IN THE MATTER OF:

AN INQUIRY UNDER THE INQUIRIES ACT 2005

INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

CHAIRLED BY THE RT HON LORD JUSTICE LEVESON

FIRST WITNESS STATEMENT OF MARK MOYLAN
1. MARK MOVLAN, of One Canada Square, Canary Wharf, London E14 5AP WILL SAY as follows:

1. I am the Picture Editor of The People, which is published by MGN Limited ("MGN"). MGN is part of Trinity Mirror plc ("Trinity Mirror").

2. I am making this statement in response to a notice dated 1 December 2011 pursuant to section 21(2) of the Inquiries Act 2005 (the "Notice"). A copy of the Notice is annexed hereto as pages 1-4 of Exhibit MM-1.

3. I understand that the Notice has been sent to me in connection with Part 1 of the Inquiry chaired by The Right Honourable Lord Justice Leveson into the culture, practices and ethics of the press (the "Inquiry"), the Terms of Reference for which were published by The Right Honourable Mr David Cameron MP, Prime Minister on 20 July 2011 (the "Terms of Reference"). The Notice requires me to provide evidence to the Inquiry panel in the form of a witness statement and to provide any documents in my custody or under my control as specified in the Notice.

4. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I indicate the source of my belief and believe them to be true. I produce as Exhibit MM-1 hereto true copies of the documents to which I refer in this witness statement.

5. I am not authorised to waive any privilege on behalf of Trinity Mirror and nothing in this statement is intended to constitute a waiver of privilege on behalf of Trinity Mirror.

6. I deal with each of the questions in the order they are raised in the Notice.

(1) A brief description of your career history to date

7. I started work in 1978 for All-Sport, a sports photo agency, now trading under the banner of Getty Images, joining in September of that year as darkroom junior/general assistant. I was promoted to Library Manager and then General Manager before leaving in 1985. I then joined the Associated Press as a desk editor, and in 1987 I was promoted to UK Photo Editor, a position I held until leaving in 1991. I then took up the position of Deputy Picture Editor on the Daily Star. Shortly after joining I was seconded by John Major's Government to set up and run the first ever Summit Photos for the G7 summit in London (the project involved covering the events at the summit, going to the venues beforehand to set up the photos as well as attending the meetings themselves; Summit Photos supplied photos of the
events to newspapers and magazines around the world. I was elevated to Picture Editor at the Daily Star in 1994 and remained as Picture Editor until 2002. In October 2002 I joined The People as Deputy Picture Editor, taking over as acting Picture Editor and then being appointed as Picture Editor in 2008. This is my current position.

2. How are the photographs which appear in your newspaper obtained? The inquiry assumes that some are bought from paparazzi or other freelance photographers and others are taken by staff photographers. Are there any other sources of photographs?

5. We obtain pictures from a wide range of sources. The People does not have any staff photographers so all our pictures are obtained from outside sources. These include freelance photographers, picture agencies, magazines, other newspapers, PR agencies, TV companies and members of the public. Many are bought in, some are supplied free for promotional purposes, some are provided as part of a wider contract (i.e. Press Association). The Press Association ("PA"), The Associated Press ("AP") and Getty Images are all agencies that supply pictures to us on a digital feed, known as "FTP", an Internet-based delivery site (whereas some photos from other sources will come via email or will be sent on a disk). We have no control over the content of the pictures sent to us sent to us by these agencies. They decide what they cover and pictures are supplied from these events. PA mainly cover Britain, AP mainly abroad and Getty from a wide range of sports, showbiz and news agencies that now operate under their banner worldwide.

9. Some pictures come from the people involved in the stories that we publish. For example, we may have a real life story about someone married to three women at the same time. The women who are telling their story would provide us with pictures of the weddings and anything else relevant to the story. These kind of pictures are known as "collects".

10. Nowadays nearly everyone has a camera with them at all times, contained within their mobile phone, so often we will get photos sent in this way from members of the public.

11. On a daily basis, from all of these sources, we are sent around 12,000 - 15,000 pictures and on Saturday, our publication day, this rises to between 15,000 - 20,000. We look through the pictures rapidly. There will always be certain (typical) subjects that we are keeping a particular look out for. I would say that perhaps half our articles are story-led, with a picture found to match, and half are picture-led, based on a particular set of photos that the picture desk has received. The picture desk now consists of me and a Deputy (although
when I first joined, there were four people on the desk, as well as secretary) and, with such a high volume of photographs, we are always incredibly busy.

