

<p>1 Monday, 23 April 2012</p> <p>2 (11.30 am)</p> <p>3 LORD JUSTICE LEVESON: Yes, Mr Barr.</p> <p>4 MR BARR: Sir, good morning. Our first witness today is</p> <p>5 Mr John Ryley, the head of Sky News.</p> <p>6 JOHN HAMILTON RYLEY (affirmed)</p> <p>7 Questions by MR BARR</p> <p>8 MR BARR: Mr Ryley, good morning.</p> <p>9 A. Good morning.</p> <p>10 Q. Could you confirm your full name, please, for the</p> <p>11 Inquiry?</p> <p>12 A. My full name is John Hamilton Ryley.</p> <p>13 Q. And are the contents of your witness statement true and</p> <p>14 correct to the best of your knowledge and belief?</p> <p>15 A. They are.</p> <p>16 Q. You are the head of news at Sky News. You've been</p> <p>17 a broadcast journalist for 25 years and head of Sky News</p> <p>18 for the last six years; is that right?</p> <p>19 A. That is correct.</p> <p>20 Q. As the head of Sky News, you have ultimate editorial</p> <p>21 responsibility for all of Sky News' content-gathering</p> <p>22 activities and output on all platforms?</p> <p>23 A. That is correct.</p> <p>24 Q. Touching briefly on the management structure at Sky</p> <p>25 News, you tell us that on the news-gathering side, there</p> <p style="text-align: center;">Page 1</p>	<p>1 A. I do.</p> <p>2 Q. Then what is warranted is the subject of some guidance</p> <p>3 underneath, and the second half of that guidance is</p> <p>4 pertinent here:</p> <p>5 "If the reason is that it is in the public interest,</p> <p>6 then the broadcaster should be able to demonstrate that</p> <p>7 the public interest outweighs the right to privacy.</p> <p>8 Examples of public interest would include revealing or</p> <p>9 detecting crime, protecting public health or safety,</p> <p>10 exposing misleading claims made by individuals or</p> <p>11 organisations, or disclosing incompetence that affects</p> <p>12 the public."</p> <p>13 So that explanation deals with the public interest,</p> <p>14 amongst other things, but what it doesn't do is to deal</p> <p>15 with the use of subterfuge, does it?</p> <p>16 A. No, it does not.</p> <p>17 Q. If we move on now to paragraph 8.9 of the Code, which is</p> <p>18 under the heading "Gathering information, sound or</p> <p>19 images and the reuse of material". Paragraph 8.9 reads:</p> <p>20 "The means of obtaining material must be</p> <p>21 proportionate in all the circumstances and in particular</p> <p>22 to the subject matter of the programme."</p> <p>23 So that very clearly introduces the concept of</p> <p>24 proportionality in the method of news-gathering, but it</p> <p>25 doesn't in terms address the question of subterfuge,</p> <p style="text-align: center;">Page 3</p>
<p>1 is a head of news gathering, who reports to you, and he</p> <p>2 has a head of home news reporting to him?</p> <p>3 A. That is correct.</p> <p>4 Q. On the output side, the executive editor reports</p> <p>5 directly to you, and he in turn has direct reports from</p> <p>6 a number of executive producers and the managing editor?</p> <p>7 A. That is correct.</p> <p>8 Q. You tell us that almost everything that is gathered and</p> <p>9 reported receives the attention of either the head of</p> <p>10 home news or the head of news gathering?</p> <p>11 A. Correct.</p> <p>12 Q. And Sky News, unsurprisingly, has a team of in-house</p> <p>13 lawyers available to assist?</p> <p>14 A. That is correct.</p> <p>15 Q. Can we move now to the Broadcasting Code. We're going</p> <p>16 to be coming to two instances in which a Sky journalist</p> <p>17 accessed, without authority, somebody else's email</p> <p>18 account, and so I'd like to look at the code, which is</p> <p>19 at tab 6 of your bundle, with that in mind.</p> <p>20 Can we start with the statement of principle, which</p> <p>21 we find at paragraph 8.1:</p> <p>22 "Any infringement of privacy in programmes or in</p> <p>23 connection with obtaining material included in</p> <p>24 programmes must be warranted."</p> <p>25 Do you see that?</p> <p style="text-align: center;">Page 2</p>	<p>1 does it?</p> <p>2 A. Correct.</p> <p>3 Q. If we turn over the page to 8.13, there is some specific</p> <p>4 guidance about surreptitious filming. It reads:</p> <p>5 "Surreptitious filming or recording should only be</p> <p>6 used where it is warranted. Normally it would only be</p> <p>7 warranted if there is prima facie evidence of a story in</p> <p>8 the public interest and there are reasonable grounds to</p> <p>9 suspect that further material evidence could be obtained</p> <p>10 and it is necessary to the credibility and authenticity</p> <p>11 of the programme."</p> <p>12 But we find no equivalent guidance in respect of</p> <p>13 other types of subterfuge, and in particular with</p> <p>14 intercepting emails; is that fair?</p> <p>15 A. That's fair.</p> <p>16 Q. So if there was to be any guidance to journalists and</p> <p>17 their editors about the use of subterfuge, and in</p> <p>18 particular about the interception of email</p> <p>19 communications, it would have to be set out in an</p> <p>20 individual company's procedures?</p> <p>21 A. (Nods head)</p> <p>22 Q. If we go to the next tab, we have the Sky News editorial</p> <p>23 guidelines for 2007 --</p> <p>24 LORD JUSTICE LEVESON: Before we go to Sky News, let's keep</p> <p>25 with the code. None of this is relevant, is it?</p> <p style="text-align: center;">Page 4</p>

<p>1 Because what you were doing wasn't merely invading 2 somebody's privacy; it was breaching the criminal law. 3 A. It was. 4 LORD JUSTICE LEVESON: Well, where does the Ofcom 5 Broadcasting Code give any authority to a breach of the 6 criminal law? 7 A. It doesn't. 8 MR BARR: In relation to the same question for the editorial 9 guidelines, we have your 2007 guidelines at tab 7. Is 10 it right to say that it's not mentioned here either? 11 A. That is correct. 12 Q. There was a subsequent edition, the 2010 edition. Is it 13 fair to say that those guidelines also don't touch upon 14 this question? 15 A. Correct. 16 Q. You tell us, though, in your witness statement -- and 17 I'm looking now at page 6, paragraph 15 -- that after 18 considering the two incidents at Sky News, which we're 19 going to look at in a moment, you've taken the decision 20 to introduce written guidelines which will mandate that 21 any future proposal to gather a story using potentially 22 unlawful means is to be approved in advance by the 23 relevant senior editor, the head of Sky News or 24 designated deputy and Sky's in-house legal department. 25 LORD JUSTICE LEVESON: So does that mean that you're Page 5</p>	<p>1 terms and indeed in civil law terms, and what may be 2 a criminal wrong, a criminal offence, which prima facie 3 does not have a public interest defence -- I'm not 4 talking about the Data Protection Act but the Computer 5 Misuse Act -- where you're then simply relying upon the 6 possible exercise of a discretion that may protect you, 7 but at the end of the day you've committed a crime. 8 A. I understand. 9 LORD JUSTICE LEVESON: So I'm just keen to distinguish 10 between civil wrongs -- and the privacy is a very good 11 example, and indeed the code clearly covers all that -- 12 and what is or is likely to be potentially a criminal 13 offence. 14 MR BARR: You talk also about "and in-house legal 15 department". Can you help us with what is envisaged 16 when a request is made to behave unlawfully? We'll take 17 unlawfulness at this stage. 18 A. I mean -- 19 Q. Are you anticipating that the taking of legal advice is 20 going to be mandatory or optional? 21 A. Oh, mandatory. It will be a requirement, not a choice. 22 But as I tried to stress a bit earlier, it is highly 23 unlikely, given the nature of our business, that we 24 would be doing this sort of thing. 25 Q. Do you know yet whether the guidelines are going to say Page 7</p>
<p>1 anticipating a conspiracy to breach the criminal law? 2 A. No, it does not mean that. 3 MR BARR: If we can explore a little bit about what it does 4 mean, does it mean that any journalist in the future who 5 thinks that it might be a good idea to do something 6 which is prima facie unlawful -- for example, access 7 a third party's email account -- is going not just to 8 have to go to his line manager, but is going to have to 9 go to you? 10 A. Correct. I mean, I think I ought to make the point that 11 Sky News is first and foremost a nonstop instant news 12 broadcaster on several different platforms, so the 13 occasions on which Sky News in the future is likely to 14 consider in some way doing something that it shouldn't 15 is highly unlikely, highly unlikely indeed. But if 16 there was such an occasion, it would now need to be 17 a mandatory process, whereby myself or whoever is the 18 head of Sky News or his designant, the senior editor 19 responsible for the story and an in-house lawyer will 20 need to agree in writing that that course of action can 21 take place. 22 LORD JUSTICE LEVESON: I understand the point, but one has 23 to be careful to distinguish between what is unlawful 24 because it is potentially a civil wrong which might 25 legitimately have a public interest answer, both in code Page 6</p>	<p>1 that something which is prima facie unlawful -- and here 2 I'll ask the question first in relation to any form of 3 unlawfulness -- can be done in the face of adverse legal 4 advice or will it be that it can only be done with legal 5 approval? 6 A. The latter. Only with legal approval. Not the former. 7 Q. What your statement doesn't tell us is whether or not 8 any approach and request to do this sort of thing is 9 going to be recorded in writing and whether the decision 10 and reasons for it are going to be recorded. 11 A. I'm sorry it doesn't say that. They will be recorded. 12 In writing. 13 Q. Can I now ask you to give, insofar as you're able to, 14 Sky's position on where it thinks it might draw the line 15 in the future? 16 A. On what? 17 Q. On prima facie unlawful conduct? 18 A. I think -- 19 Q. The circumstances in which it might countenance doing 20 it. Shall we start, first of all, with a civil wrong? 21 A. I think it's highly unlikely in the future that Sky will 22 consider breaking the law. 23 Q. And a criminal wrong? 24 A. I think highly unlikely again. 25 Q. But you're not ruling it out? Page 8</p>

