting</b> 116:21 <b>visual</b> 5:24 6:2,3 13:23 <b>vocal</b> 15:8 <b>voicemails</b> 108:20	<b>wanted</b> 30:12 31:24 38:11 39:18 43:24 55:2 116:15 <b>wanting</b> 35:21 <b>wants</b> 17:18,18 28:4 87:12 <b>war</b> 36:13 <b>warrant</b> 6:1 <b>wars</b> 36:14 <b>wasn't</b> 23:13 68:11 77:14 78:9 82:12 83:1 87:19 88:20,20 104:23 117:6 <b>watched</b> 49:1 <b>watching</b> 60:3 <b>way</b> 3:6 7:4 17:23 19:1 27:3 29:25 30:10 33:6 34:13 37:22,22 38:9 41:10 46:12,14 49:15 49:22 55:13 57:9 59:9 66:18 67:13 71:25 72:7 74:19 82:3 102:22 107:15 108:1 115:3,6 <b>Wayne</b> 80:5,5,19 <b>ways</b> 96:12 100:8,12,15 108:6 <b>web</b> 10:23 11:8 <b>website</b> 9:15,17 9:20 10:1,2,5 10:10,14,15,21 10:22 11:7,9 11:13,17 13:15 23:19 49:23 81:16 82:11,24 96:2 <b>websites</b> 7:22 9:14 45:8 46:7 101:12 <b>wedding</b> 6:5 8:21 9:3,5,10,10 15:18 16:4,10 31:13 33:19 34:5,6 35:1 36:11,19 37:1 37:7 38:1,20 39:11 74:10,16 74:24 76:23,24 77:19 79:7 80:5,7,13,17 80:19 <b>weddings</b> 5:4,13 8:25 36:6 58:25 59:1 77:16 <b>Wednesday</b> 1:1 6:22 <b>week</b> 6:21 7:7,10	7:13,14,24 8:8 8:23,25 32:19 32:19,21 50:18 59:4 61:20 63:16 80:13 85:9 101:15 103:18 <b>weekend</b> 40:25 <b>weekly</b> 7:16 54:18 92:7 93:13,18 112:7 <b>weeks</b> 32:19 <b>week's</b> 19:9 59:19 61:25 65:7 67:10 80:8 83:3 <b>weight</b> 62:21 63:3,25 <b>welcome</b> 51:14 54:2 <b>well-known</b> 68:15 <b>well-read</b> 50:23 <b>Welsh</b> 101:15 <b>went</b> 43:21 65:2 68:17 <b>weren't</b> 64:17 88:23 <b>west</b> 92:10 93:12 93:18 97:1 <b>Western</b> 95:13 <b>we'll</b> 2:16,23 5:25 13:2 21:5 26:19 41:21,22 51:13 52:3 59:18 63:13 69:23,24 72:11 79:12 <b>we're</b> 2:13 4:22 5:24 7:6,10,12 7:20 8:4 9:14 9:22,24 11:9 11:10 12:6,15 12:21 14:14 15:15 18:13,15 20:5 25:3 26:7 26:11 30:8,8,9 32:5 36:16 39:6 40:11,25 41:6,15 46:4 46:23 47:18 53:4,6 54:16 57:8,20 73:5 77:2 78:10 90:5 91:6 96:16 99:3,3 101:8 102:4 105:25 118:17 <b>we've</b> 3:25 7:25 9:11 22:9 24:4 40:19 42:25 43:18 45:21 49:13 50:14,17 58:16,19 77:16 117:16 <b>whatever's</b> 81:1 <b>whereabouts</b>	118:24 <b>whichever</b> 82:16 <b>whilst</b> 92:8 <b>whistle-blower</b> 106:4 <b>wide</b> 64:16 <b>widely</b> 96:1 <b>wider</b> 28:24 35:5 56:20 <b>wife</b> 23:7 67:23 <b>William</b> 23:7 24:16 85:14 <b>William's</b> 9:10 <b>Willoughby</b> 25:7 <b>win</b> 66:1,4 67:1 <b>wise</b> 7:12,22 <b>wish</b> 38:9 72:2 99:13 <b>wished</b> 89:18 <b>witness</b> 2:5 50:11 63:8 91:24,25 92:3 93:4 94:3 95:7 104:1 <b>witnesses</b> 90:19 91:1,15 104:14 <b>wobbly</b> 61:20 62:15 <b>woman</b> 118:19 118:24 <b>won</b> 75:25 <b>word</b> 18:6 73:3 74:2,3 103:17 107:22 113:10 <b>wording</b> 63:14 <b>words</b> 4:11 17:4 65:11 109:18 <b>work</b> 6:15,20,21 12:3,5,6 15:20 15:23 17:22 19:1,2 33:5 35:21 38:5 41:21 43:4 57:10 59:11 101:10 <b>worked</b> 3:5,16 4:1 22:9 54:7 58:24 68:25 69:5 70:9 78:25 92:9 94:16,20 108:3 116:3 <b>working</b> 3:4 17:12,20 25:23 25:24 53:22 57:20 60:25 68:22 92:4 107:19 <b>workings</b> 11:24 <b>works</b> 12:17 21:1 29:25 52:21 53:2 54:20 55:14 69:6 101:5 108:6 <b>world</b> 47:2 64:17 73:23 83:18 86:23 96:3 99:5	