Wednesday, 8 February 2012

(10.00 am)

(Proceedings delayed)

(10.08 am)

LORD JUSTICE LEVESON: Yes, Mr Jay.

MR JAY: I'm asked to remind everybody that tomorrow we're starting at 9.30 to accommodate video evidence from Australia.

LORD JUSTICE LEVESON: Yes, as long as that's the reason.

MR JAY: The first witnesses today are Dr Moore and Mr Moy, please.

DR MARTIN JOHN EDWARD MOORE (affirmed)

MR WILLIAM ANDREW MOY (affirmed)

Questions by MR JAY

MR JAY: First of all, may I ask each of you to provide the Inquiry with your full names, please? First of all, Dr Moore.

DR MOORE: Martin John Edward Moore.

MR MOY: William Andrew Moy.

Q. Each of you has put in a main submission and then a number of additional or subsidiary submissions. In relation to Dr Moore, it's our tab 1. I don't think there is a date on it, but it's a submission which is obviously directed to the Inquiry. May I just confirm that this is your truthful evidence to the Inquiry?

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1 Dr Moore?
2 DR MOORE: Yes it is.
3 Q. We have annexed to it other materials including a report in 2009, "A more accountable press", other reports, a statistical review of the PCC and other materials which have been drawn to our attention. Mr Moy, your main submission is at our tab 12. It's an 89-page submission. Again, is that your truthful evidence to the Inquiry?
4 MR MOY: It is.
5 Q. You've provided us again with further materials, a submission on regulatory approaches and user experience, which is our tab 13. Full Fact churnalism corrections, correspondence and a related annex which are tabs 15 and 16. Your response to the 12 key questions on module one, questions which were raised on 16 November, that's tab 16.
6 MR MOY: Yeah.
7 Q. Material relating to the Internet, which I understand your conclusions of which you wish to amend?
8 MR MOY: Yeah.
9 Q. And that version has been made available. And then there's the presentation you gave to the seminar on 12 October, "The future for self-regulation". Are you happy that that is accommodated into your evidence?
10 because I've been presented with figures and if I can make more sense of them and where the balance lies, I'd be grateful.
11 Right.
12 MR JAY: May I ask you each separately to give a mini biography of yourself and then in your case Full Fact, and in your case, Dr Moore, the Media Standards Trust. First of all, Mr Moy.
13 MR MOY: Sure. I've been director of Full Fact since September 2007, before which I was working in the House of Lords for an independent cross bench peer. It's possibly worth saying I didn't have any substantive dealings with any of the peers who have represented the PCC here.
14 Before that I worked for the All-Party Group on Transport Safety, again a nonpartisan charity, and before that I was doing a philosophy degree. In a previous life I was briefly an IT consultant. Full Fact is a non-partisan, nonprofit organisation which seeks to promote, working with journalists and politicians, the availability of trustworthy information in public debate. We are best known for fact-checking the claims made by politicians and journalists and we're an online publisher, therefore in our own right we're also a critical commentator on statistical policy.
We're constituted as a charity, and in the process of registering as a charity, so we operate under a statutory public benefit obligation.

Q. Thank you. Dr Moore?

DR MOORE: I graduated from Cambridge in 1992, history, spent three years in the US, came back to do a Master's in history at the LSE, worked briefly in television production on a programme for Channel 4, worked for almost a decade for a small media research and development company that did work across the board for BBC, for IPC Media and many others. Whilst there I went back to the LSE to do a doctorate in the history department, but it was about the relationship between the government and the media, and based on that doctorate, I wrote a book called "The Origins of Modern Spin" published in 2006.

I became the director of the Media Standards Trust in 2006, at its founding, and have been there since. The Media Standards Trust is an independent, nonpartisan charity. Its aim is to foster high standards in news on behalf of the public. It does that through research, like a think tank. It does it through development of online resources for the public, to help them navigate the news. It does it through campaigns -- we work closely with Hacked Off -- and it does it by running the Orwell Prize for political writing.

Q. Thank you very much. I am going to divide up this session into three sections. First, evidence bearing on current culture, practice and ethics of the press. Secondly, diagnosis of problems, if any, in the existing regulatory system. And third, proposals for reform.

DR MOORE: I graduated from Cambridge in 1992, history, spent three years in the US, came back to do a Master's in history at the LSE, worked briefly in television production on a programme for Channel 4, worked for almost a decade for a small media research and development company that did work across the board for BBC, for IPC Media and many others. Whilst there I went back to the LSE to do a doctorate in the history department, but it was about the relationship between the government and the media, and based on that doctorate, I wrote a book called "The Origins of Modern Spin" published in 2006.

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MR MOY: This is something I mentioned in my seminar speech. I mean examples where it's hard to see how the journalist could have come up with the story they came up with from the sources they're citing other than by deliberately distorting them.

Q. You provide one example -- it's perhaps invidious to give examples when I'm doing it I hope fairly randomly -- of a Daily Express piece to do with house prices, it suggested house prices were going up.

MR MOY: That's right.

Q. In fact if one looked up at the whole piece, it's quite clear that in fact they were going to go down?

MR MOY: Yes.

Q. Which I think is what happened in the end?

MR MOY: This is something I mentioned in my seminar speech.
MR MOY: Yes.

MR JAY: You've helpfully collected some examples under section 1 at 53737. There are very many examples there.

It probably would be invidious to alight on any of them, since if I didn't cover each newspaper, then some would say that I've given unfair weight to a particular newspaper, so for that reason I won't.

MR MOY: Sure.

Q. I'm going to come back to section 2 in due course to show how complaints are dealt with, but so it's absolutely clear, the Inquiry has considered each of the examples you've given.

MR MOY: Right.

Q. Dr Moore, your submission touches on current culture, practice and ethics, to the law, or to our elected representatives.

DR MOORE: Well, I think as the Inquiry heard, it was the primary purpose of your submission to address that, it was more to address my second and third themes. On the Internet numbering, it's page 4. On my version, I don't have the URN number. Paragraph 27. You said: "At its heart the phone hacking scandal was about abuse of power. People within Britain's biggest commercial media company came to believe they were not accountable to regulation, to the law, or to our elected representatives."

You're expressing a wide opinion there about what was happening within News International, which again will be for the Inquiry to consider.

