

**IN THE MATTER OF:
AN INQUIRY UNDER THE INQUIRIES ACT 2005
INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS
CHAired BY THE RT HON LORD JUSTICE LEVESON**

FIRST WITNESS STATEMENT OF NICHOLAS LEE OWENS

MOD100054531

I, Nicholas Lee Owens of One Canada Square, Canary Wharf, London E14 5AP will say as follows:-

1. I have been served with a Notice under section 21(2) of the Inquiries Act 2005 (the "Notice"). I am making this statement in response to the Notice.
2. 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. There is now produced to me a bundle of documents to which I refer in this statement, which I refer to as exhibit NLO1.
3. 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.
4. I have read the witness statement of Chris Atkins to the Inquiry dated 28 November 2011.
5. The Notice refers to my speaking on the telephone to Mr Atkins and how a transcript of that conversation would be provided to me shortly after service of the Notice. On 2 November 2011 what was described as "Extract of telephone conversation between Chris Atkins (documentary maker – 'Starsuckers') and Nick Owens (Journalist, Sunday Mirror)" was provided. This was not a transcript of the entire conversation. Instead it contained one comment from Mr Atkins and one comment from me. The transcript also contained part of the meeting between myself and Mr Atkins. The transcript was incomplete and I have no way of verifying whether it is accurate as I have not been provided with either the tape of the telephone conversation or the footage of the meeting I held with Mr Atkins.
6. On 28 November 2011 two further transcripts were provided to Herbert Smith. One was described as "full transcript of recorded telephone conversation between Chris Atkins and Sunday Mirror journalist Nick Owens" and the other was described as "Selects of transcript of secretly filmed meeting between Chris Atkins and Sunday Mirror journalist Nick Owens, 26 March 2009". The latter, on its face, is clearly only a part of the meeting and I am aware that Mr Atkins told the Inquiry that only half the footage covertly filmed on 26 March 2009 had been transcribed. As I have not been provided with the tape of

the initial telephone conversation between myself and Chris Atkins I do not know whether what is described as a full transcript is either complete or accurate.

7. I will refer to this later in my statement, including in certain cases when I deal with the specific questions asked of me by the Inquiry, but I wish to record my concern about the completeness and accuracy of the transcript of the meeting between myself and Chris Atkins. I believe that the transcript is, as it says and as Mr Atkins has admitted, only partial and I believe that it omits relevant information. I give an example of this below in paragraph 26. Apart from the unfairness to me I am concerned that the Inquiry is proceeding without a full record of the meeting between myself and Mr Atkins.
8. I am aware from an article in the Guardian on 16 October 2009, which is annexed at pages 34 to 35 of NLO1, that Mr Atkins gave "a selection of clips from Starsuckers" to the Guardian and also gave them "access to his uncut footage". I have not had access to that "uncut footage". I find it difficult to understand what Mr Atkins' justification is for giving the Guardian access to his "uncut footage" but relying on a supposed journalistic privilege to deprive myself and the Inquiry of sight of the material. In certain cases what the Guardian claims I said to Mr Atkins differs from his transcript.
9. For the Inquiry's convenience I have set out each question in the Notice and then given my response immediately below it. A copy of the Notice can be found at pages 1 to 4 of NLO1. The three transcripts which I have referred to are also annexed as part of NLO1 at pages 5 to 8, 9 to 11 and 12 to 19.

(1) Who you are and a brief summary of your career history in the media.

10. I am a 29 year old news reporter on the Sunday Mirror. I have worked for the Sunday Mirror since April 2006, and am employed by MGN Limited which is a subsidiary of Trinity Mirror Plc. Before that – between 2004 and 2006 – I worked at the Lancashire Evening Post as a news reporter. I was named Press Gazette Regional Journalist of the Year, North West Reporter of the Year and Johnston Press Journalist of the Year. I received those awards for a range of articles including working undercover as a traffic warden, investigating life inside a prison and sleeping on the streets for a week to expose the problems facing homeless people in Preston. The latter investigation led to a £1m homeless shelter being built.

11. On the Sunday Mirror I have been involved in a number of undercover stories involving the exposing of wrongdoing. By way of example in July 2007 I went undercover at a turkey factory a number of months after the bird flu outbreak in order to expose hygiene failings. I also investigated the production of cheap clothing in Bangladesh. And in 2009 the Sunday Mirror published two stories I wrote about how a courier firm had swindled the NHS out of money for phantom trips they had supposedly undertaken for patients who had to attend hospital but who were too sick to make their own way to hospital but not so ill as to require an ambulance. The first of these, published on 3 May 2009, involved our receiving and handing over to an NHS Trust information concerning those journeys. That information included some confidential information which we didn't publish. I annexe a copy of that story at page 36 of NLO1.

