

D Leigh

September 2011

**LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF
THE PRESS**

WITNESS STATEMENT OF DAVID LEIGH

I, David Leigh, of Guardian News and Media Limited, Kings Place, 90 York Way London, N1 9GU, WILL SAY as follows:

1. I am a journalist employed by Guardian News and Media Limited. I am an assistant editor at the Guardian, with special responsibility for investigations. I have been a professional journalist and broadcaster for more than 30 years, working on the staff of the Times, the Observer, the Washington Post and the Guardian, as well as working as a staff producer of documentary programmes for ITV's "This Week" and "World in Action". I am professor of reporting at City University journalism department, in London and the author of seven books on aspects of journalism and politics. Unless stated otherwise, the facts stated in this witness statement are within my own knowledge and belief.
2. I make this statement in response to a Notice dated 5 August 2011 served on me under section 21(2) of the Inquiries Act 2005 and the Inquiry Rules 2006, by Lord Justice Leveson, as Chairman of the Inquiry. These require me to provide evidence to the Inquiry Panel in the form of a written statement and/or to provide documents as requested in the Notice.
3. I do not waive privilege. Accordingly anything I say in this witness statement is not intended to waive privilege and should not be read as doing so. In this context I refer to paragraph 3 of Mr Rusbridger's witness statement.
4. **Q (1) Who you are and a brief summary of your career history in**

the media.

Please see paragraph 1 above.

3. **Q (2) How you understand the system of corporate governance to work in practice at the newspaper where you were/are employed with particular emphasis on systems to ensure lawful, professional and ethical conduct.**

An editor will see every story submitted and will raise any professional questions that arise about the material in it, or the way it was obtained. Editors will often work with reporters to change or rewrite material – meetings might involve a newsdesk duty editor, a department head, the editor of the day or even the editor-in-chief, depending on the subject. Sometimes reporters are tasked to cover certain stories, when they might be given instructions or advice. Sometimes reporters will seek out stories on their own initiative. The governance systems which bear on their work are the GNM editorial code of conduct and the PCC Code. Both are permanently available on-line and reporters will refer to them in case of any doubt. There are also regular legal training sessions organised for reporters. The great majority of stories in the main section of the Guardian will be read by a lawyer before publication. In cases involving potentially controversial stories Guardian journalists will commonly liaise directly with a lawyer prior to publication to ensure all legal issues are addressed. Journalists may consult a lawyer in the course of gathering information if legal issues arise in that particular context.

4. **Q (3) What your role is/was in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If you do not consider yourself to have been/be responsible for this, please tell us who you consider to hold that responsibility**

My formal responsibility is to adhere to the rules personally, and to make sure anyone I am working with also does so. The managing editor, the head of legal and the editor himself have wider responsibilities in this respect. I will discuss with them and junior reporters any issues that arise over stories. They are not that often controversial.

5. **Q (4) Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge**

Yes. I believe they are

6. **Q (5) Whether these practices have changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were**

Following concerns expressed by the Information Commissioner in two reports published in 2006, Alan Rusbridger reiterated that private detectives could only be used to obtain otherwise confidential information where the public interest justified it and in all cases only after reference to him.

7. **Q (6) Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to investigations editor to editor, and how this is done in practice (with some representative examples to add clarity)**

The way that information comes in is very various. It might come from a member of the public, a freelance journalist, a colleague on the paper, or from organised inquiries. It's important to understand that the role of investigations editor on the Guardian is not a line management position. It's project-based. I might put together a temporary team to cover a particular topic [e.g. corporate taxation, or the Wikileaks files], including outside experts and freelancers. On another occasion, I might form an informal consortium with other journalists abroad, or with broadcasters [as with the Trafigura toxic waste-dumping investigation involving journalists in the Netherlands and Norway]. On another occasion, I might work alone. So, there's no single template. I generally ensure that I know the nature of any significant source of information being used by my colleagues on a story which I am involved in although I may not know the source's individual name. I will generally tell my immediate editors what they need to know to assess the accuracy of a story, short of naming any truly confidential source.

8. **Q (7) To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in your newspaper each day (including the method by which the information was obtained)**

On the Guardian, it's my experience that the editor, or the editor of the day, will take a close interest in the accuracy of prominent and striking stories, the more so if they are billed as 'exclusive', since that suggests the story is not based on generally available material as many news stories are. That interest is likely to be enhanced if stories are legally problematic or liable to cause wider debate. I would expect my editor to question me about the provenance of an investigative story of this kind. If there were any risk of a privacy or defamation complaint, the lawyer would invariably be closely involved too – at what stage would depend on the circumstances.

9. **Q (8) The extent to which you consider that ethics can and should play a role in the print media, and what you consider 'ethics' to mean in this context**

The Guardian's code emphasises the ethical views of its distinguished

former editor CP Scott, and I entirely agree with them. It is essential that a newspaper maintains the trust of its readers. Exposing actual or suspected misconduct in the public interest can itself raise issues about the extent to which the end may justify the means. Ultimately however methods should be ethical as well as the publication itself. These judgments are not always easy, although some conduct is plainly unacceptable. Again the GNM Code provides valuable guidance. I teach an investigative journalism MA course at City University in London, and ethics form a substantial part of it.