Paragraph 28a you summarise there the types of issue which have concerned the Inquiry in this first module. Have you any comment on the evidence the Inquiry has received, particularly in these first three or four weeks before the new year?

DR MOORE: From the core participant victims?

Q. Yes. Is it representative of the sort of matters you're referring to generally here or is it remarkable or exceptional? How would you see it?

DR MOORE: Well, I think as the Inquiry heard, it was varied. I think there were clear examples of gross intrusion across many different aspects of people's lives. I think certainly when we wrote our 2009 report, we were very conscious about the coverage specifically of the McCanns, as the Inquiry has been, but we had heard and seen many other examples, both individual examples of people being misrepresented, attacked, and numerous examples of inaccuracy, which Will's talked about and I can talk about more.

Q. In your 2009 report, which is under our tab 2, section 3, 58835, you identify three particular factors which bear on current culture, practice and ethics. The first factor is the public trust in the press, already very low, may be declining further, and you refer to various polls. What is the message of those poll, apart from what we gather from the headline?

DR MOORE: The Ipsos MORI poll, which I think has been running for a number of decades, has consistently had journalists very low towards the bottom, but other polls more recently have suggested that -- and that's, when you break it down, that's more specific to the red tops in the past. If you look at more recently, particularly since I think Hutton onwards, there has been a decline more broadly both of broadsheet and mid-market and tabloid, and even of broadcast. So there seems to have been in the last decade a further decline from across the board, not just simply from some of the papers that people have never particularly trusted.

Q. Thank you. Your second subheading, 3.2, at page 58836, "Risks of inaccuracy in the press are increasing", and the point you make there: "Competitive and commercial pressures increase at the same time as numbers of journalists and editors employed decrease."

Is that right?

DR MOORE: Yes. It's a similar point that Nick Davies was making in Flat Earth News.

Q. Thank you. Then your third point:

"Growing concern about privacy intrusion."

And you cite in particular Operation Motorman, but then three other pieces of litigation. Obviously the criminal case Goodman/Mulcaire, Murray v Big Pictures case, which we've heard evidence about, and then the Mosley case.

Can I ask each of you to comment on a point which has recently been made, that there's been too much focus on the bad in the sense that the majority of journalists exhibit good practice the majority of the time, more or less what Mr Dacre said, but he put it in his own words, of course. Is that a fair representation or does it have to be qualified in some way? Perhaps if you could focus on the way I've put it rather than how anybody else might have put it.

DR MOORE: I absolutely think it's incredibly important to talk about the enormous amount of excellent good journalism across the country, and particularly I think at a local level. I think part of the problem here is that there haven't been any allegations at local level, local news is struggling enormously and local journalists are working incredibly hard.

I should also say that one of the reasons why the Media Standards Trust runs the Orwell Prize for
And I think we haven't talked enough about the problems. We've spent a lot of time focusing on the impact on individual victims, and we've spent a lot of time on intrusion and prize problems, but we've barely touched on the widespread problem of accuracy, which is a huge problem, which the public recognise and have recognised, as Martin was saying, for decades. Unlike the other problems that have prompted the Inquiry, it has been largely unacknowledged by the industry so far, and that is most worrying, because going to the Inquiry's terms of reference, one of the things you're asked to make recommendations about is warning signs that are missed. Fewer that two in 10 of them wouldn't be a claimant in defamation proceedings because they are generic inaccuracy complexes.

RM MOY: They're what the PCC calls general accuracy. They affect society at large. Whether or not the GTP has gone up or down is important to all of us, whether crime has gone up or down is important to all of us, but there's no one person or one body who is responsible for saying, "Hang on, you've infringed on my prerogatives here." It's for the industry to uphold its own standards and it's for the regulator to do the rest.

Q. Thank you very much. Because the examples you give, most of them, there wouldn't be a claimant in defamation proceedings because they are generic inaccuracy complexes.

Q. Do you have a perspective on this, Mr Moy?

MR MOY: Yes, I share the view that it's important to recognise that the majority of journalists and the majority of journalism is good and worthwhile and much of it is admirable. I think the opposite of the other half of the question. I think we haven't talked enough about the problems. We've spent a lot of time focusing on the impact on individual victims, we've spent a lot of time on intrusion and prize problems, but we've barely touched on the widespread problem of accuracy, which is a huge problem, which the public recognise and have recognised, as Martin was saying, for decades.

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Q. Thank you very much. Because the examples you give, most of them, there wouldn't be a claimant in defamation proceedings because they are generic inaccuracy complexes.

Q. It's implicit in paragraph 44, if I've read it correctly, that the sort of systems which you are recommending here, these are internal systems, are not systems which you believe are currently in place. Is that a correct interpretation of what you're saying?

DR MOORE: Yes, that's right. I mentioned at the beginning that a correct interpretation of what you're saying, "Hang on, you've infringed on my prerogatives here." It's for the industry to uphold its own responsibility. We do research and development as well as campaigning, we don't do enforcement, we do research and development as well as campaigning and the development side we do partly because our belief has always been that it should be, particularly in the case of trustworthiness and accuracy, it's not just the responsibility of news organisations and others, although it is their responsibility; it's also the responsibility of the public, but they need the tools in order to make the judgments as to whether something is trustworthy or not.

So we have had three projects very, very focused on online media, specifically to try and give people more tools in which to make more informed judgments as to whether or not something is trustworthy.

So the website journalisted.com is a directory of journalists that write in the UK and it's automatically updated with the articles they publish in the press and it gives some basic information about the articles...
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<th>Q.</th>
<th>I think you're suggesting here that the PCC code, which is the existing system, the PCC. Mr Moy, described in section 2 of your submission, where you give us some examples, case studies I think it would be fair to describe them as --</th>
<th>Page 19</th>
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<td>I'm sure -- is not enough. One needs clearer standards of internal regulation which make it clear the procedures journalists should follow in order to create an audit trail and a discipline that sources checked, that the process is transparent, and, if necessary, accountable if an issue arises as to accuracy or intrusion, whatever it might be in due course. Is that more or less it?</td>
<td>I think that most people, if you asked them, it makes common sense. In the first instance, if they see something that is inaccurate or intrusive or misrepresentative, the immediate reaction is to go to the author of the piece or the organisation involved and tell them. So it makes sense that they should be given the opportunity or the details to enable them to do that. In many cases, they're still not, and I can give you examples of that. We'll come to this, I know, but it seems to me that actually part of the job of the new regulator should be the oversight of the internal compliance mechanism such that it can talk about best practice, it can indicate what it thinks news organisations ought to be doing, and when they fail to do that and when they clearly are ineffective, then it can step in.</td>
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<td>putting it too high. On other occasions, it's the opposite end of the extreme, and there are some cases when there's more than one newspaper who in your view has been guilty of inaccurate statement --</td>
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<td>21</td>
<td>MR MOY: Not in our view. They accept the inaccuracies. We've only ever had one case where our view that there was an inaccuracy has ever been not accepted.</td>
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<td>22</td>
<td>Q. Thank you. But the approach of individual newspapers to the same complaint varies?</td>
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<td>23</td>
<td>MR MOY: Yes.</td>
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<td>24</td>
<td>Q. Sometimes within the one complaint. We can see this at 53795 without going into the detail of it.</td>
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### Page 21