<p>1 A. Okay, I am pretty much ruling it out, but I wouldn't 2 want to -- journalism is, at times, a tough business and 3 we need to -- time has shed light into wrongdoing, so 4 there might be an occasion, but I think it would be 5 very, very rare.</p> <p>6 LORD JUSTICE LEVESON: I think there's a perfectly 7 legitimate distinction between invading privacy, with 8 all the civil responsibilities that that entails, and 9 deceptively obtaining material, if it's in the public 10 interest, where there is a strong public interest, and 11 deciding: "Well, I'm prepared to break the criminal law 12 to do this."</p> <p>13 Now, there is a distinction between the two. 14 Whether you want to apply it is obviously a matter for 15 you.</p> <p>16 A. (Nods head)</p> <p>17 LORD JUSTICE LEVESON: Journalists sometimes have done 18 things which they're perfectly happy to go to prison for 19 because that's what they think is their duty.</p> <p>20 A. (Nods head)</p> <p>21 LORD JUSTICE LEVESON: And that's a decision for everybody 22 to make.</p> <p>23 A. (Nods head)</p> <p>24 MR BARR: Before we go --</p> <p>25 LORD JUSTICE LEVESON: I'm not encouraging them, but ...</p> <p style="text-align: center;">Page 9</p>	<p>1 Q. And so far as the Smiths are concerned, do you know 2 whether or not the notice went higher than CEO level?</p> <p>3 A. I do not know.</p> <p>4 Q. So when we read paragraph 16 of your witness statement, 5 which refers to a review in July 2011 -- that review 6 seems to have been of payment records -- are we to read 7 that as a review which did not, because of its scope, 8 detect the two instances of email hacking?</p> <p>9 A. Yes, because the review set up and carried out in July 10 2011 by the head of audit at BSKyB was looking at 11 particularly the payment to public officials and it 12 found no evidence of it whatsoever.</p> <p>13 Q. If we move to page 8 of your witness statement and just 14 get clear the basis on which you are going to tell us 15 about the two cases of email hacking. In relation to 16 the first -- that's to do with the Darwins -- you have 17 some direct knowledge but much of what you are going to 18 be able to tell us is based on your conversations with 19 the journalist concerned and his immediate line manager?</p> <p>20 A. (Nods head)</p> <p>21 Q. And in --</p> <p>22 A. Correct. Sorry, yes.</p> <p>23 Q. In relation to the second case, the Smiths, it's all 24 based on what you've been told and documents that you've 25 seen; is that right?</p> <p style="text-align: center;">Page 11</p>
<p>1 A. I understand.</p> <p>2 MR BARR: Before we go into the details of the two instances 3 of unauthorised email access, can I pick up, first of 4 all, at paragraph 16 of your statement, which tells us 5 a little bit about investigation by BSKyB and Sky News. 6 When did you know, first of all, about the second 7 instance of hacking? That's to say, those regarding the 8 Smith family?</p> <p>9 A. In September of 2012.</p> <p>10 Q. And in relation to the Darwins, is it right to say that 11 you were made aware of some of what had gone on on 12 1 July 2008 and learned more later?</p> <p>13 A. Correct.</p> <p>14 Q. In terms of the management chain above you -- and 15 I appreciate that you may or may not know the answer to 16 this at the moment, and if you don't, please say so and 17 it can be dealt with in writing -- but who above you in 18 the management chain knew about these instances of email 19 hacking in September 2011?</p> <p>20 A. On the Smiths, I imagine the -- well, I know that the 21 chief executive officer of BSKyB, Jamie Derek, was made 22 aware by general counsel. On the issue of the Darwins, 23 I would say that it was fairly -- you would infer from 24 watching the TV coverage or going online when we 25 broadcast the story that we had accessed the emails.</p> <p style="text-align: center;">Page 10</p>	<p>1 A. Correct.</p> <p>2 Q. If we deal, first of all then, with the case of the 3 Darwins. It was a very well-publicised criminal case of 4 the man who faked his own death on a canoeing trip and 5 then went over to Panama and claimed life insurance 6 monies.</p> <p>7 You tell us in paragraph 20 of your witness 8 statement that after Mr Darwin pleaded guilty to 9 offences of deception in March 2008, his wife, Anne 10 Darwin, denied them. Your reporter believed that the 11 email accounts under the name of "John Jones" -- and the 12 fact of that email account had been made public -- may 13 contain emails passing between the Darwins during 14 Mr Darwin's disappearance, but it became apparent to him 15 from sources close to the prosecution that this email 16 account would not be examined by the prosecution.</p> <p>17 I don't want you to tell me who your source was, but 18 I do want to examine the quality of the information that 19 Sky News was receiving. How certain could you be that 20 the police were not going to examine the email account 21 when preparing for the trial of Mrs Darwin?</p> <p>22 A. Because of conversations, both formal and informal, that 23 would have taken place between the correspondent and 24 close -- sources close to the prosecution.</p> <p>25 Q. So are you saying that we're talking about sources very</p> <p style="text-align: center;">Page 12</p>

3 (Pages 9 to 12)

<p>1 close to the prosecution?</p> <p>2 A. I'm saying sources close to the prosecution.</p> <p>3 Q. Can we get the chronology straight as well. There</p> <p>4 appears to be a discrepancy between your witness</p> <p>5 statement, which suggests that the reporter formed the</p> <p>6 view that the account would not be used by the</p> <p>7 prosecution and then sought permission to access the</p> <p>8 account, and the chronology exhibited to your witness</p> <p>9 statement, which is tab 2, page 4, which has the</p> <p>10 authorisation on 12 May and then says that it was not</p> <p>11 until afterwards, in early June, that the reporter's</p> <p>12 sources made clear to him that the prosecution will not</p> <p>13 be accessing the Darwins' email account. Do you see the</p> <p>14 discrepancy?</p> <p>15 A. No, I don't see the discrepancy, because on 12 June, as</p> <p>16 you say, the last line says Cole authorised access. But</p> <p>17 the access didn't take place. So Tubb, the reporter,</p> <p>18 yeah, goes a second time to his sources close to the</p> <p>19 prosecution and only after he's gone a second time does</p> <p>20 he decide to actually go in and access the emails on</p> <p>21 13 June.</p> <p>22 So I don't think there's a discrepancy between the</p> <p>23 chronology and my witness statement.</p> <p>24 Q. I'm not criticising the chronology, but there might have</p> <p>25 been rather more detail in the interactions between your</p> <p style="text-align: center;">Page 13</p>	<p>1 tried to persuade the police to investigate, first of</p> <p>2 all, John Jones' and then later other email accounts?</p> <p>3 A. Well, I can't remember exactly what paragraph it is now,</p> <p>4 but -- is it 20?</p> <p>5 Q. I'm starting at 20, yes.</p> <p>6 A. Yes, where I say in my witness statement, the second</p> <p>7 line up:</p> <p>8 "But it became apparent to him from sources close to</p> <p>9 the prosecution that this email account would not be</p> <p>10 examined by the prosecution."</p> <p>11 So I would suggest that he would probably have been</p> <p>12 wasting his time.</p> <p>13 Q. Well, you say "suggest". The reason I'm asking this</p> <p>14 question is paragraph 20 is worded in a way which</p> <p>15 doesn't tell us one way or the other whether, when faced</p> <p>16 with a choice of persuading the police to do more or</p> <p>17 going off to commit an illegal act on its own, he first</p> <p>18 of all tried to persuade the police to do the --</p> <p>19 A. I understand your point. The wording was not</p> <p>20 deliberately trying to mislead you.</p> <p>21 Q. But you use the word "suggest" in your answer. Does</p> <p>22 that mean that you personally are not really in</p> <p>23 a position to help us with this level of detail?</p> <p>24 A. That's correct.</p> <p>25 Q. Asking you to put on the glasses of hindsight, do you</p> <p style="text-align: center;">Page 15</p>
<p>1 reporter and the source close to the police?</p> <p>2 A. Well, bear in mind, please, that we asked Gerard Tubb,</p> <p>3 who is a highly experienced TV correspondent, to work on</p> <p>4 what we call a court backgrounder. This is a fantastic</p> <p>5 story. You have a man who disappeared in a canoeing</p> <p>6 accident in March 2002, arrives out of nowhere at</p> <p>7 a police station in December 2007. It's an excellent</p> <p>8 story. So we put Gerard on that story. He'd been</p> <p>9 working on it for the best part of five or six months,</p> <p>10 so inevitably, if a reporter is doing his job well --</p> <p>11 and Gerard Tubb is a very good reporter -- there will be</p> <p>12 a series of discussions, informal and formal, between</p> <p>13 the protagonists and sources close to the protagonists</p> <p>14 on the story, and there will be a lot of give and take</p> <p>15 in terms of trade of communication.</p> <p>16 Q. In the course of these communications, at the juncture</p> <p>17 where Mr Tubb is forming the view that the police are</p> <p>18 not going to investigate something which he thinks</p> <p>19 should be investigated, a decision surely fell on him,</p> <p>20 which was: "Do I go ahead with my own investigation,</p> <p>21 subject to my manager's authorities, or do I try and</p> <p>22 persuade the police or the Crown Prosecution Service</p> <p>23 that they're missing something and should be inquiring</p> <p>24 more rigorously?"</p> <p>25 Are you able to help us with whether or not Mr Tubb</p> <p style="text-align: center;">Page 14</p>	<p>1 think that it would be appropriate for a responsible</p> <p>2 broadcaster spotting a lacuna in a criminal</p> <p>3 investigation to try and draw that to the attention of</p> <p>4 the investigating force?</p> <p>5 A. I think it's very difficult to make a firm decision on</p> <p>6 that hypothetical story that might arise in the future.</p> <p>7 LORD JUSTICE LEVESON: Of course, if the police had wanted</p> <p>8 to do so, they had to get all sorts of warrants and all</p> <p>9 sorts of authority. Otherwise they would run into</p> <p>10 evidential problems as to admissibility.</p> <p>11 A. (Nods head)</p> <p>12 LORD JUSTICE LEVESON: So your journalist decided to do it</p> <p>13 himself.</p> <p>14 A. He did.</p> <p>15 MR BARR: Can you help us with whether or not the police</p> <p>16 knew in advance that Mr Tubb was going to access email</p> <p>17 accounts in connection with this case?</p> <p>18 A. As I've tried to explain a little bit earlier,</p> <p>19 inevitably a good professional reporter will have</p> <p>20 a series of ongoing informal and formal discussions with</p> <p>21 sources and protagonists in the story, and I think it</p> <p>22 would be inappropriate for me to be able to say one way</p> <p>23 or the other whether that was the case.</p> <p>24 LORD JUSTICE LEVESON: I think we have to be a bit careful</p> <p>25 about this. As you know, in relation to the</p> <p style="text-align: center;">Page 16</p>

4 (Pages 13 to 16)

<p>1 interception of voicemails, I have not called any of the 2 witnesses who have been arrested, and I am exercising 3 a care about those who could be the subject of 4 investigation, and I will do that in relation to this 5 witness -- who I'm not going to name, although there's 6 been no secret about it -- as well. Of course you're 7 entitled to exercise your own right against 8 self-incrimination. I appreciate you come into this 9 story much later, so that's unlikely to cause concern, 10 but I obviously tell you about it. One of the reasons 11 that I think it's right to look at all this is because 12 there's been no secret about this. There have been 13 stories in the public domain about it and it would be 14 very odd, therefore, if I wasn't asking about it. 15 MR BARR: You tell us that the reporter formed the view that 16 the account may contain information relevant to the 17 trial. Now, we all know that in fact, as things turned 18 out, it did. Can you help us with what it was that gave 19 Sky News prima facie belief that the accounts would 20 contain valuable information? 21 A. I guess it was the fact that John Darwin had been using 22 emails a lot to go about his business in the past five 23 years that he'd disappeared. 24 Q. So, really, speculation? 25 A. No, because sources close to the prosecution were</p> <p style="text-align: center;">Page 17</p>	<p>1 A. But it was the procedure, if that's the right word, at 2 the time. 3 Q. That raises an interesting question. It wasn't 4 a written procedure, was it? 5 A. No, it wasn't. 6 Q. And you tell us that this sort of thing is extremely 7 rare, so I don't suppose you would like me to use the 8 word "practice" either. What would you best describe it 9 as? 10 A. The culture. 11 Q. Would "ad hoc approach" be more accurate? 12 A. No, I would say -- no, I wouldn't use the word "ad hoc". 13 Q. Now, at this stage your reporter is delving into various 14 email accounts and coming across evidence which, in the 15 fullness of time, becomes very important to a criminal 16 prosecution. I'd like to know whether your view is that 17 at this stage your reporter was, in effect, 18 investigating the crime rather than reporting on it? 19 A. He was researching the story of the Darwins, I would 20 say, and -- he'd been working on it five or six months 21 and he was tasked with putting together what we call 22 a court backgrounder, and that was his duty and that's 23 what he was doing. He was putting together a court 24 backgrounder that would run on the day that the Darwins 25 were convicted.</p> <p style="text-align: center;">Page 19</p>
<p>1 clearly suggesting that there might be -- it might well 2 be worth looking at the emails. 3 Q. We go on then. It's a matter of fact that in the middle 4 of June -- 5 LORD JUSTICE LEVESON: Hang on, hang on, I'm sorry. Are you 6 suggesting that your reporter was encouraged by the 7 police to do this? 8 A. No, I'm suggesting that sources close to the prosecution 9 were -- made clear that they weren't going to be 10 following up the emails. 11 MR BARR: Are you able to help us one way or the other as to 12 whether there was any encouragement from the police? 13 A. I don't think there was any encouragement, no. 14 Q. Moving on, it's a matter of fact that the account was 15 then accessed by guessing the password, and once that 16 had been done, more accounts were discovered and 17 accessed. The level of permission given for this was by 18 the journalist's immediate line manager, who was the 19 managing editor, wasn't it? 20 A. That's correct. 21 Q. And permission was given orally, wasn't it? 22 A. It was. 23 Q. So it might be said that what was done here obviously 24 falls procedurally far short of what you are now 25 thinking of putting into place?</p> <p style="text-align: center;">Page 18</p>	<p>1 LORD JUSTICE LEVESON: But he clearly was investigating it. 2 I mean, that's what he was doing. It's different from 3 the situation where the press find out about some 4 potential criminality and then go about getting some 5 evidence to create a story. Here the police were on the 6 task, they were on the job, there was a prosecution 7 going, there was a trial set up, and your reporter 8 decided: well, he could help it along a bit by 9 investigating it. Indeed, he almost says as much in one 10 of his later emails, doesn't he? 11 A. He does. 12 LORD JUSTICE LEVESON: When he talks about the reward that 13 he should receive from the state? It doesn't matter. 14 But you know the email I'm talking about? 15 A. Mm-hm. 16 MR BARR: There's a reference to the Queen's Police Medal -- 17 A. I do, yes. 18 Q. There are other references. I'm looking at page 16 of 19 your exhibit, where there's an email from the managing 20 editor when he's not able to get into -- well, he gets 21 into an account and all the emails have been wiped. The 22 line manager's comment is: "Bad luck, inspector." 23 A. (Nods head) 24 Q. Do you see dangers in investigating a crime rather than 25 reporting on it or do you record them as one and the</p> <p style="text-align: center;">Page 20</p>