(2) How you understand the system of corporate governance to work in practice at the Sunday Mirror, with particular emphasis on systems to ensure lawful, professional and ethical conduct.

12. I am aware of the principle of corporate governance which I regard as being a matter for people at the Sunday Mirror in positions senior to me. My job as a journalist is to seek to gain stories and in doing so to work within the Press Complaints Commission Editors' Code of Practice ("the Code"). I also need to (and do) have an awareness of the areas of newspaper law which affect my work.

(3) Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge

13. I believe that the Code and the law are adhered to by me.

(4) Whether you were made aware of the PCC Code when you were working at the Sunday Mirror, whether compliance with the Code was a contractual obligation and to what extent the Code was referred to in making decisions as to whether to publish stories you were involved with.

14. i. Yes

ii. Yes, and I exhibit at pages 20 to 33 of NLO1 a copy of my contract of employment. As the Inquiry will see that contract has attached to it at part 5 the Code.

- iii. Yes the Code and its terms are referred to in discussions "as to whether to publish stories" I have been involved with.
- (5) **The extent to which you felt any financial and/or commercial pressure from the proprietors of your newspaper, the editor or anyone else, and whether such pressure affected any of the decisions you made.**
15. Journalists – particularly those on red-top tabloids – are always under pressure to get stories. But from the first day of journalism training I was taught that handling pressure is part of the job. That pressure does not affect me in a negative way and would certainly not lead me to ignore the PCC Code.
- (6) **In 2009, documentary maker Chris Atkins made a film called 'Starsuckers'. As you will be aware, part of the film shows the results of an undercover operation, conducted by Mr Atkins, which was set up in order to see whether tabloid newspapers would be willing to offer money for confidential medical records, in breach of clauses 3 and 10 of the Code, see:**

<http://guardian.co.uk/media/2009/oct/15/starsuckers-celebrity-cosmetic-surgery-hoax>

The film appears to suggest that you were prepared not only to meet a person claiming to have confidential celebrity medical records for sale, but was prepared to indicate to Mr Atkins that the Sunday Mirror would pay £3000 per story the sale resulted in. Please confirm to the inquiry that you are aware of the allegations made by this film.

16. Yes I am aware of the allegations made by this film as reported by the Guardian.
- (7) **As you may know, Mr. Atkins spoke to you initially on the telephone, and a transcript of that conversation will be provided to you shortly. It may be, however, that you have your own records of the conversation and can begin to consider these questions without it.**

When he outlined the confidential and sensitive information he might have for sale, you indicated that you would be "very interested" and arranged to meet Mr. Atkins to discuss the matter further. Although you indicated that the issue was

“extremely sensitive in the case of that patient confidentiality thing”, you appear to have immediately gone on to say “but if you want to set up a relationship with a journalist to start feeding information through then that’s absolutely fine”. Did you consider the provisions of the Code when saying this?

17. I cannot now remember if I considered the provisions of the Code at that moment when I spoke to Morris Case (Mr Atkins) but the small extract of the conversation shows that “patient confidentiality” was something I said we needed to be “extremely sensitive” about.
 18. I ought to explain, for the Inquiry’s benefit, that newspapers often get telephoned by people offering us information and my job is to see whether they are genuine and to see what information they have. That does not mean that we will necessarily publish any of their information. It is just that my job is to speak to people who call up and find out what they are talking about. We get dozens of such calls every day. Sometimes, in order to see whether people have information which we may be interested in it is necessary to have a conversation with them and indicate an interest in what they are saying. They may, for example, have information in which we are not interested or cannot use, but they may have other information which would be of use. Many of the contacts I deal with have initially offered information or stories which we have had to reject but are later in a position, and do, provide information which we can properly publish. That helps explain why I am always keen to meet people face to face.
 19. However, an indication of how I did not take the conversation with Mr Atkins very seriously was that I did not pass on any information from the call to anyone else on the newsdesk. Normally approaches which are taken seriously, and are seen as having merit, are discussed by the members of the newsdesk.
 20. I think it is unfair to read too much into comments I made during a brief informal telephone conversation with someone (Morris Case) who called into the Sunday Mirror. I have no notes of the conversation.
- (8) You then arranged to meet Mr. Atkins to discuss the proposal further. Again, can you assist the Inquiry by giving us your view of whether you deemed this to be appropriate, given the nature of the material for sale? If the ultimate aim was not to consider buying/publishing either the material or the information contained**

therein, why did you meet with Mr. Atkins? Was meeting with him appropriate, in your view? Who knew that you were meeting with him?