10. **Q (9) The extent to which you, as an editor, felt any financial and/or commercial pressure from the proprietors of your newspaper or anyone else, and whether any such pressure affected any of the decisions you made as editor (such evidence to be limited to matters covered by the Terms of Reference)**

I have never as an assistant editor (or indeed as a journalist) on the Guardian felt any such pressure.

11. **Q (10) The extent to which you, as an editor, had a financial incentive to print exclusive stories (NB. It is not necessary to state your precise earnings)**

I have no financial incentive to print exclusive stories.

12. **Q (11) Whether, to the best of your knowledge, your newspaper used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within your newspaper or otherwise)**

I do not use private investigators. Indeed I am not aware of the Guardian using private investigators to source "private information" save for one occasion (some 12 years ago) when I understand the Guardian employed a major corporate intelligence firm to write a report on a multinational corporation suspected of bribery. The report was inconclusive and I do not think the activity was repeated.

I am aware of the use by Observer journalists of a private investigator revealed by the Information Commissioner's Office in its reports in 2006. I am also aware of the steps taken in consequence as referred to in the witness statements of Mr Rusbridger and Mr Mulholland. I was not working on the Observer at the material time.

I am not aware of anyone in the company paying money or giving other

financial benefits to police or public officials, phone company or utilities officials for information or to others with access to them. I certainly don't. I do buy modest lunch or drinks for such contacts occasionally (though not mobile phone companies). I expect my colleagues do as well with the same exception.

13. **Q (12) What your role was in instructing, paying or having any other contact with such private investigators and/or other external providers of information**

I have not had any such role.

14. **Q (13) If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on)**

The company uses various external basic information services. These provide data from electoral rolls, company registers, birth, marriage and death records and the like, and the land registry. I am told that in the course of responding to the Inquiry's requests it has emerged that one such information service also offers private investigation services as commonly understood. I was not previously aware of this and have no reason to believe the Guardian uses those aspects of the company's services.

15. **Q (14) If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters**

Please see my answers to Questions 11 and 13 above. I have no knowledge of this save as there stated.

16. **Q (15) Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?**

Please see my answers to Questions 11 and 13 above. I have no knowledge of this save as there stated.

17. **Q 16) The extent to which you are aware of protocols or policies operating at your newspaper in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There**

is no need for you to cover 'official' sources, such as the Press Association.

There is a GNM policy for claiming expenses. This is available on the intranet. I am aware of this policy. I am obviously aware of both the GNM Editorial Code and the recent Anti-Bribery and Corruption Policy.

18. **Q (17) The practice of your newspaper in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need to cover 'official' sources such as the Press Association**

As far as I know, our practice is the same as the policy (see the GNM Editorial Code and the recent Anti-Bribery and Corruption Policy).

It is customary to pay minor sums known as 'tip fees' on occasion to members of the public and, more commonly, to freelance journalists. I would charge these through expenses claims following the standard procedure. I don't myself make payments in cash, although I do not think this is specifically dealt with in GNM policies. I am obviously aware of both the GNM Editorial Code and the recent Anti-Bribery and Corruption Policy.

As far as I am aware this newspaper does not pay tip fees to police officers, public officials or mobile phone companies. I certainly do not do so.

19. **Q (18) In respect of editorial decisions you have made to publish stories, the factors you have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources in the circumstances outlined under paragraph 11 above) against the public interest in a free Press. You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest**

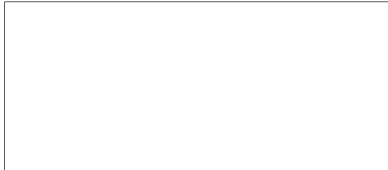
Delicately balanced examples are not that easy to provide in view of the nature of the Guardian's journalism. One story which I did publish, at a time when I was running investigations for the Observer, partially involved subterfuge and a balancing of the public interest against a person's right to keep private business arrangements private. I telephoned Mark Thatcher, son of the then prime minister, then living at 10 Downing St, and pretended to be a businessman called Jamil Amunyi. The purpose, in which I succeeded, was to prove a relationship between the two men. This enabled me to confirm the allegation I was investigating, namely that Mark Thatcher was secretly receiving commission from a company whose construction contract his mother was promoting in Oman. I considered this subterfuge justifiable in the public interest. There was no other way I could have obtained the

crucial information. Mr Thatcher, however, maintained his 'consultancy' contract was a private matter, which he was entitled to keep secret. It came to light many years later that his mother had indeed been aware of her son's interest when she lobbied for the contract.

20. **Q (19) Whether you, or your newspaper (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason**

No.

I believe that the contents of this witness statement are true.



David Leigh

27 Sep 11

Date

D Leigh

September 2011

LEVESON INQUIRY INTO
THE CULTURE, PRACTICES
AND ETHICS OF THE
PRESS

WITNESS STATEMENT OF

DAVID LEIGH

Editorial Legal Services
Guardian News & Media Limited
Kings Place
90 York Way
London
N1 9GU