| 1 | Q. Thank you. I'm not going to ask about papers which in your view are particularly bad, but I am going to ask this question: are there any newspapers which in general have a positive approach to the correction of errors and therefore a reasonably satisfactory system? |
| 2 | MR MOY: Um ... |
| 3 | Q. Or do you feel that -- |
| 4 | MR MOY: There is obviously difficulty with singling out particular newspapers in either direction. In our relatively limited experience with the Financial Times, they've been pretty constructive. You send an email, it does disappear into a black box, but you usually get a sensible response within a couple of days, so fair play to them. The Financial Times, obviously, though, is an exception among daily newspapers. |
| 5 | The Guardian comes across as having a very strong set of principles in this area, and at its best it works very well. You get a considered response quickly. However, I think the Guardian's quite a good example of why readers' editors aren't a panacea, because effectively it's a single point of failure. We've had examples where perhaps the readers' editor has been ill and it's taken a couple of months to get back to us. Quite understandable. We've also have examples where issues we've raised have just dropped off the radar. So |

| 25 | a sort of qualified endorsement, I suppose. |
| 26 | Q. Yes. |
| 27 | MR MOY: On the other hand, I certainly wouldn't accuse them of bad faith, which I think we have experienced from other newspapers. |
| 28 | Q. As I said, it's probably invidious to go further down the ladder, see where we might be at the bottom, so I'll move on. |
| 29 | Dr Moore, tab 4 and your analysis of PCC statistics, can we see where we are on this. The basic message we get, I think, from page 58774. It's the problems you have had in analysing the data. |
| 30 | DR MOORE: Mm-hm. |
| 31 | Q. Level with the upper hole punch you say: "There are four reasons why we can't." That is to say judge how well the PCC is performing. "The PCC only releases a small proportion of the data it captures. The PCC does not make clear the methodology by which it analyses the data. The PCC is not consistent in its definition of the data. The PCC does not have adequate processes to capture the data." Then you develop each of these points, starting at page 58775. Is it possible, Dr Moore, for you to give the headline messages you would wish to give under each of those four categories by reference to your report? |

### Page 22

| 1 | Q. Yes. |
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| 1 | DR MOORE: Of course. I should start by saying this report is unpublished and was submitted to the Inquiry unpublished partly because -- to give some background and context, when we published the 2009 report, one of the criticisms made about us, which had also been made about Nick Davies' book Flat Earth News and other critics, was that people had misunderstood the way in which the PCC's statistics worked and therefore could neither judge the PCC nor judge the newspapers who had either breached or not breached the code. We did our very best, based on the figures available. It's quite hard, because the figures are split up into many different chunks, and so we built the website deliberately to try and make it easier, where we scraped all the data going back to 1996 from the PCC site, it's open and publicly available, so that you can now look and see who has the most complaints against them, who has the most resolved complaints, the most upheld. You can subdivide it by clause, privacy, accuracy. So you can do what we wanted to do, which was to actually try and get an indication of accountability, which you can't do from the PCC's statistics. |
| 2 | Once we had that website and the database, we |

### Page 24

6 (Pages 21 to 24)
thought we would do some analysis off it. We quickly
found that it was extremely difficult to do that
analysis because, as I say, the amount of data released
is limited. So in 2010, of the over 6,000 original
complaints, many of which we know fall off, the only
ones available to analyse are 526, so quite a small
proportion of that data.

Even those 526, it's not a full amount, as we
discovered ourselves, because quite a number of people
request that their complaint doesn't go on the
website and then when they make that request, often it's
taken down.

Now, we've said to the PCC we don't think that's
consistent. If the person is concerned about privacy
and anonymity, then they can request their complaint be
anonymised, but from the perspective of actually trying
to analyse the complaints and work out what they mean,
if you remove it entirely, then clearly it makes it
impossible for anyone else to see that there has been
a complaint on that basis against that news outlet.

So I could go on, but essentially what we found was
the best they can. I think in many cases, certainly
from people I've spoken to, the problem is with the news
outlet rather than with the PCC, but --

accountable the complaints body.

Q. Thank you. The lack of clarity as regards methodology,
that's the bottom of page 58775. You make an
interesting point about the average period of time it
takes to resolve a complaint, which I think in 2010 --
this was repeated in evidence to the Inquiry -- is
nearly 33 days. You're not altogether comfortable with
that figure, Dr Moore; is that right?

DR MOORE: Well, the conversation when I met with -- not
with the current director, when I met with two members
of the PCC, this was what I was told. The evidence that
the current director, who I speak to regularly,
Stig Abell, contradicted this, I have spoken to him
since and the two of us are trying to resolve what the
discrepancy is.

The difficulty from that perspective is we have no
access to the data so we can't do the analysis ourselves
so we're reliant on what they tell us, and this is what
they told us, which is different from what Stig Abell
said this week.

Q. Your figure is 106 working days, which as you say is
three times greater than the PCC's figure.

DR MOORE: In other words the data that's available at the
moment is -- it's quite hard to back it out, because you
can find -- if you work at it, you can normally find the
date of the original article. There is no date recorded
for the complaint, but then the complaint resolution, or
otherwise, is put up on the website. So the only openly
available data was the original article and the
resolution as per the website, that's what we measured.