(3) Please provide a copy of any code of practice or manual which regulates the activity of your employed photographers. What sanctions are imposed if your photographers fail to act in accordance with that code? How many times have you imposed sanctions on your employed photographers over the last four years? Please give specific examples. If there is no code, then please explain how photographers are given guidance as to which photographs it is appropriate to take?

12. When we had staff photographers (the last job was cut in March 2009), they were all issued with a wallet sized copy of the PCC Code of Practice (the “PCC Code”) by the Picture Editor (me, from 2008). It was expected and emphasised by the Editor and the Picture Editor (me, from 2008), that all staff photographers would stay within the guidelines. Advice was always available from the picture desk and/or MG legal department should there ever be any queries.

13. Any staff photographer found to be acting in breach of the guidelines faced a range of disciplinary procedures as laid down in the Company’s code of conduct. No sanctions have been taken in the last four years, but for two years and nine months of that time we have had no staff photographers.

(4) How do you ensure that photographs taken by your employed photographers have not been taken in a private context, or taken in a situation that has caused distress or fear to the subject of the photograph? How often do you refuse to publish a photograph on the grounds that it was taken in a context of harassment, or without regard to privacy?

14. As stated above, we do not have any photographers who are employed by Trinity Mirror or any of its subsidiaries.

15. Where an agency or freelance photographer is commissioned by us directly to do a job, I am in regular contact with the photographer directly about the circumstances in which the photographs are being taken in order to ensure that I am satisfied, to the extent possible, that their conduct complies with the PCC Code. I set out further details of the checks I will carry out on these pictures (as well as those supplied by agency pictures) in response to question (6) below.
16. We often refuse to publish pictures because of privacy or harassment. It is difficult to put an exact figure on how many times, because this varies on a week by week basis. But I would estimate on a weekly basis 4-5 sets offered to us for publication would be turned down on this basis. The sets that we turn down are mainly offered by picture agencies and freelance photographers; I could not point to one major offender as it is fairly well spread. Many of the sets turned down by us however are published sometimes by other publications in the UK, but mainly online or abroad.

17. Where there is any doubt about a particular set of photographs, I will make sure that they are run past the legal team. I put together a list for the daily morning editorial conference, during which the Editor and Night Editor will look at the pictures on a big screen and decide which of them they are interested in publishing. I might have a particular view on which pictures should go in, but the ultimate decision rests with the Editors. A member of the legal team is also present at the morning conference and will therefore see what is being put forward for publication; however, I also maintain a close relationship with the legal team throughout the process of selecting photographs and may raise concerns with them at an earlier stage.

(5) To what extent do you, or can you, regulate the conduct of agency photographers?

18. I have no direct control over the conduct of agency photographers, unless they have been commissioned by us directly to do a job. I regularly advise the agencies that we deal with that we will not use pictures taken in certain situations, in particular situations that include both privacy and harassment. By doing this hopefully the agency will understand that there is no profit to be made from operating in this way.

19. I find sometimes that some of the agencies are not clear on what they can do and some have misguided ideas about what is acceptable. They tell me that they find legal advice very expensive, so I have offered them the opportunity to send me anything they are concerned about and I will run it past our legal department. We have had several agencies take us up on this, Xposure, Extreme, Ken Goff and they have withdrawn many sets on our advice. Recently Eamonn Clarkie, a Manchester based freelance, had taken a set of pictures of Carlos Tevez having a barbecue in his back garden whilst he was suspended by Manchester City. He thought that because he was on a public footpath and could see him from there that there was no problem. We advised him correctly and he withdrew the set of pictures.
(6) How do you ensure that photographs taken by agency photographers have not been taken in a private context, or taken in a situation that has caused distress or fear to the subject of the photograph?

20. We carry out many checks on agency/freelance pictures supplied to us that we would like to publish. We do not carry out checks on pictures supplied that we do not intend to use. We check the circumstances under which the picture was taken with the agency. Where was it taken, when was it taken, did the subject know they were being photographed? Were they in a public place, where was the photographer? Was he on public land, was he shooting into a public place? Did the subject at any time object?