5 (Pages 17 to 20)

<p>1 same?</p> <p>2 A. I don't regard them as one and the same, no, and the job</p> <p>3 of my journalist is to report the news.</p> <p>4 Q. At paragraph 22 of your witness statement, you tell us</p> <p>5 that amongst the things that were discovered were --</p> <p>6 A. Sorry, paragraph ...?</p> <p>7 Q. 22 at page 9.</p> <p>8 A. Sorry.</p> <p>9 Q. You tell us that the journalist found, amongst other</p> <p>10 things, five voicemail messages from Mrs Darwin trying</p> <p>11 to contact Mr Darwin, and you were at pains to explain</p> <p>12 that these were voice messages that sat in an email</p> <p>13 account and not on any telephone, and so these were not</p> <p>14 phone hacking as such but rather the result of email</p> <p>15 hacking. In many ways, there's no difference, is there?</p> <p>16 A. My understanding -- and I'm not a technophile -- is that</p> <p>17 these -- it was an early form of Skype and you</p> <p>18 couldn't -- you could go on, and if the other person on</p> <p>19 the other end was there, you could have a conversation,</p> <p>20 but if they weren't, you would just sort of leave</p> <p>21 a message, rather like you used to on an old-fashioned</p> <p>22 answering machine.</p> <p>23 LORD JUSTICE LEVESON: I don't think Mr Barr is asking you</p> <p>24 a technical question at all. I think he's saying that</p> <p>25 in reality it is the same sort of thing. You're quite</p> <p style="text-align: center;">Page 21</p>	<p>1 helped, it was vital, it was pivotal. I'm not sure</p> <p>2 dynamite --</p> <p>3 MR BARR: I think you can take it from me that in some</p> <p>4 robing rooms that would be described as legal dynamite.</p> <p>5 A. Okay.</p> <p>6 Q. So you've got this very strong evidence. There are two</p> <p>7 decisions you have to make, aren't there? The first is</p> <p>8 whether you give the evidence to the police, and the</p> <p>9 answer to that is yes.</p> <p>10 A. (Nods head)</p> <p>11 Q. That was, presumably, a very easy decision to make, was</p> <p>12 it?</p> <p>13 A. Very.</p> <p>14 Q. Secondly, the question is whether you broadcast the</p> <p>15 story. Did you find that an equally easy decision or</p> <p>16 not?</p> <p>17 A. No, I didn't, and I reflected on it during the course of</p> <p>18 the meeting, but by the close of the meeting, which</p> <p>19 started, I think, at about 5.30 on that July day,</p> <p>20 I decided that we would broadcast it.</p> <p>21 Q. What was it that made you stop and think before coming</p> <p>22 to that decision?</p> <p>23 A. I stopped and reflected on it because I thought we were</p> <p>24 giving it to the police, we were not going to use it on</p> <p>25 air or any platform before the trial started, and that</p> <p style="text-align: center;">Page 23</p>
<p>1 right, and I understand why you're keen to say that it</p> <p>2 is not interception of telephone communications.</p> <p>3 I understand that. But in reality, you've used some</p> <p>4 device to get into somebody's private systems --</p> <p>5 A. But an email system.</p> <p>6 LORD JUSTICE LEVESON: Yes. I understand.</p> <p>7 A. Yes.</p> <p>8 MR BARR: So you're right to tell us about the distinction</p> <p>9 for the sake of factual clarity, but you are not, are</p> <p>10 you, trying to suggest that one is all right and the</p> <p>11 other is not?</p> <p>12 A. No, I'm not, no.</p> <p>13 Q. The matter comes to you on 1 July 2008, and you are</p> <p>14 briefed on the story and the information that's been</p> <p>15 obtained. By that stage, it's fair to say, isn't it,</p> <p>16 that the evidence which your journalist has obtained is</p> <p>17 dynamite from the point of view of the prosecution?</p> <p>18 A. Sorry, is what?</p> <p>19 Q. Dynamite.</p> <p>20 A. Well, I don't know. They describe it as "pivotal".</p> <p>21 Whether it was dynamite, I don't know.</p> <p>22 Q. Well, whatever description we --</p> <p>23 LORD JUSTICE LEVESON: Well, it was important, because she</p> <p>24 changed her defence. Her defence became marital duress.</p> <p>25 A. I suppose I wouldn't -- I mean, the police said it</p> <p style="text-align: center;">Page 22</p>	<p>1 it was reasonable for us to use, as a news organisation,</p> <p>2 after the trial had finished and they'd been convicted.</p> <p>3 Q. But in journalistic terms, it was a very important</p> <p>4 scoop, wasn't it?</p> <p>5 A. It was a good scoop.</p> <p>6 Q. One which went on to win an award --</p> <p>7 A. It didn't win, just to be straight.</p> <p>8 Q. I'm sorry.</p> <p>9 A. It was nominated.</p> <p>10 Q. I'm looking now at page 11 of your witness statement</p> <p>11 where you're describing this decision-making. On the</p> <p>12 third and fourth lines down, you say:</p> <p>13 "Since the whole purpose of the access had been to</p> <p>14 uncover evidence to assist the police to prosecute</p> <p>15 a crime, my view was that there was a clear public</p> <p>16 interest in the police being provided with the relevant</p> <p>17 material."</p> <p>18 Can I just examine your use of the word "whole"</p> <p>19 there. Surely it wasn't your reporter's whole purpose</p> <p>20 to assist the police? No doubt there was part of the</p> <p>21 reasoning. Surely another motivation was journalistic</p> <p>22 investigation for the purposes of a story?</p> <p>23 A. Well, it would have been whole if I had decided at the</p> <p>24 meeting on 1 July that we weren't going to broadcast the</p> <p>25 material.</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 Q. But we know that you didn't come to that decision, and 2 it's not fair, is it -- or it's perhaps being a little 3 bit too altruistic -- to say that it was the whole 4 purpose? 5 A. Fair enough. 6 Q. We know that the material was passed on to the police 7 and the way it was described as pivotal, but can I ask 8 you now: are you able to help us with the way in which 9 this evidence was used by the police? You tell us that 10 you provided them with log-in and password details of 11 the various accounts which your journalist had accessed, 12 and a summary of why you believed that Mrs Darwin's 13 defence must consequently fail. As best as you 14 understand it, what did the police do with that? 15 A. I don't know. I would imagine in the circumstances they 16 would have handed it to the CPS, the Crown Prosecution 17 Service, and then it would be up to the CPS to decide 18 what they did with it. 19 Q. Are you able to help us with whether or not the trial 20 judge was informed that the emails had initially been 21 uncovered as a result of them being accessed by a Sky 22 News reporter as opposed to simply provided by Sky News? 23 A. I'm not able to help you because I don't know. 24 LORD JUSTICE LEVESON: But if the prosecution had wanted to 25 use the emails, they were going to have to find a way of</p> <p style="text-align: center;">Page 25</p>	<p>1 you would clearly infer from watching it, given the 2 format that the emails appear -- and I understand you 3 have watched the DVD -- that we had accessed the emails, 4 I would argue. 5 Q. I'm not going to suggest that it wasn't clear from the 6 report that you obviously had seen a lot of electronic 7 material and had it in your possession. 8 Can we move now to what happened afterwards? There 9 was a second round of email interception after the 10 prosecution of the Darwins, wasn't there? 11 A. (Nods head) 12 Q. And here you say -- I'm looking at paragraph 27 -- that: 13 "Following the conviction of Anne and John Darwin, 14 Gerard Tubb has informed me that he was faced with 15 a number of questions from a variety of sources, 16 including the public, the investigating authorities and 17 other members of the press as to whether money obtained 18 by the Darwins might remain unaccounted for." 19 Then you go on to explain that further authorisation 20 was obtained and he went on to try and look into where 21 the money had gone. 22 Exploring, though, why he did that, are we really to 23 understand that it was simply because others were 24 pressing him to do that, or was it because a further 25 story was scented?</p> <p style="text-align: center;">Page 27</p>
<p>1 obtaining that information lawfully. Do you know 2 whether they did that? 3 A. Yes, I do. I understand that the police then used the 4 passwords that our reporter had obtained and given to 5 them and then went on themselves onto -- 6 LORD JUSTICE LEVESON: Oh yes, but do you know whether they 7 obtained some legal authority to do that? 8 A. I don't know. 9 LORD JUSTICE LEVESON: No, because otherwise there would be 10 all sorts of issues of admissibility. 11 A. (Nods head) 12 LORD JUSTICE LEVESON: And it may be an example of knowing 13 what you want to prove again. 14 A. (Nods head) 15 LORD JUSTICE LEVESON: Yes. 16 MR BARR: You then, after the criminal proceedings, 17 broadcast the story. The story makes very clear that 18 Sky News had obtained material from email accounts. 19 That wasn't hidden at all. But Sky News did not go so 20 far as to say in terms that its reporter had accessed 21 email accounts. 22 A. That's correct. 23 Q. Can you help us with why that was? 24 A. With hindsight, perhaps we should have used the phrase 25 "accessed", but if you watch the tape, you have to --</p> <p style="text-align: center;">Page 26</p>	<p>1 A. It was because there was a possible story scented. 2 Q. So when you say that there were a number of questions 3 from, amongst others, the investigating authorities, 4 what are we to understand about the knowledge of the 5 investigating authorities about what your reporter was 6 going to do? 7 A. Sorry, could you repeat that? 8 Q. I'll put it very simply: did the investigating 9 authorities know that your reporter was going to hack 10 further into email accounts? 11 A. I don't know. 12 Q. He did so hack, and the result was that he didn't really 13 get anywhere, did he? 14 A. No, he did not. 15 Q. Again, the authorisation was simply by the line manager, 16 wasn't it? And just to be clear, were you personally 17 aware of this when it happened? 18 A. Yes, I was, yeah. 19 Q. And what view did you take about it at the time? 20 A. I thought that it was agreeable that he did that. 21 Q. Can we explore a little bit why you thought that? 22 A. Because I thought that if it helped track down the 23 money, that that would be a useful thing to do as well. 24 Q. I won't explore in any more detail your thinking at the 25 time, but does it suffice to say that where we are now,</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 you would have gone about the thought process and how</p> <p>2 you thought about it rather differently?</p> <p>3 A. I think that's accurate.</p> <p>4 Q. I think it's probably best I don't ask you about whether</p> <p>5 your decision would have been different.</p> <p>6 LORD JUSTICE LEVESON: No, I don't want to investigate that,</p> <p>7 but I do want to know this, if you don't mind answering</p> <p>8 the question: were you aware of the Computer Misuse Act?</p> <p>9 A. I probably wasn't aware of it as I should have been, to</p> <p>10 give you an honest answer.</p> <p>11 MR BARR: Does the same apply to the Regulation of the</p> <p>12 Investigatory Powers Act of 2000?</p> <p>13 A. Yes.</p> <p>14 Q. The accessing of the emails to try and follow the money</p> <p>15 was supplemented, wasn't it, by the use of a Panamanian</p> <p>16 freelance journalist to try and investigate immigration</p> <p>17 papers?</p> <p>18 A. (Nods head)</p> <p>19 Q. The way it's put in a document in the exhibits -- I'm</p> <p>20 looking at page 17 of the exhibit -- I don't think this</p> <p>21 should go on the screen but I'll read the relevant</p> <p>22 section:</p> <p>23 "As discussed, I am planning to get a private eye in</p> <p>24 Panama to surreptitiously check immigration records for</p> <p>25 [and then I needn't read out the name] ... after</p> <p style="text-align: center;">Page 29</p>	<p>1 a foreign state in these circumstances?</p> <p>2 A. No, I think it's unethical.</p> <p>3 Q. I think he, the investigator, drew a blank and at that</p> <p>4 stage it was decided that Mr Tubb should not be</p> <p>5 authorised to access any further email accounts; is that</p> <p>6 right?</p> <p>7 A. That's correct.</p> <p>8 Q. So a line was drawn at one point in time. Can you help</p> <p>9 us with why the line was drawn? Was it simply that the</p> <p>10 story was not going anywhere?</p> <p>11 A. Well, as I've tried to explain earlier, Sky News is an</p> <p>12 instant news broadcaster, and Mr Tubb's job is to report</p> <p>13 the news as it happens, day in and day out, from the</p> <p>14 north of England. So that's what his job is and that's</p> <p>15 what he got back to doing.</p> <p>16 Q. You tell us at paragraph 31 that, amongst other things,</p> <p>17 your journalist used details on the email accounts to</p> <p>18 view items that John Darwin had purchased from Amazon</p> <p>19 and eBay. Are you able to help us one way or the other</p> <p>20 as to why he did that?</p> <p>21 A. No, I'm not.</p> <p>22 Q. We can move now to the second story, which is that of</p> <p>23 Martin and Lianne Smith. They are a couple who, with</p> <p>24 a child, fled to Spain when the police took an interest</p> <p>25 in Mr Smith, aren't they?</p> <p style="text-align: center;">Page 31</p>
<p>1 discovering that John Darwin's son has used that name.</p> <p>2 We used him to check immigration records last year for</p> <p>3 \$500."</p> <p>4 So he's referred to there as a "private eye".</p> <p>5 You're careful to tell us in your witness statement that</p> <p>6 in fact he was a Panamanian freelance journalist. Is</p> <p>7 that, given what he was doing, a distinction without</p> <p>8 a difference? Whatever label you attached to him, what</p> <p>9 he was doing was the work of a private investigator?</p> <p>10 A. I don't know, but, I mean, as I understand it, he was</p> <p>11 a freelance journalist and we wouldn't normally use</p> <p>12 private -- well, we don't use private eyes.</p> <p>13 Q. The email from the journalist to a senior manager talks</p> <p>14 in terms of "surreptitiously checking immigration</p> <p>15 records". On the face of it, you're paying an</p> <p>16 investigator, however labelled, to look into public</p> <p>17 records surreptitiously in Panama, as I understand it,</p> <p>18 and not the United Kingdom. Is that the sort of thing</p> <p>19 that you've ever done in the United Kingdom?</p> <p>20 A. It is not the sort of thing we've ever done in the</p> <p>21 United Kingdom, no.</p> <p>22 Q. Did you know about this at the time?</p> <p>23 A. No, I did not.</p> <p>24 Q. Do you think that it was ethical journalism to pay</p> <p>25 somebody surreptitiously to access the records of</p> <p style="text-align: center;">Page 30</p>	<p>1 A. That's correct.</p> <p>2 Q. They lived in Spain until the authorities caught up with</p> <p>3 Mr Smith, and he was extradited back to the United</p> <p>4 Kingdom, and the story was an exceptionally poignant one</p> <p>5 because what happened shortly afterwards was that</p> <p>6 Mrs Smith killed her daughter and her baby son who had</p> <p>7 been born in Spain; is that right?</p> <p>8 A. Correct.</p> <p>9 Q. The same reporter as we've been talking about in the</p> <p>10 Darwin case was assigned to cover the story, wasn't he?</p> <p>11 A. He was on the case. In fact, I think the case was in</p> <p>12 Carlisle, and he was based in the north-east of England,</p> <p>13 but for whatever rota reason, he went across to the</p> <p>14 west.</p> <p>15 Q. And one of the things he discovered when investigating</p> <p>16 the case was that Mrs Smith -- I use the term loosely,</p> <p>17 because they lived together but I don't think they were</p> <p>18 ever actually legally married -- had previously been</p> <p>19 a childcare worker with a local authority?</p> <p>20 A. That's correct.</p> <p>21 Q. And that there were childcare proceedings in force in</p> <p>22 relation to the daughter who was taken to Spain?</p> <p>23 A. Correct.</p> <p>24 Q. Now, you tell us that he believed, from his</p> <p>25 investigations, that there had been failings by the</p> <p style="text-align: center;">Page 32</p>