When we spoke to them about it, they completely
justifiably said that's not a fair representation
because actually the complaint can come in some while
subsequent to the original article, the resolution often
doesn't go on the website immediately that it's made --
we didn't know that, but they told us that -- so it can
be much shorter than that. We said great, can you give
us any information or detail to show us how much
shorter, and they said no.

Again, we're at this difficult point, and this is
difficult, particularly given the anecdotal evidence
that we hear from Will and from others, many of whom say
it's taken an awful long time, much longer than
expected, and I'd like to say that from all my
experience, the PCC secretariat have been extremely
helpful, worked amazingly hard and assiduously and done
the best they can. I think in many cases, certainly
subsequent to the original article, the resolution often
justifiably said that's not a fair representation
when it's taken an awful long time, much longer than
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the best they can. I think in many cases, certainly
from people I've spoken to, the problem is with the news
outlet rather than with the PCC, but --
Mr Moy: Could I perhaps jump in at this point?

Q. Please.

Mr Moy: Speaking not specifically but as regular users of statistics in all forms, this seems like a fairly obvious case of call a statistician, which isn't a regular cry, but what we have is effectively two good faith efforts to produce numbers from data which are leading to widely disparate systems. That suggests either the data is bad or the methodology is bad. I think there's actually a good case that the data is bad, because there isn't an easy definition of many of the things that we're trying to measure here, whether you go from when the article is published or when the resolution is published or when a complaint is received to when it is dealt with. Perhaps quite personally taking the examples we've experienced, if you go from when a complaint is made to when an inaccuracy is accepted, and then you have a separate period of time between when the inaccuracy is accepted and the correction is printed, much of which has been taken up, sometimes months of it, by arguments.

It was taking a long time and for what reasons. Because the information isn't available to work out, who is taking a long time and for what reasons, there are many reasons for that. At the moment, it's often extremely hard to work out what those reasons are, because there isn't an easy definition of many of the things that we're trying to measure here, whether you go from when the article is published or when the resolution is published or when a complaint is received to when it is dealt with. Perhaps quite personally taking the examples we've experienced, if you go from when a complaint is made to when an inaccuracy is accepted, and then you have a separate period of time between when the inaccuracy is accepted and the correction is printed, much of which has been taken up, sometimes months of it, by arguments.

Mr Moy: Indeed. This is a classic case where the average statistics from this kind of quite dynamic process you need some quite clear definitions and some sensible methodology, rather than sort of firing questions at the PCC, looking to the future, I think it might be useful to involve some professional statisticians in designing a data correction process --

Lord Justice Leveson: But it's worse than that, isn't it, because do I gather from what I've read that assume.

Mr Moy: I think my view is slightly different. I don't think it's that interesting. What I think is essential is that any successor to the PCC has a sensible way of monitoring its effectiveness, which is pre-defined, if you like, and which provides clear warning signals if things are going wrong, clear ways of assessing its effectiveness. That may be --

Dr Moore: I think to the point about -- it comes, I think, alongside the legal point, which has been made to me frequently, which is that most people want to have a prompt correction or apology. Mostly people find it very difficult to get a prompt correction or apology.

Lord Justice Leveson: How valuable would this information be, do you think, for what I'm trying to do at the moment?

Dr Moore: I think to the point about -- it comes, I think, alongside the legal point, which has been made to me frequently, which is that most people want to have a prompt correction or apology. Mostly people find it very difficult to get a prompt correction or apology. There are many reasons for that. At the moment, it's often extremely hard to work out what those reasons are, because the information isn't available to work out, who is taking a long time and for what reasons. In that respect, yes, I think it would be very helpful to break down who takes a very long time and try and work out why that is.

Mr Moy: I think my view is slightly different. I don't much care -- I think it's accepted that the PCC needs to be replaced, so raking over the pathology of exactly how it was failing isn't that interesting. What I think is essential is that any successor to the PCC has a sensible way of monitoring its effectiveness, which is pre-defined, if you like, and which provides clear warning signals if things are going wrong, clear ways of assessing its effectiveness. That may be --

Dr Moore: No, I think that's a fair point, actually. Looking forwards, it seems to me as though one of the problems that we've had is that because there aren't specific -- as I understand it, in the legal process, there are very specific dates for complying with certain aspects of the legal process when it comes particularly to defamation cases. There aren't any similar in the self-regulatory process. If there were, that might be very helpful. So, in other words, if people had to respond to certain requests within a certain timeframe, that actually would be very helpful.

Mr Jay: That's one of your proposals, I think.

Mr Moy: It's something we regard as absolutely vital, having been led down the merry dance far too many times.

Q. Dr Moore, your assessment of the current system, we see this most clearly in section 5.2 of your 2009 report,
against them that are resolved, many of those resolved cases certainly appear to have breached the code. But, because they're resolved, there's no record of a breach kept. I suppose it's the equivalent of pleading guilty and being acquitted.

That has a number of different effects, one of which is that it means that there is very little learning from it, so one can't -- both within the organisation and more widely in the news industry -- say this organisation is regularly breaching the code on this basis and then take action as a result.

Then obviously from the public's perspective, they can't look at the individual organisations and see who is or is not regularly breaching the code, and I can give specific examples.

In 2010, the analysis we did on the evidence available, just to take one example, there were 63 resolved complaints against the Daily Mail. If one goes through each of those summaries on the PCC website, it is -- in 47 cases, they clarified, collected or apologised. One wouldn't have thought they would have clarified, corrected or apologised unless there had been some breach of the code. That's absolutely arguable and I accept that, but going by that alone, 47 of 63 is quite a high number. But in terms of the upheld adjudications in 2010, there were zero.

So from the public perspective, and indeed the way in which the paper presents itself, it has an almost unblemished record, but actually one could argue that it's breaching the code on a regular basis.

Q. Yes. Thank you.

Mr Moy, you --

LORD JUSTICE LEVESON: It's likely to be the -- well, there could be two arguments. First of all, the newspaper takes the view that even if there's an argument about it, it's much better to get it right in the way that the person who is complaining wants it, and that might be seen as positive. On the other, it might be said that the more egregious the breach, the more likely it is that will be accepted and reflected in a resolution than pursued to an adjudication. There are two possible ways of looking at it.

DR MOORE: Yes. Actually, the argument has been made, not in front of this Inquiry but a number of times before, that actually part of the point of the complaints system is to resolve and not adjudicate and therefore a resolved complaint is a sign of success.