21. If the answers given by the agency are not satisfactory then we ask for an email directly from the photographer. We then test the information given to us. We will often check areas on Google earth, to see if what we have been told corresponds to what is actually there. We will endeavour to check that an area is freely open to the public, in some cases we ask for photos to be taken to show where certain things are. When this is done, we may in some instances then present this to the legal department for clarification and finally to the Editor. There may be times when further clarification of certain points is asked for and these will be checked further. This is not done on every set of pictures sent in to us, but it is carried out on those that we are keen to use in the newspaper. It is worth considering that we are sent between 15,000 - 20,000 pictures on Saturday alone.

22. Many photographs are not used. Recently we were offered a set of pictures showing Kate Middleton at the checkout of a Tesco store in North Wales. I asked the agency in question to supply me with details from the photographer of how, when and where the pictures were taken. I have attached a copy of the reply from the photographer at page 5 of Exhibit MM1 (I have redacted the names in the email for confidentiality reasons). We checked out the layout of the store to make sure what we were told was correct and we then checked the position with the Buckingham Palace press office. It was explained to them how the pictures were obtained and they advised us not to use them. We therefore did not use them, however these pictures did appear in Heat Magazine and the Daily Star Sunday.

(7) What sanctions are you able to impose against photo agencies or individual photographers if you discover that photographs have been taken in an unacceptable context? Do you blacklist agencies or individuals known to accept photos taken without regard to privacy or harassment? How many times have you imposed
sanctions or blacklisted an agency or individuals over the last four years? Please give specific examples.

23. Our main and sometimes only sanction with agencies or individual photographers who persist in the supply of pictures that cause us concern is to not use them. Much of our dealings with photo agencies are on trust, we carry out many checks, but we have to take certain things on trust. If an agency is found to repeated lie to us then we will not use them. Earlier this year we stopped using Matrix Photo Agency after we found they had, I believe, misrepresented the position to us about the circumstances in which a set of pictures had been taken. Specifically, they had misrepresented first whether the pictures were taken pursuant to a request by us for some exclusive photographs or whether other newspapers had retained them for the same purpose, and secondly during their efforts to obtain a higher fee for the pictures (I believe that misrepresentations were made, in order to push the bidding price up). I had suspected this before, but after consultation between several Sunday Newspaper Picture Editors it was proved beyond doubt in my mind and I have not used them since.

(8) You will be aware of the famously faked photograph published in the Mirror newspaper of Diana, Princess of Wales, kissing Dodi al Fayed. What measures are taken to ensure that any photo provided to your newspaper by an employed photographer or otherwise has not been digitally altered? Is digital alteration of photographs ever justified?

24. I am not aware of any technical checks that can be carried out to tell if a picture has been digitally altered. It is left to the trained eye and experience of the picture desk and those who work on the newspaper to spot any abnormalities in a picture. That may be light coming from different directions, shadows going in different directions, sizing between things being wrong. Sometimes you just know it is wrong, although the digital age has made it easier to alter images and harder to spot.

25. I believe that certain alterations are justified, the legitimate cropping of a picture to cut out unneeded background and lightening of the image in some cases is essential. However, I do not believe that I could justify any manipulation of the actual image, making it into something that it is not.
(9) As noted above, the Inquiry has heard from a number of individuals who have complained about their treatment by the paparazzi. The Inquiry would like your comment on these examples:

(a) The mother of Hugh Grant’s baby
Did your newspaper instruct any photographer, employed or otherwise, to follow or take photographs of the mother of Hugh Grant’s baby (Tinglan Hong) before or after the birth of her child? Did an employed photographer from your newspaper follow or take photographs of the mother of Hugh Grant’s baby at any time before or after the birth of her child? Was an employed photographer from your newspaper present outside the home of the mother of Hugh Grant’s baby in the first two weeks of November 2011? If the answer to any of these questions is yes, please explain why.

Were you offered pictures of the mother of Hugh Grant by any agency or individual photographer? Were any pictures purchased?

Has your newspaper published any photographs of the mother of Hugh Grant’s baby? Before publication did you, as picture editor, enquire into the context in which these photos were taken?