21. As I have mentioned above in paragraph 18 newspapers receive telephone calls all the time. You have no way of knowing whether those calls are genuine or not until you have carried out more investigations. I have also made the point above in the same paragraph that I am always keen to meet people face to face.
22. I did feel that the informal meeting with Mr Atkins was appropriate and I simply told the newsdesk that I was off to meet a person with information. I did not go into details with them of who I was meeting or what it was about. That is entirely normal in terms of such a speculative approach by a person such as this.
23. As I have mentioned above, I did not even mention to the newsdesk the telephone call I had had with Morris Case (Mr Atkins). If, however, there had seemed more merit in what Morris Case (Mr Atkins) was talking about I would have mentioned it to the newsdesk but since I was simply following up a call that had been made to us and did not really know enough about it to decide whether it had any merit I did not mention the details to anyone on the newsdesk.
24. The Inquiry ought to be aware that newspapers do run stories exposing people who are offering material for sale, and such a thought was on my mind during the meeting, but before they can do that the newspaper must have enough evidence in their possession in case that person then threatens or brings libel proceedings against them. This explains why I sounded out Mr Atkins on what proof there was at the meeting.
- (9) **During the course of the meeting, you do refer to the public interest, but also go on to say that stories which involve very well known celebrities “we could get away with” even if there was no obvious public interest defence. Can you give the inquiry your view on the appropriateness of these suggestions? Can you give your view of the appropriateness of the clear suggestions, throughout the meeting, that it would be very simple to refuse to disclose where the information came from, as journalists were entitled to protect their sources?**
25. As I have mentioned above I have not been provided with full transcript of the meeting.

26. Although the meeting on 26 March 2009 took place over two and a half years ago I believe that the transcript omits large parts of the meeting. For example, I spoke to Mr Atkins about the Fern Britton story (referred to in the transcript as Fern Britain (sic)) and what the public interest was in that story. My recollection is that we spoke a lot more about that story, including the justification for it, but that this has been omitted from the transcript. That story had revealed that contrary to the reasons Fern Britton had given for losing weight the real reason was because she had had a gastric band operation. I also recollect that at the meeting Mr Atkins talked about how he was always going to parties in London and coming across information which he was keen to talk to a journalist about. This is relevant to the point I have made above in paragraph 18.
27. I mention this as clearly I was alive to the fact that a public interest defence would be needed to justify the publication of medical information. I also said it was important to know which individual we were dealing with, as clearly it would be relevant whether the individual had or had not placed any such information into the public domain. Indeed my recollection is that I spent a great deal of time explaining to Mr Atkins that following our meeting I would need to research what the celebrities he was mentioning had said (if anything) in public about cosmetic surgery.
28. I do not know, without studying the footage, whether I did or did not say "we could get away with" publishing something even if there was no obvious public interest defence. The transcript shows that I was alive to the need for there to be a public interest defence and also that it would be up to the editor to make any decision about publishing any information. She would, of course, have considered whether there was a justification – such as a public interest defence – for publication. My job was simply to find out more from Mr Atkins and in doing that it would clearly not have been sensible for me not to show an interest in what he was saying.
29. I do not understand the final question of part (9) as I did not suggest "throughout the meeting, that it would be very simple to refuse to disclose where the information came from, as journalists were entitled to protect their sources". Mr Atkins raised the issue of his friend's concern about confidentiality and I indicated that I understood that issue and tried to reassure him.

(10) You then appear to ask Mr. Atkins to “get a document on everything in the building” (the cosmetic surgery clinic) to pass to him. Why did you ask him this? Is this, in your view, in breach of the Editors’ Code? What is your view of the appropriateness of this request?

30. This question suggests that I asked Mr Atkins to “get a document on everything in the building” (the Cosmetic Surgery Clinic). This phrase does not appear in either of the extracts of the transcript which the Inquiry have provided.

31. I would, however, ask the Inquiry to bear in mind what I have said above in answer to question (7) namely that newspapers have the burden of proof in relation to proving stories and it could well have been decided to expose Mr Atkins for his willingness to trade in such information. Such a consideration was, as I have stated above in paragraph 24, in my mind at the time. Whilst Mr Atkins was surreptitiously filming our meeting I was not and if I had returned to the newspaper with the story that somebody was willing to sell us information about cosmetic surgery the first question I would have been met with was how do we prove that.