The problem is twofold, one of which is from the perspective that the system should act in the public interest as well as in the interests of an individual.
### Question 25

Q. Thank you. Then you make some very specific points at the top of page 53816.

MR MOY: Yeah.

Q. This really strikes at the heart of the issue, it may be said, so could I ask you to speak to those matters?

MR MOY: The dependence on co-operation?

Q. Absolutely.

MR MOY: Yes. As I think I said in my seminar talk, the user experience of the PCC is basically defined by the newspapers. The PCC to some extent acts as a postbox between the complainant and the newspaper. If the newspaper drags its feet, the PCC doesn't have the power to compel a response. If the newspaper gives a derisory response, the PCC in our experience doesn't just tell the newspaper where to get off, it puts it to the complainants and asks for a reaction.

I know that -- or I'm told that the PCC complaints staff do work very hard behind the scenes with editors to get sort of sensible responses, but we've had cases, for example a classic case, Daily Mail, this was the week before the seminar. We had two adjudications pending on the Wednesday of that week about Daily Mail front pages. These were complaints which had been kicking around for several months. You will recall that at the beginning of that week of the seminar, Paul Dacre announced that there was going to be a page 2 corrections column, and the fact that there was now a page 2 corrections column was a major factor in the PCC adjudication deciding that it wasn't necessary for the full page front page error to have any correction featured on the front page.

But we found out -- after the corrections column was announced, we found out that the Daily Mail was unilaterally planning to run these corrections two days before the adjudications were due to take place, because I got an email at 6.30 on a Friday evening from the PCC complaints team saying, "We've just heard from the Daily Mail that they're planning to put these in the corrections column, and as you think the corrections column is a good idea, they assume you'll agree with this".

I obviously thought that was as massive abuse of process to circumvent the adjudication procedure like that, and to do so just at Lord Hunt's first ever meeting of the Commission I thought was really bizarre, and the PCC, rather than saying, "No, hang on, you can't do this, this is a ridiculous way to treat us", which I think they should have done, referred it to me to ask what I thought.

Which I think absolutely sums up the weakness of the PCC in that sort of situation, and surprisingly, and...
alone among the Daily Mail -- the Daily Mail alone does this, as far as I know, but we've seen on several occasions them coming to the PCC the night before something is due to be published or the working day before something is due to be published with little changes to the extent that once I think we had to get them to reprint a correction properly because they'd buried it within another story. We've also seen that happen to another organisation.

So there does seem to be a sense that newspapers can play games with the PCC and the PCC can't really do much about it. So, yeah, the PCC depends on the co-operation and frankly it doesn't get it. The PCC depends on good faith, and frankly it doesn't always get it.

DR MOORE: It's probably worth saying, actually, that one of is that right?

I suppose, is "better internal regulation", but Dr Moore has addressed that in paragraphs 43 and 44 of his submission of page 7 on the internal numbering. I think we've probably already covered those matters, Dr Moore; is that right?

DR MOORE: It's probably worth saying, actually, that one of the projects that we have -- that we did for two years was with Sir Tim Berners-Lee and his Web Science Trust and it was specifically looking at how to make -- give

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people greater tools to assess the trustworthiness of information, particularly news on the web, and we looked at ways in which to make the provenance of stories much clearer, both in terms of basic information like who wrote them, who they were published by and when they were published, and actually building that literally within the structure of a story using what's called metadata.

And I think that there are, as I say here, there's an enormous opportunity to make news much more accessible, as Baroness O'Neill has spoken about, without much effort at all. We worked closely with the Associated Press on this. They integrated it into all their articles, such that now when you look at an Associated Press article on the Associated Press essential site it has a small "p" at the top which is a link to the principles to which it adheres, and that's embedded with metadata in every article they publish.

I think there are an enormous number of things that could be done, which, as I say, many aren't at the moment. There are some very good organisations and individuals doing some of this stuff, but in general, particularly in the UK, not many.

Q. Thank you.

LORD JUSTICE LEVESON: Is this a matter of good practice or can it really be taken further into regulatory reform?

MR MOY: I find that a slightly surprising question. It's part of the definition of a journalist, it's part of most journalists' essential self-respect, that they uphold to high standards. I mean, especially in relation to accuracy. If you can find a journalist who is willing to proudly say that he's not that bothered about accuracy, then good luck to you.

LORD JUSTICE LEVESON: Well, it's not that. I think it's not quite the problem. The problem has been the suggestion that the pressures on the newsroom put pressures on journalists to turn out more and more, which inevitably has an impact on the type of input they would like to put into the article.

MR MOY: Right.

LORD JUSTICE LEVESON: Which itself can then affect the standard that they would always wish to aspire to, but sometimes can't obtain.

MR MOY: Okay, fair enough. In which case I suppose what you're drawing out there is the point that unregulated journalism isn't actually unfettered journalism. It's not just journalism where the journalist gets to do the best job they can possibly do. It's journalism where the journalist has to work within the structure that's defined for them by their company, their managers, who
I'm not sure about that, but let's not go there. I'm prepared to accept, and I'm sure journalists would accept, that a high standard of accuracy is important. The question is how to deal with the problems that have arisen in a way that ensures that freedom of expression is not in any sense impacted adversely.

MR MOY: Okay. Can I jump in with just a small point, which is I think you have to start making distinctions in our field of accuracy between, if you like, different types of inaccuracy. Mistakes happen. That's a normal part of journalism. That's I'm sure a normal part of the law, for that matter. Full Fact makes mistakes, all national newspapers make mistakes. That's not about this.

LORD JUSTICE LEVESON: That's why the Court of Appeal exists.

MR MOY: Well, indeed, yes, and the Supreme Court, of course.

LORD JUSTICE LEVESON: Oh yes.

MR MOY: But we have to include in our sense of what accuracy means making corrections when necessary, and in fact that's exactly what clause 1 of the code does, and that's the right answer to what happens as a natural part of the pressures of being busy journalists dealing with complex topics to tight deadlines. Those kind of mistakes, absolutely, the answer is corrected, move on.

You haven't done something terrible, you just need to serve your audience by printing a correction.

The kind of things where there is a sense that there is a recklessness or a wilfulness about the inaccuracy, that's where I do object, that's where I really do think it's poisoning the news supply.