8 (Pages 29 to 32)

<p>1 authorities to follow up on a child who they must have 2 realised was at very severe risk, and had such follow-up 3 been done, that child's life may have been saved. It 4 was investigating that theory, wasn't it, that was the 5 basis of the authority that was given to access 6 Mrs Smith's emails? 7 A. That's correct. 8 Q. Can we explore that justification then for a moment, 9 please? In what ways was it said or suspected that the 10 authorities had failed? 11 A. Because you had Martin Smith, a suspected paedophile, on 12 the run; their daughter, Rebecca, was already under 13 child protection procedures, and it was clear that his 14 wife was running a nursery in Barcelona. And Sky News 15 believed -- and had reasonable grounds for suspecting -- 16 that if the authority had done more here, the local 17 authority had done more, it might have been able to 18 track down the whereabouts of the family. 19 Q. But we do know that the family was tracked down because 20 Mr Smith was found and extradited, wasn't he? 21 A. But only after two years or thereabouts. 22 Q. It's not suggested, is it, that there was any offence 23 against the young -- Rebecca, I think her name is -- the 24 daughter, the young daughter and the son born in Spain, 25 is there? It's not as if anybody's suggesting that</p> <p style="text-align: center;">Page 33</p>	<p>1 might have led to a change in systems and procedures 2 that would save the lives of other children of -- ensure 3 there was less harm in the future. 4 Q. But it was essentially a speculative exercise, wasn't 5 it, trying to see what was in Mrs Smith's email account? 6 A. I don't think it was speculative, because by accessing 7 the email account of Mrs Smith, we would be able to 8 determine whether or not she was in contact with people 9 back in Britain, possibly in the area where the local 10 authority was set up, and also the extent to which 11 Mrs Smith was living openly in Spain. 12 Q. Doesn't that break down into two? First of all, in 13 relation to the emails, what you were looking for, 14 wasn't it -- I use "you" not in the personal sense, of 15 course -- you were looking to see whether there were 16 emails from Mrs Smith back to people who she had worked 17 with who were local authority care workers? 18 A. Correct. 19 Q. It was to see whether that had happened -- 20 A. There might be some links. 21 Q. The question would then have arisen: if a care worker 22 had known anything about the Smiths, whether the emails 23 gave away their location, their life, and whether the 24 person had reported that to their employer? 25 A. Correct.</p> <p style="text-align: center;">Page 35</p>
<p>1 offences were being committed in Spain? 2 A. We don't know that, but no. 3 Q. Because the charge that Mr Smith was wanted for related 4 to somebody else? 5 A. Correct. 6 Q. We also know that it was in fact when the authorities 7 finally caught up with Mr Smith -- it was only at that 8 point that the complete tragedy of the death of the 9 children ensued. So can you help me, please, with how 10 Sky News thought that there was any failing by an 11 authority that would have prevented Mrs Smith from 12 killing her children? 13 A. Because the local authority, we believed, could have 14 done more to find out the whereabouts of where the 15 Smiths had run off to, given that it took two years for 16 them to track them down. 17 Q. I understand that, but what I don't understand is how 18 that would have saved the lives of the children. 19 A. Well, it might or might not. 20 Q. Isn't the position that this was simply an extremely 21 poignant story, which Sky was very interested in 22 investigating? 23 A. It was a poignant story that we were interested in 24 investigating and if we'd been able to demonstrate that 25 the local authority had in some way failed, then that</p> <p style="text-align: center;">Page 34</p>	<p>1 Q. And that is all rather a long chain, isn't it, to be 2 investigating? 3 A. Sometimes stories are like that. They can be long 4 chains. 5 Q. To what extent -- 6 A. If you knew the answer at the beginning, you wouldn't 7 set out on the start of the chain. 8 Q. To what extent had that theory been explored with the 9 local authority? Can you help us? 10 A. My understanding from Mr Tubb is that the local 11 authority had stonewalled a number of enquiries from 12 more than one Sky News journalist. 13 LORD JUSTICE LEVESON: Yes, well, they might not want to 14 talk about it to the press. How do you think Sky News 15 would have reported the use by the local authority of 16 techniques that included or involved illegally hacking 17 into somebody's emails? 18 A. I guess it would depend on the outcome. 19 LORD JUSTICE LEVESON: Do you think? 20 A. Yeah, I do. 21 MR BARR: Can we go to the way in which the accessing of the 22 email was in fact authorised? I'm looking at page 20 of 23 the exhibit. This can be put on the screen, please. 24 There's an email of 22 May 2010 -- 25 A. Sorry, which paragraph are we on?</p> <p style="text-align: center;">Page 36</p>

<p>1 Q. It's referred to in your statement at page 15 but I'm 2 taking you to your exhibit at page 20, please.</p> <p>3 A. Sorry. Sorry.</p> <p>4 Q. So here we have the email. It's 22 May 2010, from the 5 reporter. It says:</p> <p>6 "I've found the email address Lianne Smith has been 7 using in Barcelona since 2008 [he gives that]. The 8 nursery she set up in October 08 was called Early 9 Performers. It would be very interesting to know if she 10 has emailed people in the UK over the past few years. 11 If she's been turned her in, the kids would have been 12 taken into care and would be alive now. The security 13 question she protected her account with is her favourite 14 film. Should I try to guess it?"</p> <p>15 The response from the managing editor is a one-line 16 response sent from his iPhone:</p> <p>17 "Yes please Gerard. Legitimate public interest 18 enquiry. Good hunting."</p> <p>19 Although you and I have explored the background to 20 this story, the way, in fact, it was put to the manager 21 who had to authorise it was -- I'm afraid I have to put 22 it -- cursory, wasn't it, and informal?</p> <p>23 A. But I would argue that there had been discussions in the 24 four days or so before that email was sent, because if 25 you look at the top line of that email, it clearly</p> <p style="text-align: center;">Page 37</p>	<p>1 A. Correct.</p> <p>2 Q. So it didn't uncover what had been suspected, and so far 3 as anything was uncovered, it was simply that she'd been 4 in touch with parts of the media after Mr Smith's 5 arrest?</p> <p>6 A. (Nods head)</p> <p>7 Q. The story was never broadcast, was it?</p> <p>8 A. No, it wasn't.</p> <p>9 Q. And that was effectively because you didn't really find 10 a story, did you?</p> <p>11 A. We didn't find sufficient information that the local 12 authority had been failing in its business.</p> <p>13 Q. There doesn't seem to be, on the face of paragraph 35 of 14 your witness statement, any evidence at all there about 15 the local authority?</p> <p>16 A. That's true.</p> <p>17 Q. I'm asking this because at paragraph 38 you explain why 18 the story was not broadcast. You tell us that the 19 reporter was agitating for it to be broadcast after 20 Mr Smith was convicted but before he had been sentenced, 21 and you explain that at that time several major 22 international news stories were breaking, so a decision 23 was taken that despite the public interest justification 24 for the email access, the Smith story was no longer an 25 editorial priority and should not be pursued.</p> <p style="text-align: center;">Page 39</p>
<p>1 suggests that there had been discussions beforehand.</p> <p>2 Q. In terms of the authorisation, so far as one can divine 3 it from that single line, it seems that the manager's 4 thought process was simply that it was a legitimate 5 public interest enquiry and therefore it was okay?</p> <p>6 A. Correct.</p> <p>7 LORD JUSTICE LEVESON: So do you think he probably hadn't 8 paid as much attention as he should have done to the 9 criminal law?</p> <p>10 A. I don't know.</p> <p>11 LORD JUSTICE LEVESON: That's fair enough.</p> <p>12 MR BARR: Again, contrasting what you're planning to put 13 into place with what happened two years ago, it's a far 14 cry from what you're envisaging going forwards, isn't 15 it?</p> <p>16 A. It is a far cry indeed.</p> <p>17 Q. Turning to what was in fact discovered, although I don't 18 want to go into the details, it was essentially emails 19 which were sent to media organisations after Mr Smith's 20 arrest. I'm looking now at paragraph 35 of your witness 21 statement. Your witness statement suggests that the 22 content of those emails to the media indicated that she 23 had been struggling to cope after Mr Smith's arrest in 24 the period of time before she killed her children and 25 was seeking help.</p> <p style="text-align: center;">Page 38</p>	<p>1 In other words, you're saying that it wasn't an 2 editorial priority in the period between January 3 and March 2011; is that right?</p> <p>4 A. We had not found the information that we'd set out to 5 find --</p> <p>6 Q. Well, that's the point, isn't it? This explanation in 7 your witness statement dresses it up rather, if I may 8 say so. The true position was you just didn't get 9 anywhere, did you?</p> <p>10 A. I think that's fair.</p> <p>11 Q. Can I ask you now a little bit about the future? You've 12 explained the sort of procedures that should be put in 13 place at Sky News. How is the question of 14 proportionality going to be factored in? Are you able 15 to help us with that?</p> <p>16 A. Yes. I think we will need to look very hard at the 17 issue of proportionality and the -- you know, there will 18 need to be a very clear guideline written into our 19 procedures that spells out the balance, the fulcrum, if 20 you like.</p> <p>21 Q. Finally, can I ask you about the way in which this 22 information became known to the Inquiry. The Inquiry 23 sent Sky News a notice under section 21 of the 24 Inquiries Act on 11 August 2011. It was answered on 25 16 September 2011 via a letter from one of your legal</p> <p style="text-align: center;">Page 40</p>