26. We did not at any time employ or instruct any photographer to photograph, watch or follow Tinglan Hong. No photographer employed or instructed by The People was present outside of the home of Tinglan Hong in the first two weeks of November 2011 or at any other time and I do not believe that we either purchased or published any such pictures.

27. We were offered pictures of Hugh Grant arriving at hospital and what was reported to be Tinglan Hong leaving hospital at a time before the story had broken. They were supplied by a freelance photographer. These pictures were turned down on the basis of privacy.

(b) Kate McCann
Did your newspaper instruct any photographer, employed or otherwise, to follow or take photos of Kate McCann on her return from Portugal in September 2007? Did your newspaper publish any photos of Kate McCann taken in this period? If so, did the picture editor enquire into the context in which the photos were taken? If so, what in your view justified the publication of these photos?

28. The McCanns returned from Portugal on Sunday 9th September 2007. The People did not instruct any photographer to follow them to the airport or cover their return to this country. Nor did we instruct any photographer to cover or follow Kate McCann after her
homecoming. We did use, on 16th September 2007, a picture of Kate McCann leaving her home. This picture was taken by Getty Images and supplied to all newspapers.

29. Although I was not the Picture Editor at the time, I feel use of the picture was justified as Kate McCann was still at the centre of the year’s biggest news story. Every effort was being made at the time both by the McCanns and the Press to keep this story in the news in an effort to find Madeleine.

(c) **JK Rowling**

Has your newspaper ever published photographs of the children of JK Rowling? If so, what is the justification for such publication?

30. To the best of my knowledge, The People has never published a picture showing the children of JK Rowling. I would add that although the Harry Potter books and characters from the film are the kind of material that The People’s readers would be interested in, JK Rowling herself is generally not.

(d) **Charlotte Church**

Did your newspaper ever instruct a photographer, employed or otherwise, to take photos up the skirt of Charlotte Church? Has your newspaper ever published photos taken up the skirt of Charlotte Church or up the skirt of any other individual? What is the justification for such publication?

Also, on 6 November 2011, the People published an article with the headline “Charlotte Church Proposes to Boyfriend”. The article was entirely inaccurate and the Inquiry understands that the People published an apology on Sunday 27th November. However, the article was accompanied by a photograph of Ms Church, apparently singing karaoke, in line with the text of the article. Ms Church indicated in evidence that this was an old photograph from 2007. Could you please explain the process by which this photograph came to be published in the People? Where was the photograph obtained? Were you asked to find a photograph of Ms Church singing karaoke? Were you told what the article was about? What steps did you take to satisfy yourself that the photograph correlated to the article? What is the justification for publishing a photograph which bears no relation to the incident written about in the article?

31. To the best of my knowledge, The People has never instructed a photographer, employed or otherwise, to take pictures up the skirt of Charlotte Church or published any such photographs of either Ms Church or any other individual. I cannot imagine any newspaper
publishing such photographs. To my knowledge no photographer has ever been sent to photograph anybody with the brief of shooting pictures up their skirt.

32. With regard to the photograph used to illustrate the article on page three of The People on 6th November 2011, I believe that this picture showed Charlotte singing karaoke in her mother’s pub in 2005 (not 2007 as indicated by Ms Church in her evidence). The Night Editor approached the picture desk on the afternoon of Saturday 5th November and asked for a picture of Charlotte singing karaoke; I was told of the basic content of the story and asked for a photograph to publish with it. A library search produced a selection of pictures. These were shown to the Night Editor and he selected one for usage. The picture we used cost us £50. This picture, like many exclusive sets of Charlotte Church, was taken by the agency Big Pictures.

33. At no time was the picture said to be from the night in question. It was supplied as a stock picture to illustrate an article where no live picture was thought to be available. It is common practice for newspapers and television to use stock images to illustrate stories where live pictures or footage are not available.

34. No attempt was made by the picture desk to mislead anyone into thinking this image was from the night in question.

35. The justification for using a stock picture of Charlotte Church singing karaoke is that it was to illustrate a story about Charlotte Church singing karaoke.

36. In the light of the Charlotte Church case, the Editor has instructed the production team to make sure that, wherever possible, stock pictures are captioned more clearly. Using our new criteria, the caption on this occasion would have stated that it was Charlotte Church on an earlier karaoke night.

Signed:

Mark Moylan

Dated: 21 December 2011