LORD JUSTICE LEVESON: I understand the distinction and that's a very, very important distinction. Obviously, obviously have goals other than selflessly serving the public benefit, and perfectly properly, too. Which is one reason why we do need regulation to counteract those, if you like, market failures.

Nonetheless, there is -- this is a matter of basic civic responsibility in a corporate level and an individual level. Getting to a point where you don't deliberately publish things that are inaccurate is not an achievement, it's square one welcome to civilisation.

The analogy here isn't with, you know -- I'm not even sure what the analogy would be. The analogy when we're talking about things like the Express front page where they're deliberately apparently taking things out of context is with a water company putting poison in the water supply.

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LORD JUSTICE LEVESON: Mm.

MR JAY: The next subheading is "Changes to the legal framework", which I think we're going to have to just touch on. Dr Moore, paragraphs 58 to 64 in particular, page 10 on the internal numbering, where you draw attention to some continental examples and a Commonwealth example.

The Finnish example we may have to look at in some detail because on the face of it, it looks quite interesting. Obviously the Irish example we're getting evidence on and the New Zealand example will be available no doubt online for us to consider.

DR MOORE: Can I make one point about the New Zealand example because one of the reasons I think it's particularly interest, it's a very recent report in December so it takes into account some of the things that have been happening in this country.

One of the ways in which I was impressed they looked at it was rather than thinking about the constraints on journalism and some of the arguments that have been made about this Inquiry necessarily being about constraining journalism and some of the arguments that have been made about it was rather than thinking about the constraints on what have been happening in this country.

LORD JUSTICE LEVESON: For what it's worth, the provisional evidence on and the New Zealand example will be interesting.Obviously the Irish example we're getting evidence on and the New Zealand example will be available no doubt online for us to consider.

DR MOORE: Thank you. We've received different advice, some conditions above others for VAT purposes.

MR JAY: Dr Moore, you make it clear in paragraph 68 that requires European law and domestic tax law.

LORD JUSTICE LEVESON: For what it's worth, the provisional views that I've received are that it is not possible to distinguish between different types of identical provision namely a newspaper that might satisfy certain conditions above others for VAT purposes.

DR MOORE: Thank you. We've received different advice, some of which has said that if they can distinguish between amounts --

LORD JUSTICE LEVESON: I'm not giving you advice, I'm merely telling you what I have been told, because it won't surprise you that when this idea was first suggested, my immediate question was: does this work as a matter of law? If you have some advice that says that it does work as a matter of law, I would be very interested in seeing it.

MR MOY: May I ask, if it's not impertinent, whether the Inquiry will be publishing that advice?

LORD JUSTICE LEVESON: I have absolutely no doubt that it is going to have to be addressed by the Inquiry, and it will be addressed with chapter and verse. So that requires European law and domestic tax law.

MR JAY: Dr Moore, you make it clear in paragraph 68 that for reasons of principle and practicality you'd favour...
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<tr>
<th>Page 53</th>
<th>LORD JUSTICE LEVESON: But what you're saying is this isn't statutory regulation at all; this is recognition in a statute of a different type of system.</th>
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<td>Page 54</td>
<td>LORD JUSTICE LEVESON: But the critical thing about that would be that the statute would have to identify what it is recognising.</td>
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<td>Page 55</td>
<td>DR MOORE: Yes, as it does in some detail in the Irish Defamation Act.</td>
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<td>MR MOY: We'll be submitting further evidence for modules three and four.</td>
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<td>Q. Thank you very much. But is there anything you would like to say at this stage? You touch on it on page 53819, where you refer to privileges which are only justified for those outlets with a demonstrated commitment to press standards, but no doubt you'd wish to elaborate on that in writing in due course, as you've indicated.</td>
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<td>MR MOY: Yes. I think sort of the logic of that to some extent perhaps speaks for itself. The main thing we'd say about statutory regulation at the moment is, to coin a phrase, we agree with Lord Justice Leveson that it's been a bit dismal watching a sort of binary debate between statutory and non-statutory when that seems fairly useless.</td>
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<td>We have, as Lord Justice Leveson has noted, statutory judicial appointments, a statutory guarantee of judicial independence, we have a statutory guarantee of academic freedom. The people who safeguard the people who are in mental health detention are a statutory body, and that liberty, that freedom, is just as important as freedom of the press and those people are far more vulnerable than newspaper editors and proprietors. So it's simplistic to simply say anything involving statute is terrible, and it would be helpful to have a debate about how we achieve the required ends that reflects that, and that certainly is what we're thinking about at the moment.</td>
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<td>The other point that came up I think in Lord Grade's evidence, he was very worried about exposure to judicial review. In our conversations with the PCC, we have always been told that they accept that they are subject to judicial review, and we've asked on several occasions. I don't know if you asked them that question yourselves. But they have never, I know, admitted it in court and I know it has never been decided by --</td>
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Q.  I did ask them that question and the answer was possibly somewhat confidential.  That's why I didn't go down that road.  I asked that question behind the scenes.

MR MOY:  I'm sure.  But their point being that they have accepted it, at least in what they have said to us.  It seems a slightly strange worry to put people off statutory regulation, if that was indeed Lord Grade's principal objection.

Nonetheless, it would be much preferable to see a system which kept politicians away from regulating the press as far as possible, and we look forward to seeing what the industry comes up with.

MR JAY:  Thank you.  Mr Moy, you have some ideas in relation to the code of practice at 53818.

MR MOY:  Yes.

Q.  You rightly point out that it's a strong document in many ways, but there are particular areas which give rise to concern.  Some of these areas have been constant themes in the evidence adduced before this Inquiry.

MR MOY:  Yes.

Q.  The due prominence issue, which might need to be more prescriptive; is that right?

MR MOY:  I think you'll find a much more helpful guide to our view on the Editors' Code in our submission at tab 16.

Q.  Thank you.

MR MOY:  Which is our answer to your 12 questions.

Q.  It's 54645?

MR MOY:  54643 is the beginning of that answer.  Obviously our expertise in the code of practice is specific to clause 1.  On the other hand, that's the vast majority of what the PCC does.  You've heard, I think, on several occasions about the code of practice is a strong document.  The people who think that are, with respect, wrong.  It's a perfectly reasonable thing to think, but you only think it when you look at it theoretically.