10 (Pages 37 to 40)

<p>1 advisers, wasn't it?</p> <p>2 A. Correct.</p> <p>3 Q. I don't want to go into all the details, but could</p> <p>4 I just take you to page 5 of that response, which is at</p> <p>5 tab 9, and the answer which is given under</p> <p>6 subparagraph F at the bottom of that page. That's</p> <p>7 answering a question about the Regulation of</p> <p>8 Investigatory Powers Act 2000. The question was:</p> <p>9 "The documents you should provide to the Inquiry</p> <p>10 panel should relate to the following matters or issues</p> <p>11 in respect of BSKyB ..."</p> <p>12 And then, at (f), it was:</p> <p>13 "Regulation of Investigatory Powers Act 2000."</p> <p>14 The answer, which goes a little bit beyond the</p> <p>15 question, says:</p> <p>16 "There is no written guidance on the provisions of</p> <p>17 RIPA. The Sky News editorial and reporting staff to</p> <p>18 whom we have spoken have never intercepted</p> <p>19 communications and any proposal to do so would not be</p> <p>20 countenanced."</p> <p>21 Now, that statement, as we now know, was not</p> <p>22 correct, was it?</p> <p>23 A. It wasn't correct at the time, no.</p> <p>24 Q. And at the time, because of what we've heard before, Sky</p> <p>25 News did know about the episodes of hacking at a senior</p> <p style="text-align: center;">Page 41</p>	<p>1 A. It is very regrettable indeed and I apologise.</p> <p>2 MR BARR: Thank you very much. Those are all my questions.</p> <p>3 LORD JUSTICE LEVESON: I think you ought to be given the</p> <p>4 opportunity to say one other thing as well, Mr Ryley,</p> <p>5 which I'm sure you would want to say. It may be</p> <p>6 suggested that it is not a coincidence that the issues</p> <p>7 we've just discussed arise at BSKyB while, at the same</p> <p>8 time, other issues have arisen in other parts of the</p> <p>9 News Corporation empire. But let me understand it, if</p> <p>10 I can. The episodes you described today originated from</p> <p>11 the bottom, from the journalist up, as indeed was the</p> <p>12 example of email hacking that evidence has been given</p> <p>13 about in relation to the Times, and therefore, would</p> <p>14 I be right to assume that you would make it absolutely</p> <p>15 clear that no inference at all should be drawn or would</p> <p>16 be right to draw from the fact that actually these two</p> <p>17 instances, and indeed interception of telephone</p> <p>18 messages, all emanate from different parts of the same</p> <p>19 group?</p> <p>20 A. Sky News is part of BSKyB. We're a separate department.</p> <p>21 BSkyB is part of News International, but our</p> <p>22 journalistic endeavours, our journalistic activities,</p> <p>23 our management structures are very separate.</p> <p>24 LORD JUSTICE LEVESON: So I'm allowing you the opportunity</p> <p>25 to say, as I think you would want to say, that these are</p> <p style="text-align: center;">Page 43</p>
<p>1 managerial level. The people who were drafting and</p> <p>2 authorising this response knew about the hacking when</p> <p>3 this letter was drafted, didn't they?</p> <p>4 A. The letter that you would have received on 16 September?</p> <p>5 Q. Yes.</p> <p>6 A. Yes; correct.</p> <p>7 Q. The explanation for why this inaccurate assertion was</p> <p>8 made has been dealt with in a covering letter from your</p> <p>9 legal advisers, hasn't it?</p> <p>10 A. It has.</p> <p>11 Q. I hope I do justice to the explanation when I say that</p> <p>12 the nub of it comes down to that the person who drafted</p> <p>13 this was thinking about RIPA and did not consider that</p> <p>14 the email hacking that he knew about was a breach of</p> <p>15 that Act?</p> <p>16 A. As I understand it, the letter that you sent, your</p> <p>17 notice on 11 August, concerned and its thrust was about</p> <p>18 telephone hacking and payments to public officials, and</p> <p>19 our response to you on 16 September, having taken</p> <p>20 external legal advice as well, was that we would focus</p> <p>21 on that particular issue -- those two issues.</p> <p>22 Q. Nevertheless, what in fact has happened is that an</p> <p>23 inaccurate assertion has been made?</p> <p>24 A. It was inaccurate.</p> <p>25 Q. That, presumably you would agree, is highly regrettable?</p> <p style="text-align: center;">Page 42</p>	<p>1 quite specific, separate incidents and do not reveal</p> <p>2 something that I should deduce about what's going on in</p> <p>3 the whole operation.</p> <p>4 A. Absolutely correct.</p> <p>5 LORD JUSTICE LEVESON: I thought you would want the</p> <p>6 opportunity to say it. That's all.</p> <p>7 A. Thank you.</p> <p>8 LORD JUSTICE LEVESON: Thank you very much.</p> <p>9 Well, that's it until 2 o'clock, is it, Mr Barr?</p> <p>10 MR BARR: That's right, sir.</p> <p>11 LORD JUSTICE LEVESON: Thank you very much indeed.</p> <p>12 2 o'clock.</p> <p>13 (12.50 pm)</p> <p>14 (The luncheon adjournment)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">Page 44</p>

A	allowing 43:24	34:25 35:10,17	6:12 16:2	37:25	5:15 6:10	deal 3:14 12:2
able 3:6 8:13	altruistic 25:3	36:9,11,15	31:12	close 12:15,24,24	10:13 11:22	deals 3:13
11:18 14:25	Amazon 31:18	39:12,15	Broadcasting	13:1,2,18 14:1	12:1 15:24	dealt 10:17 42:8
16:22 18:11	Anne 12:9 27:13	available 2:13	2:15 5:5	14:13 15:8	18:20 26:22	death 12:4 34:8
20:20 25:8,19	answer 6:25	award 24:6	BSkyB 10:5,21	17:25 18:8	31:7 32:1,8,20	December 14:7
25:23 31:19	10:15 15:21	aware 10:11,22	11:10 41:11	23:18	32:23 33:7	deception 12:9
33:17 34:24	23:9 29:10	28:17 29:8,9	43:7,20,21	code 2:15,18	34:5 35:18,25	deceptively 9:9
35:7 40:14	36:6 41:5,14		bundle 2:19	3:17 4:25 5:5	38:6 39:1 41:2	decide 13:20
absolutely 43:14	answered 40:24	B	business 7:23 9:2	6:25 7:11	41:22,23 42:6	25:17
44:4	answering 21:22	baby 32:6	17:22 39:12	coincidence 43:6	44:4	decided 16:12
access 6:6 10:3	29:7 41:7	back 31:15 32:3		Cole 13:16	correspondent	20:8 23:20
13:7,16,17,20	anticipating 6:1	35:9,16		come 17:8 25:1	12:23 14:3	24:23 31:4
16:16 24:13	7:19	background	C	comes 22:13	counsel 10:22	deciding 9:11
30:25 31:5	anybody's 33:25	37:19	call 14:4 19:21	42:12	countenance	decision 5:19 8:9
33:5 39:24	apologise 43:1	backgrounder	called 17:1 37:8	coming 2:16	8:19	9:21 14:19
accessed 2:17	apparent 12:14	14:4 19:22,24	canoeing 12:4	19:14 23:21	countenanced	16:5 23:11,15
10:25 18:15,17	15:8	Bad 20:22	14:5	comment 20:22	41:20	23:22 25:1
25:11,21 26:20	appear 27:2	balance 40:19	care 17:3 35:17	commit 15:17	couple 31:23	29:5 39:22
26:25 27:3	appears 13:4	Barcelona 33:14	35:21 37:12	committed 7:7	course 6:20	decisions 23:7
accessing 13:13	apply 9:14 29:11	37:7	careful 6:23	34:1	14:16 16:7	decision-making
29:14 35:6	appreciate 10:15	Barr 1:3,4,7,8	16:24 30:5	communication	17:6 23:17	24:11
36:21	17:8	5:8 6:3 7:14	Carlisle 32:12	14:15	35:15	deduce 44:2
accident 4:6	approach 8:8	9:24 10:2	carried 11:9	communications	court 14:4 19:22	defence 7:3
account 2:18 6:7	19:11	16:15 17:15	case 11:23 12:2,3	4:19 14:16	19:23	22:24,24 25:13
12:12,16,20	appropriate 16:1	18:11 20:16	16:17,23 32:10	22:2 41:19	cover 32:10	deliberately
13:6,8,13 15:9	approval 8:5,6	21:23 22:8	32:11,11,16	company's 4:20	coverage 10:24	15:20
17:16 18:14	approved 5:22	23:3 26:16	cases 11:15	complete 34:8	covering 42:8	delving 19:13
20:21 21:13	April 1:1	29:11 36:21	caught 32:2 34:7	Computer 7:4	covers 7:11	demonstrate 3:6
35:5,7 37:13	area 35:9	38:12 43:2	cause 17:9	29:8	CPS 25:16,17	34:24
accounts 12:11	argue 27:4 37:23	44:9,10	CEO 11:2	concern 3:23	create 20:5	denied 12:10
15:2 16:17	arisen 35:21 43:8	based 11:18,24	chain 10:14,18	concern 17:9	credibility 4:10	department 5:24
17:19 18:16	arrest 38:20,23	32:12	36:1,7	concerned 11:1	crime 3:9 7:7	7:15 43:20
19:14 25:11	39:5	basis 11:14 33:5	chains 36:4	11:19 42:17	19:18 20:24	depend 36:18
26:18,21 28:10	arrested 17:2	9:24 10:2	change 35:1	conduct 8:17	24:15	deputy 5:24
31:5,17	arrives 14:6	16:15 17:15	changed 22:24	confirm 1:10	criminal 5:2,6	Derek 10:21
accurate 19:11	asked 14:2	18:11 20:16	charge 34:3	connection 2:23	6:1 7:2,2,12	describe 19:8
29:3	asking 15:13,25	21:23 22:8	check 29:24 30:2	16:17	8:23 9:11 12:3	22:20
act 7:4,5 15:17	17:14 21:23	23:3 26:16	checking 30:14	consequently	16:2 19:15	described 23:4
29:8,12 40:24	39:17	29:11 36:21	chief 10:21	25:13	26:16 38:9	25:7 43:10
41:8,13 42:15	assertion 42:7,23	38:12 43:2	child 31:24 33:1	consider 6:14	criminality 20:4	describing 24:11
action 6:20	assigned 32:10	44:9,10	33:13	8:22 42:13	criticising 13:24	description
activities 1:22	assist 2:13 24:14	44:9,10	childcare 32:19	considering 5:18	Crown 14:22	22:22
43:22	24:20	beyond 41:14	32:21	conspiracy 6:1	25:16	designant 6:18
ad 19:11,12	assume 43:14	bit 6:3 7:22 10:5	children 34:9,12	contact 21:11	cry 38:14,16	designated 5:24
address 3:25	attached 30:8	16:18,24 20:8	34:18 35:2	35:8	culture 19:10	despite 39:23
37:6	attention 2:9	25:3 28:21	38:24	contain 12:13	cursorly 37:22	detail 13:25
adjournment	16:3 38:8	40:11 41:14	child's 33:3	17:16,20		15:23 28:24
44:14	audit 11:10	blank 31:3	choice 7:21	content 38:22	D	details 10:2
admissibility	August 40:24	born 32:7 33:24	15:16	contents 1:13	dangers 20:24	25:10 31:17
16:10 26:10	42:17	bottom 41:6	chronology 13:3	content-gather...	Darwin 12:8,10	38:18 41:3
advance 5:22	authenticity 4:10	43:11	13:8,23,24	1:21	12:21 17:21	detect 11:8
16:16	authorisation	breach 5:5 6:1	circumstances	contrasting	21:10,11 27:13	detecting 3:9
adverse 8:3	13:10 27:19	42:14	3:21 8:19	38:12	31:18 32:10	determine 35:8
advice 7:19 8:4	28:15 38:2	breaching 5:2	25:15 31:1	conversation	Darwins 10:10	device 22:4
42:20	authorise 37:21	break 9:11 35:12	civil 6:24 7:1,10	21:19	10:22 11:16	difference 21:15
advisers 41:1	authorised 13:16	breaking 8:22	8:20 9:8	conversations	12:3,13 13:13	30:8
42:9	31:5 36:22	39:22	claimed 12:5	11:18 12:22	19:19,24 27:10	different 6:12
affirmed 1:6	authorising 42:2	briefed 22:14	claims 3:10	convicted 19:25	27:18	20:2 29:5
afraid 37:21	authorities 14:21	briefly 1:24	clarity 22:9	24:2 39:20	Darwin's 12:14	43:18
agitating 39:19	27:16 28:3,5,9	Britain 35:9	clear 11:14 13:12	conviction 27:13	25:12 30:1	differently 29:2
ago 38:13	32:2 33:1,10	broadcast 1:17	18:9 24:15	cope 38:23	Data 7:4	difficult 16:5
agree 6:20 42:25	34:6	10:25 23:14,20	26:17 27:5	Corporation	daughter 32:6,22	direct 2:5 11:17
agreeable 28:20	authority 2:17	24:24 26:17	28:16 33:13	43:9	33:12,24,24	directly 2:5
ahead 14:20	5:5 16:9 26:7	39:7,18,19	40:18 43:15	correct 1:14,19	day 7:7 19:24	disappearance
air 23:25	32:19 33:5,16	broadcaster 3:6	clearly 3:23 7:11	1:23 2:3,7,11	23:19 31:13,13	12:14
alive 37:12	33:17 34:11,13		18:1 20:1 27:1	2:14 4:2 5:11	days 37:24	disappeared