<b>worldwide</b> 5:10 <b>worried</b> 30:5 54:25 88:10 <b>worries</b> 52:13 58:11 <b>worry</b> 36:20 56:22 <b>worth</b> 114:9 <b>wouldn't</b> 8:16 18:2 21:25 23:25 26:15,17 27:1 38:15 41:22 43:9,10 43:19 49:7 56:24 57:3 58:18 78:13 87:21 88:1,11 104:24 105:7 107:9 <b>write</b> 25:25 115:19 <b>writer</b> 4:6,7 <b>writers</b> 44:1 82:18 <b>writing</b> 62:13 84:17 92:7 113:16 <b>written</b> 15:24 40:6 79:15 112:1,4 <b>wrong</b> 47:5,7 57:5 65:10 114:18 <b>wrongdoing</b> 113:4 <b>wrongly</b> 81:18
<b>U</b>	<b>V</b>				<b>X</b>	
<b>UK</b> 97:24 <b>ultimate</b> 9:5	<b>vacancies</b> 101:12 <b>value</b> 28:20 <b>varies</b> 32:19 34:9				<b>X</b> 61:23 63:23 65:11,18 108:13	
					<b>Y</b>	
					<b>yacht</b> 60:7 <b>yeah</b> 4:5,9 10:7 11:7,15 13:20 15:15 17:22 18:13 24:5 28:6 29:17,21 31:3 32:9 33:2 33:8,16 34:10 38:2 42:20 45:1 46:13 47:14,18 49:25 53:17 54:17 58:16 68:14 71:9 80:16 84:6 87:2 92:6 107:11 108:8 <b>year</b> 7:18 47:11 48:21,24 49:5 50:12 74:11,15 76:5 101:20 <b>years</b> 7:19 8:25 12:13 13:8,17 45:6 50:13 69:8 70:10	

75:11 76:11	<b>27</b> 7:11				
81:22 92:5	<b>29</b> 92:5				
94:22,24 99:7					
99:11,22 111:1	<b>3</b>				
119:18	<b>3</b> 70:24				
<b>yesterday</b> 56:5	<b>30</b> 9:7 40:2				
56:13 80:13	108:24				
87:19 88:19	<b>30th</b> 83:14 85:25				
<b>York</b> 74:15	<b>32</b> 6:14				
<b>Yorkshire</b> 91:9	<b>320,000</b> 7:7				
94:23	<b>35</b> 6:1 10:4				
<b>young</b> 60:6 64:9	<b>38</b> 65:7				
68:7 118:18,24	<b>39</b> 65:24				
	<b>394</b> 108:22				
	<b>395</b> 108:22				
<b>Z</b>					
<b>Zara</b> 9:10					
<b>Zeta</b> 74:14 77:22	<b>4</b>				
	<b>40</b> 6:18				
<b>1</b>	<b>400</b> 103:5				
<b>1</b> 9:18 101:20	<b>413,000</b> 7:10				
104:10	<b>460</b> 9:13				
<b>1.02</b> 120:3	<b>470</b> 9:13				
<b>10</b> 9:6 81:13	<b>473,000</b> 7:13				
<b>10.00</b> 1:2	<b>48</b> 19:12				
<b>100</b> 88:20 108:16					
<b>11.32</b> 69:25	<b>5</b>				
<b>11.43</b> 70:2	<b>5</b> 67:25 86:6 87:3				
<b>12</b> 76:11	<b>50</b> 6:1				
<b>12.10</b> 90:1	<b>500</b> 103:2				
<b>12.19</b> 90:3					
<b>14</b> 50:13 60:1	<b>6</b>				
<b>15</b> 45:6	<b>600</b> 103:2				
<b>16</b> 71:7 81:17	<b>63</b> 71:12				
<b>18</b> 1:1	<b>64</b> 102:13				
<b>19</b> 6:18					
<b>1990s</b> 94:24	<b>7</b>				
<b>1993</b> 92:11	<b>7</b> 79:11				
<b>1999</b> 4:3 78:25	<b>70</b> 32:24				
<b>2</b>	<b>8</b>				
<b>2</b> 7:14	<b>8</b> 61:23 108:22				
<b>2.1</b> 7:14	109:2				
<b>20</b> 40:2	<b>8J</b> 109:1				
<b>200</b> 67:1	<b>8K</b> 109:3				
<b>2000</b> 66:1 74:11	<b>80</b> 33:3				
74:15 76:5	<b>82</b> 71:5				
<b>2001</b> 70:20 71:12					
73:17 87:6,11	<b>9</b>				
<b>2002</b> 92:14 93:10	<b>9</b> 3:15				
<b>2003</b> 95:15					
<b>2004</b> 4:8 78:23					
<b>2007</b> 68:21					
108:24 109:24					
<b>2008</b> 3:18 70:19					
79:15,19					
<b>2009</b> 92:15 95:15					
<b>2010</b> 3:19 70:19					
81:15,17 92:22					
92:23 94:10					
<b>2011</b> 3:9,10					
59:15,15 71:1					
<b>2012</b> 1:1					
<b>21</b> 71:3					
<b>24</b> 71:1 118:10					
118:14					
<b>24-page</b> 99:22					
<b>25</b> 6:23					