From the point of view of people who actually have to make complaints under the code, it's an obscure document and a very hard one to work with, so when you ask a group of academics are these basically the right principles, then they say yes, and quite reasonably, they're absolutely right.  But when you try to work with it in practice, it's actually very tricky.

Before I go on to what's missing from it, if you look at all the key concepts in clause 1, misleading and distorted, completely undefined and don't seem to be interpreted particularly consistently.  There's no explicit burden of proof; it's not clear where the burden of proof lies.  In our experience, the burden of proof has always lain on the complainant, not on the newspaper, which is contrary to what is said in the Editors' Code book, which frankly bears very little relation to how the code seems to be interpreted in practice.

There is no standard of proof.  I think this is fairly extraordinary lapse.  So when the PCC is asked to make adjudications, all of that is sort of left hanging, and the adjudications without those concepts being clear can't possibly be clear themselves, and I think even the PCC probably finds this a difficult feature, and certainly we've never found their adjudications clear and I think that's the reason why.

So we have put in a submission to the current review of the Editors' Code saying that clause 1 needs to be overhauled, not because it's driving at the wrong things, it's absolutely not, but because actually in practice it's rather obscure and rather difficult to work with.

LORD JUSTICE LEVESON:  One has to be a bit careful one over the road.  I asked that question behind the scenes.

MR MOY:  Yes.

Q.  And then you say:

"A persistent practice of running stories that are inaccurate with a final very late paragraph which effectively invalidates the story", and there have been examples of that put before the inquiry.

MR MOY:  No, absolutely, but equally a document that specifies neither the burden nor the standard of proof is pretty hard to work with in practice.

MR JAY:  You make other points.  I'm now on 53818 in relation to headlines, which is a point we have been exploring.

MR MOY:  Yes.

Q.  Malta, but the point I'm making is that one doesn't want a document that is so complex because it's covering each and every possibility that it isn't really possible to navigate through for the public.

MR MOY:  Absolutely, but equally a document that specifies neither the burden nor the standard of proof is pretty hard to work with in practice.

LORD JUSTICE LEVESON:  What's known as the paragraph 19 problem, common enough to have its own name.  But what that highlights is the lack of a positive duty in clause 1 of the code.

MR MOY:  What we don't have in the code is an expectation that the role of journalism is to provide its readers with the best available version of the truth, which is a phrase in common use among journalists, and absolutely the right expectation for what journalists should strive to do.  And when we're assessing accuracy, we should be
Q. What happens if the complaint is about privacy rather than inaccuracy? I know you're primarily concerned with inaccuracy, but why isn't a resolution of a privacy complaint one which is in the public interest to resolve consensually rather than by an adjudication?

MR MOY: I didn't say it wasn't. We're suggesting this as a power they should have, not something they should do with a swinging axe. What we have in mind is cases we've been through where the first offer you get is, "We'll amend the headline online only". Then you get the offer of "We'll print a letter from Full Fact disagreeing with our article but we won't change the article or admit there was anything wrong with it". Then you get page 12, then you get page 6, then you get page 4. All of this, rounds and rounds of correspondence, depends. And all of this, of course, after the actual inaccuracy has been accepted. At this stage, you're just arguing over prominence. You've already talked about the PCC should just be able to say, "This is how prominent it should be". Maybe that's the right answer, but at the very least they ought to be able to reject derisory offers.

I should highlight in that sequence the letter because the code says you have to correct inaccuracies. A letter from somebody else disagreeing with your article or admit there was anything wrong with it. DR MOORE: On the first, I think it's just extremely

Q. Yes. Bottom of page 53816, tab 13, Mr Moy, you make some suggestions about what a regulator should be able to do: Impose deadlines for responses?

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MR MOY: Yeah, I'm with Martin on that.

Q. Tackle abuse of its processes, maximise the transparency of its process. You deal with burden and standard of proof issues which you've touched on. Pursue an inaccuracy even without a member of the public willing to argue through the rounds with the newspaper. This is the third-party issue?

MR MOY: Absolutely vital. I can't stress this enough. If a newspaper has been told that there's a serious problem with a headline and a regulator is aware of this, the fact that the complainant then goes away doesn't mean that the problem has gone away, it doesn't mean that the disservice to the audience has gone away and increasingly with online publication it doesn't mean that the article has gone away either. The idea that the regulator just -- well, it's not a regulator, this is the essential point of it not being a regulator.

A regulator would pursue the problem.

A complaint-handling body pursues the complaint.

Q. Can I just ask you to address the penultimate bullet point: "Reject newspapers' proposed resolutions as insufficient in the public interest."

MR MOY: Yes.

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important to continue to emphasise that there is an opportunity and a need to defend journalism in the public interest better than it currently is and that means defending it better within the law. I think by doing that not only does one protect good journalism and good journalists. Actually, you also start to better define the line between the public and the private, and which is where I think we're hopefully going to get to. Each of you is proposing stronger sanctions for the regulatory body. That might be said goes without saying?

Q. Thank you very much.

MR MOY: So is the industry. I think that's now uncontroversial.

Q. I don't think it's necessary to go into that. And Mr Moy, you've put in a helpful submission on the Internet, which again I'm afraid we never were going to have time to go into but have carefully read. Finally, Dr Moore, I should make it clear I've received several questions from another core participant. I'm going to make the executive decision, unless I'm overruled, that I'm not going to ask you to deal with those now, since it would take frankly too long and may or may not be helpful, but what I am going to ask you to do, if you're prepared to do it, is to address these questions in writing and if it's necessary to deal with them other than by putting in further written evidence from you we'll consider that. Are you content with that course?

LORD JUSTICE LEVESON: Have you raised it with the core participant?

MR JAY: I haven't, no. It's right to say I haven't. I was hoping to leave some time.

MR CAPLAN: Can I interrupt. I think I should identify myself.

LORD JUSTICE LEVESON: Of course they shall.

MR CAPLAN: Thank you.

LORD JUSTICE LEVESON: I think that's quite a useful idea. Does that conclude?

MR JAY: It does. I am conscious of the fact I should have left some time to deal with Mr Caplan's points, but I haven't, and therefore --

MR MOY: Can I just make one last point?

LORD JUSTICE LEVESON: Please.

MR MOY: I'm sorry to intrude on your time.

LORD JUSTICE LEVESON: Don't worry.