14:5 17:23 disclosing 3:11 discovered 18:16 21:5 32:15 38:17 discovering 30:1 discrepancy 13:4 13:14,15,22 discretion 7:6 discussed 29:23 43:7 discussions 14:12 16:20 37:23 38:1 distinction 9:7 9:13 22:8 30:7 distinguish 6:23 7:9 divine 38:2 document 29:19 documents 11:24 41:9 doing 5:1 6:14 7:24 8:19 14:10 19:23 20:2 30:7,9 31:15 domain 17:13 doubt 24:20 drafted 42:3,12 drafting 42:1 draw 8:14 16:3 43:16 drawn 31:8,9 43:15 dresses 40:7 drew 31:3 duress 22:24 duty 9:19 19:22 DVD 27:3 dynamite 22:17 22:19,21 23:2 23:4	6:7 10:3,18 11:8,15 12:11 12:12,15,20 13:13 15:2,9 16:16 19:14 20:14,19 21:12 21:14 22:5 26:18,21 27:9 28:10 30:13 31:5,17 35:5,7 36:22,24 37:4 37:6,24,25 39:24 42:14 43:12 emailed 37:10 emails 4:14 10:25 12:13 13:20 17:22 18:2,10 20:10 20:21 25:20,25 27:2,3 29:14 33:6 35:13,16 35:22 36:17 38:18,22 emanate 43:18 empire 43:9 employer 35:24 encouraged 18:6 encouragement 18:12,13 encouraging 9:25 endeavours 43:22 England 31:14 32:12 enquiries 36:11 enquiry 37:18 38:5 ensued 34:9 ensure 35:2 entails 9:8 entitled 17:7 envisaged 7:15 envisaging 38:14 episodes 41:25 43:10 equally 23:15 equivalent 4:12 essentially 35:4 38:18 ethical 30:24 everybody 9:21 evidence 4:7,9 11:12 19:14 20:5 22:16 23:6,8 24:14 25:9 39:14 43:12 evidential 16:10 exactly 15:3 examine 12:18 12:20 24:18 examined 12:16 15:10 example 6:6 7:11	26:12 43:12 Examples 3:8 excellent 14:7 exceptionally 32:4 executive 2:4,6 10:21 exercise 7:6 17:7 35:4 exercising 17:2 exhibit 20:19 29:20 36:23 37:2 exhibited 13:8 exhibits 29:19 experienced 14:3 explain 16:18 21:11 27:19 31:11 39:17,21 explained 40:12 explanation 3:13 40:6 42:7,11 explore 6:3 28:21,24 33:8 explored 36:8 37:19 Exploring 27:22 exposing 3:10 extent 35:10 36:5 36:8 external 42:20 extradited 32:3 33:20 extremely 19:6 34:20 eye 29:23 30:4 eyes 30:12	F f 41:6,12 face 8:3 30:15 39:13 faced 15:15 27:14 facie 4:7 6:6 7:2 8:1,17 17:19 fact 12:12 17:17 17:21 18:3,14 30:6 32:11 34:6 36:22 37:20 38:17 42:22 43:16 factored 40:14 factual 22:9 fail 25:13 failed 33:10 34:25 failing 34:10 39:12 failings 32:25 fair 4:14,15 5:13 22:15 25:2,5 38:11 40:10 fairly 10:23 faked 12:4 falls 18:24	family 10:8 33:18,19 fantastic 14:4 far 11:1 18:24 26:20 38:2,13 38:16 39:2 favourite 37:13 fell 14:19 film 37:14 filming 4:4,5 finally 34:7 40:21 find 2:21 4:12 20:3 23:15 25:25 34:14 39:9,11 40:5 finished 24:2 firm 16:5 first 1:4 6:11 8:2 8:20 10:3,6 11:16 12:2 15:1,17 23:7 35:12 five 14:9 17:22 19:20 21:10 fled 31:24 focus 42:20 follow 29:14 33:1 following 18:10 27:13 41:10 follow-up 33:2 force 16:4 32:21 foreign 31:1 foremost 6:11 form 8:2 21:17 format 12:22 14:12 16:20 format 27:2 formed 13:5 17:15 former 8:6 forming 14:17 forwards 38:14 found 11:12 21:9 33:20 37:6 40:4 four 37:24 fourth 24:12 freelance 29:16 30:6,11 fulcrum 40:19 full 1:10,12 fullness 19:15 further 4:9 27:19 27:24 28:10 31:5 future 5:21 6:4 6:13 8:15,21 16:6 35:3 40:11	3:18 general 10:22 Gerard 14:2,8 14:11 27:14 37:17 getting 20:4 give 5:5 8:13 14:14 23:8 29:10 given 7:23 18:17 18:21 26:4 27:1 30:7 33:5 34:15 41:5 43:3,12 gives 37:7 giving 23:24 glasses 15:25 go 4:22,24 6:8,9 9:18,24 10:2 13:20 14:20 17:22 18:3 20:4 21:18 26:19 27:19 29:21 36:21 38:18 41:3 goes 13:18 41:14 going 2:15 5:19 6:7,8 7:20,25 8:9,10 10:24 11:14,17 12:20 14:18 15:17 16:16 17:5 18:9 20:7 23:24 24:24 25:25 27:5 28:6,9 31:10 38:14 40:14 44:2 good 1:4,8,9 6:5 7:10 14:11 16:19 24:5 37:18 grounds 4:8 33:15 group 43:19 guess 17:21 36:18 37:14 guessing 18:15 guidance 3:2,3 4:4,12,16 41:16 guideline 40:18 guidelines 4:23 5:9,9,13,20 7:25 guilty 12:8	H hack 28:9,12 hacking 10:7,19 11:8,15 21:14 21:15 36:16 41:25 42:2,14 42:18 43:12 half 3:3 Hamilton 1:6,12	handed 25:16 hang 18:5,5 happened 27:8 28:17 32:5 35:19 38:13 42:22 happens 31:13 happy 9:18 hard 40:16 harm 35:3 head 1:5,16,17 1:20 2:1,2,9,10 4:21 5:23 6:18 9:16,20,23 11:10,20 16:11 20:23 23:10 26:11,14 27:11 29:18 39:6 heading 3:18 health 3:9 heard 41:24 help 7:15 14:25 15:23 16:15 17:18 18:11 20:8 25:8,19 25:23 26:23 31:8,19 34:9 36:9 38:25 40:15 helped 23:1 28:22 hidden 26:19 higher 11:2 highly 6:15,15 7:22 8:21,24 14:3 42:25 hindsight 15:25 26:24 hoc 19:11,12 home 2:2,10 honest 29:10 hope 42:11 hunting 37:18 hypothetical 16:6	I idea 6:5 illegal 15:17 illegally 36:16 images 3:19 imagine 10:20 25:15 immediate 11:19 18:18 immigration 29:16,24 30:2 30:14 important 19:15 22:23 24:3 inaccurate 42:7 42:23,24 inappropriate 16:22 incidents 5:18 44:1	include 3:8 included 2:23 36:16 including 27:16 incompetence 3:11 indicated 38:22 individual 4:20 individually 3:10 inevitably 14:10 16:19 infer 10:23 27:1 inference 43:15 informal 12:22 14:12 16:20 37:22 information 3:18 12:18 17:16,20 22:14 26:1 39:11 40:4,22 informed 25:20 27:14 infringement 2:22 initially 25:20 Inquiries 40:24 inquiring 14:23 Inquiry 1:11 40:22,22 41:9 insafor 8:13 inspector 20:22 instance 10:7 instances 2:16 10:2,18 11:8 43:17 instant 6:11 31:12 insurance 12:5 interactions 13:25 intercepted 41:18 intercepting 4:14 interception 4:18 17:1 22:2 27:9 43:17 interest 3:5,7,8 3:13 4:8 6:25 7:3 9:10,10 24:16 31:24 37:17 38:5 39:23 interested 34:21 34:23 interesting 19:3 37:9 international 39:22 43:21 introduce 5:20 introduces 3:23 invading 5:1 9:7 investigate 14:18 15:1 29:6,16 investigated 14:19
---	--	--	--	--	---	--	--	---	---