32. As can be seen from the extract from the transcript I was explaining to Mr Atkins that often people can deny stories and in those circumstances it is necessary to have some evidence to prove that their response is a lie. Although Mr Atkins and I were talking about documents generally I did not ask Mr Atkins to obtain any document and he didn't provide any to me.

(11) You then indicated that the Sunday Mirror might pay up to £3000 per story resulting from the information. Did you have the authority to agree to such a payment, and did you have the authority to pay Mr. Atkins himself? If not, who would have had such authority?

33. Mr Atkins asked for a 'ball park' figure for how much the information might be worth and in order to keep him engaged I said (according to the extract from the transcript) “think you were looking to get over three grand minimum – that is a start”. As I have explained above it is my job to gather information and then, if it is credible, pass it on to my newsdesk and allow others, above me, to make a decision on whether they are interested in following up any information, including paying for it. I simply engaged him in a conversation and was not agreeing to make such a payment to him. I did not have

authority to agree such a payment and such a decision would have to be made by people above me i.e. the newsdesk and/or the editor.

(12) Assuming that Mr. Atkins had genuinely had the documents he claimed to have, would (in your view) the Sunday Mirror have bought them, and published the information, knowing that its sources were protected? What process would have been gone through in deciding whether to publish?

34. The Sunday Mirror would not have bought the documents. Nor would they have published them.

35. An indication of how I did not take my dealings with Mr Atkins very seriously is that I did not even mention the meeting with Mr Atkins to the newsdesk after it had taken place. This is commonplace when speculative contacts are not going anywhere. Although I had spoken to and met Morris Case (Mr Atkins) I had no proof of what he had told me and it was all too speculative to mention to the newsdesk. They are interested in stories capable of being lawfully published without the risk of legal proceedings.

36. The meeting with Mr Atkins took place on a Thursday. After I returned to the office I was asked by the newsdesk to get involved in a completely different matter concerning a British woman who had been found guilty and imprisoned in Dubai. This story "Scandal of British mother wrongly jailed in Dubai" which I wrote appeared in the Sunday Mirror on the Sunday following the meeting with Mr Atkins, 29 March 2009. It concerned a woman called Marnie Pearce. I also wrote a follow-up article the next week which appeared in the Sunday Mirror on 5 April 2009 together with a number of letters from readers which had been prompted by our article the previous week. I attach copies of those articles, including the editorial and the letters, at pages 37 to 41 of NLO1.

(13) What, if any, disciplinary action was taken against you when the Starsuckers investigation became public? Please provide us with any documents in this respect. What was the outcome of any disciplinary action?

37. The first I knew about the "Starsuckers Investigation" was in October 2009 when we were approached by the Guardian for comment on a story they were intending to run. This was over 6 months after my conversation and meeting with Mr Atkins had taken place. When it did become public the editor of The Sunday Mirror, Tina Weaver, spoke

to me. She explained that she was embarrassed about what I had said in my meeting with Mr Atkins and advised me to be more cautious when out meeting people who ring the paper with information. She also reminded me of my duties to always work in accordance with the Code. I explained to her that I had not mentioned any of Mr Atkins' information to my newsdesk following the meeting because I did not deem it worthy of wasting their time.

(14) You were the person Mr. Atkins happened to speak to on the news desk on the day he rang. In your view, would another journalist on the Sunday Mirror have reacted in the same way as you did?

38. I think it is hard to say what other journalists would have done although having said that I believe other journalists would have at least investigated the matter.

39. In I believe the week following the meeting with Mr Atkins I telephoned him. I did this because we had parted on the basis that I would call him and I wanted to keep my word. By this stage I had looked at the PCC Code and had realised that we wouldn't be able to run a story/stories based on what Mr Atkins had told me in the meeting. In the light of what Mr Atkins had told me (for which see the latter part of paragraph 26) and what I say above in paragraph 18 I wanted to see whether he had other information we could publish. My recollection is that I only called him twice.

Conclusion

40. Although I spoke at length to Mr Atkins expressing an interest in what he was telling me, and obtained information from him, I didn't do anything with it. I didn't even mention it to my superiors in the office. In summary, no documents were ever obtained, no use was made of the information he gave me, and no story was ever published.

Sign 

Nicholas Lee Owens

Dated: 18 January 2012