investigating 16:4 19:18 20:1,9,24 27:16 28:3,5,8 32:15 33:4 34:22,24 36:2	26:12,15 29:6 36:13,19 38:7 38:11 42:11 43:3,24 44:5,8 44:11 justification 33:8 39:23	16:12,24 18:5 20:1,12 21:23 22:6,23 25:24 26:6,9,12,15 29:6 36:13,19 38:7,11 43:3 43:24 44:5,8 44:11	man 12:4 14:5 management 1:24 10:14,18 43:23 manager 6:8 11:19 18:18 28:15 30:13 37:20	move 2:15 3:17 11:13 27:8 31:22 Moving 18:14	occasion 6:16 9:4 occasions 6:13 October 37:8 odd 17:14 Ofcom 5:4 offence 7:2,13 33:22 offences 12:9 34:1 officer 10:21 officials 11:11 42:18 Oh 7:21 26:6 okay 9:1 23:5 38:5 old-fashioned 21:21 once 18:15 one-line 37:15 ongoing 16:20 online 10:24 openly 35:11 operation 44:3 opportunity 43:4 43:24 44:6 opposed 25:22 optional 7:20 orally 18:21 organisation 24:1 organisations 3:11 38:19 originated 43:10 ought 6:10 43:3 outcome 36:18 output 1:22 2:4 outweighs 3:7 o'clock 44:9,12	4:13,18 42:21 particularly 11:11 parts 39:4 43:8 43:18 party's 6:7 passed 25:6 passing 12:13 password 18:15 25:10 passwords 26:4 pay 30:24 paying 30:15 payment 11:6,11 payments 42:18 people 35:8,16 37:10 42:1 perfectly 9:6,18 Performers 37:9 period 38:24 40:2 permission 13:7 18:17,21 person 21:18 35:24 42:12 personal 35:14 personally 15:22 28:16 persuade 14:22 15:1,18 persuading 15:16 pertinent 3:4 phone 21:14 phrase 26:24 pick 10:3 pivotal 22:20 23:1 25:7 place 6:21 12:23 13:17 18:25 38:13 40:13 planning 29:23 38:12 platform 23:25 platforms 1:22 6:12 pleaded 12:8 please 1:10 10:16 14:2 33:9 34:9 36:23 37:2,17 pm 44:13 poignant 32:4 34:21,23 point 6:10,22 15:19 22:17 31:8 34:8 40:6 police 12:20 14:1 14:7,17,22 15:1,16,18 16:7,15 18:7 18:12 20:5,16 22:25 23:8,24 24:14,16,20 25:6,9,14 26:3 31:24 position 8:14
investigation 10:5 14:20 16:3 17:4 24:22	<hr/> K <hr/> keen 7:9 22:1 keep 4:24 kids 37:11 killed 32:6 38:24 killing 34:12 Kingdom 30:18 30:19,21 32:4 knew 10:18 16:16 36:6 42:2,14 know 7:25 10:6 10:15,20 11:1 11:3 16:25 17:17 19:16 20:14 22:20,21 25:1,6,15,23 26:1,6,8 28:9 28:11 29:7 30:10,22 33:19 34:2,6 37:9 38:10 40:17 41:21,25 knowing 26:12 knowledge 1:14 11:17 28:4 known 35:22 40:22	Lianne 31:23 37:6 life 12:5 33:3 35:23 light 9:3 line 6:8 8:14 11:19 13:16 15:7 18:18 20:22 28:15 31:8,9 37:25 38:3 lines 24:12 links 35:20 little 6:3 10:5 16:18 25:2 28:21 40:11 41:14 lived 32:2,17 lives 34:18 35:2 living 35:11 local 32:19 33:16 34:13,25 35:9 35:17 36:9,10 36:15 39:11,15 location 35:23 log-in 25:10 long 36:1,3 longer 39:24 look 2:18 5:19 17:11 27:20 30:16 37:25 40:16 looking 5:17 11:10 18:2 20:18 24:10 27:12 29:20 35:13,15 36:22 38:20 loosely 32:16 LORD 1:3 4:24 5:4,25 6:22 7:9 9:6,17,21,25 16:7,12,24 18:5 20:1,12 21:23 22:6,23 25:24 26:6,9 26:12,15 29:6 36:13,19 38:7 38:11 43:3,24 44:5,8,11 lot 14:14 17:22 27:6 luck 20:22 luncheon 44:14	managerial 42:1 manager's 14:21 20:22 38:3 managing 2:6 18:19 20:19 37:15 mandate 5:20 mandatory 6:17 7:20,21 March 12:9 14:6 40:3 marital 22:24 married 32:18 Martin 31:23 33:11 material 2:23 3:19,20 4:9 9:9 24:17,25 25:6 26:18 27:7 matter 3:22 9:14 18:3,14 20:13 22:13 matters 41:10 mean 5:25 6:2,4 6:4,10 7:18 15:22 20:2 22:25 30:10 means 3:20 5:22 Medal 20:16 media 38:19,22 39:4 meeting 23:18,18 24:24 members 27:17 mentioned 5:10 merely 5:1 message 21:21 messages 21:10 21:12 43:18 method 3:24 middle 18:3 mind 2:19 14:2 29:7 mislead 15:20 misleading 3:10 missing 14:23 Misuse 7:5 29:8 Mm-hm 20:15 moment 5:19 10:16 33:8 Monday 1:1 money 27:17,21 28:23 29:14 monies 12:6 months 14:9 19:20 morning 1:4,8,9 motivation 24:21	name 1:10,12 12:11 17:5 29:25 30:1 33:23 nature 7:23 necessary 4:10 need 6:16,20 9:3 40:16,18 needn't 29:25 never 39:7 41:18 Nevertheless 42:22 news 1:5,16,16 1:17,20,21,25 2:1,2,10,10,12 4:22,24 5:18 5:23 6:11,11 6:13,18 10:5 12:19 17:19 21:3 24:1 25:22,22 26:18 26:19 31:11,12 31:13 33:14 34:10 36:12,14 39:22 40:13,23 41:17,25 43:9 43:20,21 news-gathering 1:25 3:24 Nods 4:21 9:16 9:20,23 11:20 16:11 20:23 23:10 26:11,14 27:11 29:18 39:6 nominated 24:9 nonstop 6:11 normally 4:6 30:11 north 31:14 north-east 32:12 notice 11:2 40:23 42:17 nub 42:12 number 2:6 27:15 28:2 36:11 nursery 33:14 37:8	<hr/> N <hr/> name 1:10,12 12:11 17:5 29:25 30:1 33:23 nature 7:23 necessary 4:10 need 6:16,20 9:3 40:16,18 needn't 29:25 never 39:7 41:18 Nevertheless 42:22 news 1:5,16,16 1:17,20,21,25 2:1,2,10,10,12 4:22,24 5:18 5:23 6:11,11 6:13,18 10:5 12:19 17:19 21:3 24:1 25:22,22 26:18 26:19 31:11,12 31:13 33:14 34:10 36:12,14 39:22 40:13,23 41:17,25 43:9 43:20,21 news-gathering 1:25 3:24 Nods 4:21 9:16 9:20,23 11:20 16:11 20:23 23:10 26:11,14 27:11 29:18 39:6 nominated 24:9 nonstop 6:11 normally 4:6 30:11 north 31:14 north-east 32:12 notice 11:2 40:23 42:17 nub 42:12 number 2:6 27:15 28:2 36:11 nursery 33:14 37:8	<hr/> O <hr/> obtained 4:9 22:15,16 26:4 26:7,18 27:17 27:20 obtaining 2:23 3:20 9:9 26:1 obviously 9:14 17:10 18:23 27:6
investigations 32:25 investigator 30:9 30:16 31:3 Investigatory 29:12 41:8,13 involved 36:16 in-house 2:12 5:24 6:19 7:14 iPhone 37:16 issue 10:22 40:17 42:21 issues 26:10 41:10 42:21 43:6,8 items 31:18	<hr/> J <hr/> Jamie 10:21 January 40:2 job 14:10 20:6 21:2 31:12,14 John 1:5,6,12 12:11 15:2 17:21 27:13 30:1 31:18 Jones 12:11 15:2 journalism 9:2 30:24 journalist 1:17 2:16 6:4 11:19 16:12 21:3,9 22:16 25:11 29:16 30:6,11 30:13 31:17 36:12 43:11 journalistic 24:3 24:21 43:22,22 journalists 4:16 9:17 journalist's 18:18 judge 25:20 July 10:12 11:5,9 22:13 23:19 24:24 junction 14:16 June 13:11,15,21 18:4 justice 1:3 4:24 5:4,25 6:22 7:9 9:6,17,21,25 16:7,12,24 18:5 20:1,12 21:23 22:6,23 25:24 26:6,9	<hr/> L <hr/> label 30:8 labelled 30:16 lacuna 16:2 law 5:2,6 6:1 7:1 8:22 9:11 38:9 lawfully 26:1 lawyer 6:19 lawyers 2:13 learned 10:12 leave 21:20 led 35:1 legal 5:24 7:14 7:19 8:3,4,6 23:4 26:7 40:25 42:9,20 legally 32:18 legitimate 9:7 37:17 38:4 legitimately 6:25 letter 40:25 42:3 42:4,8,16 let's 4:24 level 11:2 15:23 18:17 42:1 LEVESON 1:3 4:24 5:4,25 6:22 7:9 9:6,17 9:21,25 16:7	<hr/> M <hr/> machine 21:22 major 39:21	move 2:15 3:17 11:13 27:8 31:22 Moving 18:14	<hr/> P <hr/> paedophile 33:11 page 4:3 5:17 11:13 13:9 20:18 21:7 24:10 29:20 36:22 37:1,2 41:4,6 paid 38:8 pains 21:11 Panama 12:5 29:24 30:17 Panamanian 29:15 30:6 panel 41:10 papers 29:17 paragraph 2:21 3:17,19 5:17 10:4 11:4 12:7 15:3,14 21:4,6 27:12 31:16 36:25 38:20 39:13,17 part 14:9 24:20 43:20,21 particular 3:21	

15:23 34:20 40:8 possession 27:7 possible 7:6 28:1 possibly 35:9 potential 20:4 potentially 5:21 6:24 7:12 Powers 29:12 41:8,13 practice 19:8 prepared 9:11 preparing 12:21 press 20:3 27:17 36:14 pressing 27:24 presumably 23:11 42:25 pretty 9:1 prevented 34:11 previously 32:18 prima 4:7 6:6 7:2 8:1,17 17:19 principle 2:20 priority 39:25 40:2 prison 9:18 privacy 2:22 3:7 5:2 7:10 9:7 private 22:4 29:23 30:4,9 30:12,12 probably 15:11 29:4,9 38:7 problems 16:10 procedurally 18:24 procedure 19:1,4 procedures 4:20 33:13 35:1 40:12,19 proceedings 26:16 32:21 process 6:17 29:1 38:4 producers 2:6 professional 16:19 programme 3:22 4:11 programmes 2:22,24 proportionality 3:24 40:14,17 proportionate 3:21 proposal 5:21 41:19 prosecute 24:14 prosecution 12:15,16,24 13:1,2,7,12,19 14:22 15:9,10 17:25 18:8 19:16 20:6	22:17 25:16,24 27:10 protagonists 14:13,13 16:21 protect 7:6 protected 37:13 protecting 3:9 protection 7:4 33:13 prove 26:13 provide 41:9 provided 24:16 25:10,22 provisions 41:16 public 3:5,7,8,9 3:12,13 4:8 6:25 7:3 9:9,10 11:11 12:12 17:13 24:15 27:16 30:16 37:17 38:5 39:23 42:18 purchased 31:18 purpose 24:13 24:19 25:4 purposes 24:22 pursued 39:25 put 14:8 15:25 28:8 29:19 36:23 37:20,21 38:12 40:12 putting 18:25 19:21,23 <hr/> Q <hr/> quality 12:18 Queen's 20:16 question 3:25 5:8 5:14 8:2 15:14 19:3 21:24 23:14 29:8 35:21 37:13 40:13 41:7,8 41:15 questions 1:7 27:15 28:2 43:2 quite 21:25 44:1 <hr/> R <hr/> raises 19:3 rare 9:5 19:7 read 11:4,6 29:21,25 reads 3:19 4:4 realised 33:2 reality 21:25 22:3 really 15:22 17:24 27:22 28:12 39:9 reason 3:5 15:13 32:13 reasonable 4:8 24:1 33:15 reasoning 24:21	reasons 8:10 17:10 Rebecca 33:12 33:23 receive 20:13 received 42:4 receives 2:9 receiving 12:19 record 20:25 recorded 8:9,10 8:11 recording 4:5 records 11:6 29:24 30:2,15 30:17,25 reference 20:16 references 20:18 referred 30:4 37:1 refers 11:5 reflected 23:17 23:23 regard 21:2 regarding 10:7 regrettable 42:25 43:1 Regulation 29:11 41:7,13 relate 41:10 related 34:3 relation 5:8 8:2 10:10 11:15,23 16:25 17:4 32:22 35:13 43:13 relevant 4:25 5:23 17:16 24:16 29:21 relying 7:5 remain 27:18 remember 15:3 repeat 28:7 report 21:3 27:6 31:12 reported 2:9 35:24 36:15 reporter 12:10 13:5,17 14:1 14:10,11 16:19 17:15 18:6 19:13,17 20:7 25:22 26:4,20 28:5,9 32:9 37:5 39:19 reporter's 13:11 24:19 reporting 2:2 19:18 20:25 41:17 reports 2:1,4,5 request 7:16 8:8 requirement 7:21 researching 19:19 respect 4:12	41:11 response 37:15 37:16 41:4 42:2,19 responsibilities 9:8 responsibility 1:21 responsible 6:19 16:1 result 21:14 25:21 28:12 reuse 3:19 reveal 44:1 revealing 3:8 review 11:5,5,7,9 reward 20:12 right 1:18 3:7 5:10 10:10 11:25 17:7,11 19:1 22:1,8,10 31:6 32:7 40:3 43:14,16 44:10 RIPA 41:17 42:13 risk 33:2 robing 23:4 rooms 23:4 rota 32:13 round 27:9 ruling 8:25 9:1 run 16:9 19:24 33:12 34:15 running 33:14 Ryley 1:5,6,8,12 43:4 <hr/> S <hr/> safety 3:9 sake 22:9 sat 21:12 save 35:2 saved 33:3 34:18 saying 12:25 13:2 21:24 40:1 says 13:10,16 20:9 37:5 41:15 scented 27:25 28:1 scoop 24:4,5 scope 11:7 screen 29:21 36:23 second 3:3 10:6 11:23 13:18,19 15:6 27:9 31:22 Secondly 23:14 secret 17:6,12 section 29:22 40:23 security 37:12 see 2:25 13:13,15	20:24 35:5,15 35:19 seeking 38:25 seen 11:25 27:6 self-incriminat... 17:8 senior 5:23 6:18 30:13 41:25 sense 35:14 sent 37:16,24 38:19 40:23 42:16 sentenced 39:20 separate 43:20 43:23 44:1 September 10:9 10:19 40:25 42:4,19 series 14:12 16:20 Service 14:22 25:17 set 4:19 11:9 20:7 35:10 36:7 37:8 40:4 severe 33:2 shed 9:3 she'd 39:3 short 18:24 shortly 32:5 side 1:25 2:4 simply 7:5 25:22 27:23 28:8,15 31:9 34:20 38:4 39:3 single 38:3 sir 1:4 44:10 situation 20:3 six 1:18 14:9 19:20 Sky 1:5,16,17,20 1:21,24 2:12 2:16 4:22,24 5:18,23 6:11 6:13,18 8:21 10:5 12:19 17:19 25:21,22 26:18,19 31:11 33:14 34:10,21 36:12,14 40:13 40:23 41:17,24 43:20 Skype 21:17 Sky's 5:24 8:14 Smith 10:8 31:23 31:25 32:3,6 32:16 33:11,20 34:3,7,11 35:7 35:11,16 37:6 39:20,24 Smiths 10:20 11:1,23 34:15 35:22 Smith's 33:6 35:5 38:19,23 39:4	somebody 2:17 30:25 34:4 somebody's 5:2 22:4 36:17 son 30:1 32:6 33:24 sorry 8:11 11:22 18:5 21:6,8 22:18 24:8 28:7 36:25 37:3,3 sort 7:24 8:8 19:6 21:20,25 30:18,20 40:12 sorts 16:8,9 26:10 sought 13:7 sound 3:18 source 12:17 14:1 sources 12:15,24 12:25 13:2,12 13:18 14:13 15:8 16:21 17:25 18:8 27:15 Spain 31:24 32:2 32:7,22 33:24 34:1 35:11 specific 4:3 44:1 speculation 17:24 speculative 35:4 35:6 spells 40:19 spoken 41:18 spotting 16:2 staff 41:17 stage 7:17 19:13 19:17 22:15 31:4 start 2:20 8:20 36:7 started 23:19,25 starting 15:5 state 20:13 31:1 statement 1:13 2:20 5:16 8:7 10:4 11:4,13 12:8 13:5,9,23 15:6 21:4 24:10 30:5 37:1 38:21,21 39:14 40:7 41:21 station 14:7 stonewalled 36:11 stop 23:21 stopped 23:23 stories 17:13 36:3 39:22 story 4:7 5:21 6:19 10:25 14:5,8,8,14 16:6,21 17:9	19:19 20:5 22:14 23:15 24:22 26:17,17 27:25 28:1 31:10,22 32:4 32:10 34:21,23 37:20 39:7,10 39:18,24 straight 13:3 24:7 stress 7:22 strong 9:10 23:6 structure 1:24 structures 43:23 struggling 38:23 subject 3:2,22 14:21 17:3 subparagraph 41:6 subsequent 5:12 subterfuge 3:15 3:25 4:13,17 success 28:25 sufficient 39:11 suggest 15:11,13 15:21 22:10 27:5 suggested 33:22 43:6 suggesting 18:1 18:6,8 33:25 suggests 13:5 38:1,21 summary 25:12 supplemented 29:15 suppose 19:7 22:25 sure 23:1 43:5 surely 14:19 24:19,21 surreptitious 4:4 4:5 surreptitiously 29:24 30:14,17 30:25 suspect 4:9 suspected 33:9 33:11 39:2 suspecting 33:15 system 22:5 systems 22:4 35:1 <hr/> T <hr/> tab 2:19 4:22 5:9 13:9 41:5 take 6:21 7:16 13:17 14:14 23:3 28:19 41:4 taken 5:19 12:23 32:22 37:12 39:23 42:19 talk 7:14 36:14 talking 7:4 12:25
--	---	--	---	---	---	---

<p>20:14 32:9 talks 20:12 30:13 tape 26:25 task 20:6 tasked 19:21 team 2:12 technical 21:24 techniques 36:16 technophile 21:16 telephone 21:13 22:2 42:18 43:17 tell 1:25 2:8 5:16 8:7 11:14,18 12:7,17 15:15 17:10,15 19:6 21:4,9 22:8 25:9 30:5 31:16 32:24 39:18 tells 10:4 term 32:16 terms 3:25 7:1,1 10:14 14:15 24:3 26:20 30:14 38:2 Thank 43:2 44:7 44:8,11 theory 33:4 36:8 thereabouts 33:21 they'd 24:2 thing 7:24 8:8 19:6 21:25 28:23 30:18,20 43:4 things 3:14 9:18 17:17 21:5,10 31:16 32:15 think 6:10 8:18 8:21,24 9:4,6 9:19 13:22 16:1,5,21,24 17:11 18:13 21:23,24 23:3 23:19,21 29:3 29:4,20 30:24 31:2,3 32:11 32:17 33:23 35:6 36:14,19 38:7 40:10,16 43:3,25 thinking 18:25 28:24 42:13 thinks 6:5 8:14 14:18 third 6:7 24:12 thought 23:23 28:20,21,22 29:1,2 34:10 38:4 44:5 thrust 42:17 time 9:3 13:18 13:19 15:12 19:2,15 28:19</p>	<p>28:25 30:22 31:8 38:24 39:21 41:23,24 43:8 times 9:2 43:13 today 1:4 43:10 told 11:24 top 37:25 touch 5:13 39:4 Touching 1:24 tough 9:2 track 28:22 33:18 34:16 tracked 33:19 trade 14:15 tragedy 34:8 trial 12:21 17:17 20:7 23:25 24:2 25:19 tried 7:22 15:1 15:18 16:18 31:11 trip 12:4 true 1:13 39:16 40:8 try 14:21 16:3 27:20 29:14,16 37:14 trying 15:20 21:10 22:10 35:5 Tubb 13:17 14:2 14:11,17,25 16:16 27:14 31:4 36:10 Tubb's 31:12 turn 2:5 4:3 turned 17:17 37:11 Turning 38:17 TV 10:24 14:3 two 2:16 5:18 9:13 10:2 11:8 11:15 23:6 33:21 34:15 35:12 38:13 42:21 43:16 types 4:13</p> <hr/> <p>U</p> <p>UK 37:10 ultimate 1:20 unaccounted 27:18 unauthorised 10:3 uncover 24:14 39:2 uncovered 25:21 39:3 underneath 3:3 understand 6:22 7:8 10:1 15:19 22:1,3,6 25:14 26:3 27:2,23 28:4 30:10,17</p>	<p>34:17,17 42:16 43:9 understanding 21:16 36:10 unethical 31:2 United 30:18,19 30:21 32:3 unlawful 5:22 6:6,23 8:1,17 unlawfully 7:16 unlawfulness 7:17 8:3 unsurprisingly 2:12 use 3:15 4:17 15:21 19:7,12 23:24 24:1,18 25:25 29:15 30:11,12 32:16 35:14 36:15 useful 28:23</p> <hr/> <p>V</p> <p>valuable 17:20 variety 27:15 various 19:13 25:11 view 13:6 14:17 17:15 19:16 22:17 24:15 28:19 31:18 vital 23:1 voice 21:12 voicemail 21:10 voicemails 17:1</p> <hr/> <p>W</p> <p>want 9:2,14 12:17,18 26:13 29:6,7 36:13 38:18 41:3 43:5,25 44:5 wanted 16:7 25:24 34:3 warranted 2:24 3:2 4:6,7 warrants 16:8 wasn't 5:1 17:14 18:19,21 19:3 19:5 24:4,19 26:19 27:5,10 28:16 29:9,15 32:10 33:4,20 35:4,14 37:22 39:8 40:1 41:1 41:23 wasting 15:12 watch 26:25 watched 27:3 watching 10:24 27:1 way 6:14 15:14 15:15 16:22 18:11 25:7,8 25:25 29:19 31:19 34:25</p>	<p>36:21 37:20 40:21 ways 21:15 33:9 well-publicised 12:3 went 11:2 12:5 24:6 26:5 27:20 32:13 weren't 18:9 21:20 24:24 west 32:14 We'll 7:16 we're 2:15 5:18 12:25 43:20 we've 30:20 32:9 41:24 43:7 whatsoever 11:12 whereabouts 33:18 34:14 wife 12:9 33:14 win 24:6,7 wiped 20:21 witness 1:4,13 5:16 11:4,13 12:7 13:4,8,23 15:6 17:5 21:4 24:10 30:5 38:20,21 39:14 40:7 witnesses 17:2 word 15:21 19:1 19:8,12 24:18 worded 15:14 wording 15:19 words 40:1 work 14:3 30:9 worked 35:16 worker 32:19 35:21 workers 35:17 working 14:9 19:20 worth 18:2 wouldn't 9:1 19:12 22:25 30:11 36:6 writing 6:20 8:9 8:12 10:17 written 5:20 19:4 40:18 41:16 wrong 6:24 7:2 8:20,23 wrongdoing 9:3 wrongs 7:10</p> <hr/> <p>Y</p> <p>yeah 13:18 28:18 36:20 year 30:2 years 1:17,18 17:23 33:21 34:15 37:10 38:13 young 33:23,24</p>	<p>\$ \$500 30:3</p> <hr/> <p>0</p> <p>08 37:8</p> <hr/> <p>1</p> <p>1 10:12 22:13 24:24 11 24:10 40:24 42:17 11.30 1:2 12 13:10,15 12.50 44:13 13 13:21 15 5:17 37:1 16 10:4 11:4 20:18 40:25 42:4,19 17 29:20</p> <hr/> <p>2</p> <p>2 13:9 44:9,12 20 12:7 15:4,5,14 36:22 37:2 2000 29:12 41:8 41:13 2002 14:6 2007 4:23 5:9 14:7 2008 10:12 12:9 22:13 37:7 2010 5:12 36:24 37:4 2011 10:19 11:5 11:10 40:3,24 40:25 2012 1:1 10:9 21 40:23 22 21:4,7 36:24 37:4 23 1:1 25 1:17 27 27:12</p> <hr/> <p>3</p> <p>31 31:16 35 38:20 39:13 38 39:17</p> <hr/> <p>4</p> <p>4 13:9</p> <hr/> <p>5</p> <p>5 41:4 5.30 23:19</p> <hr/> <p>6</p> <p>6 2:19 5:17</p> <hr/> <p>7</p> <p>7 5:9</p> <hr/> <p>8</p> <p>8 11:13</p>	<p>8.1 2:21 8.13 4:3 8.9 3:17,19</p> <hr/> <p>9</p> <p>9 21:7 41:5</p>
--	--	--	--	---	---