MR MOY: I feel we should emphasise that real harm is done by points of general inaccuracy, and I know the Inquiry has largely focused on individual named and nameable victims, but we see not just the harmful effects on policy and government making decisions which perhaps it might otherwise not make if better information was put in front of it, and not just the effect in terms of spreading cynicism and unwillingness to engage in public life, but also real damage apparently being done, real hurt being felt by groups of people, and while it's not our job to bang that drum, I thought that needed to be mentioned and I don't think anyone else is going to do it.

LORD JUSTICE LEVESON: Yes. I don't think it's fair to say we've not thought about inaccuracy. I'm not suggesting you were quite saying that. Because indeed some of the groups who have come to give evidence have focused on rock solid inaccuracy. But I'm very conscious that inevitably those who are complaining about the work of the press were really complaining about individual circumstances rather than generic issues.

LORD JUSTICE LEVESON: So I do have the point. Thank you.

MR MOY: Thank you.

DR MOORE: May I raise two final points?

LORD JUSTICE LEVESON: Yes.

DR MOORE: The first is that I sincerely hope that the Inquiry does take the opportunity for positive and radical change, not just in terms of better protecting the public, but in better protecting journalism in the public interest.

The second is a plea to not accept as a fait accompli the recommendations necessarily of others, ourselves included. We have and are still doing research on the history of this and I know you've referred to it a number of times in the past, but it does seem to me as though there is a really rather significant danger that the Inquiry, if not extremely careful, could go down a very similar path to the three that we've largely focused on individual named and nameable.
1 Royal Commissions and the Calcutt review of the last 60 years.
2
3 LORD JUSTICE LEVESON: That is constantly in my mind,
4 Dr Moore.
5
6 I have two issues to raise, very shortly. The first
7 is a refrain that I've received from several editors is:
8 "Well, the answer for the public is very simple. They
9 don't need to buy the newspaper. And they show by
10 buying the newspaper that they like what we do and the
11 way we do it". I would be interested for your comments
12 on that. And then I have one other question for you,
13 but if you have any comment on that, I'd be interested
14 to receive it.
15
16 DR MOORE: Two. The first is that it seems to me as though
17 the argument that the public buy it and therefore it's
18 okay seems to me to be rather moot when one looks at
19 what happened when the public found out how the stories
20 were gathered in July and a paper closed within four
21 days. I think if there was an awful lot more
22 transparency, the public might feel very different about
23 the product they were buying, in the same way one feels
24 according to the label that's on the food. I think
25 there is an argument there.
26
27 The second is that in the five and a half years that
28 I've been doing this, one of the things that struck me
29 is that people of course care about the gas bill and
30 they care about the day-to-day things in their lives and
31 people around them. They don't -- entirely
32 understandably they don't notice media coverage per se
33 until it's of direct relevance to themselves or people
34 close to them when it is -- it can be enormously
35 damaging, not just hurtful, but materially damaging to
36 them personally. But in the main, most people,
37 thankfully, never experience that, never go through
38 that.
39
40 LORD JUSTICE LEVESON: All right. Do you want to comment on
41 that?
42
43 MR MOY: I endorse what Dr Moore has said. I'd also point
44 out, as I just did, that the damage that newspapers and
45 anyone who commands mass attention can do isn't limited
46 to the people who read them.
47
48 LORD JUSTICE LEVESON: All right. My second question is
49 this: have either of your organisations met Lord Hunt?
50 DR MOORE: Yes. Lord Hunt invited myself and our chair,
51 Roger Graef, to meet him and Stig Abell, I think it was
52 November. It was before he had devised the plan that he
53 has now, but to discuss openly some of the thoughts that
54 we had and some of the possible models that will emerge.
55
56 LORD JUSTICE LEVESON: Could I ask you both to continue that
57 dialogue with Lord Hunt and I will ask him to do the
58 same.
59
60 MR MOY: We haven't met him.
61
62 LORD JUSTICE LEVESON: You haven't?
63
64 MR MOY: No. I met Stig Abell and heard about the proposals
65 earlier last month, but I haven't met Lord Hunt,
66 although I know one of my trustees has talked to him.
67
68 LORD JUSTICE LEVESON: I've made it abundantly clear that
69 this solution, whatever it comes to, has to work for all
70 the reasons, Dr Moore, that you've just mentioned. That
71 means it has to work for the industry, but it also has
72 to work -- I've said it has to work for me, rather
73 grandly representing the public, but your organisations
74 have both thought about these issues for many years and
75 will have very developed views and perspectives which
76 are for me forming rather than formed, and I am sure
77 that the product will be better for your input than
78 without it.
79
80 DR MOORE: Thank you.
81
82 MR MOY: If I may briefly respond to that, because our
83 expertise is how the system works in detail, and at the
84 moment I would say what we've heard from Lord Hunt isn't
85 structurally flawed, but I think at the moment there's
86 a greater chance that the details get worked out in
87 a way that will completely fail than there is that they
88 will be worked out in a productive way.
89
90 LORD JUSTICE LEVESON: I think I said either to Lord Hunt or
91 Lord Black that the devil was indeed in the detail. But
92 this is an iterative process for return to the Inquiry
93 and all I'm saying is I'd be grateful if your
94 organisations were involved in these iterations.
95
96 MR MOY: Thank you.
97
98 DR MOORE: Thank you.
99
100 LORD JUSTICE LEVESON: Thank you very much. We'll take
101 a break.
102
103 (11.47 am)
104
105 (A short break)
106
107 (11.57 am)
108
109 MR BARR: Sir, good morning. Our next witness is
110 Carla Buzasi.
111
112 MR CAPLAN: Sir, may I very briefly and in
113 a noncontroversial way return to the agenda tomorrow
114 afternoon?
115
116 LORD JUSTICE LEVESON: Yes.
117
118 MR CAPLAN: One procedural matter first, please. Would it
119 please be your order that Mr Dacre's supplementary
120 statement can now be published --
121
122 LORD JUSTICE LEVESON: Yes.
123
124 MR CAPLAN: Thank you very much.
125
126 The second matter, please, is this, I'm not asking
127
for a ruling, just my understanding, and that is that
tomorrow he is coming back to deal with the " mendacious
smear" matter, the Mail on Sunday story concerning the
plummy-voiced executive and the allegation of phone
hacking by Mr Grant. I say that because it's in
everybody's interests that Mr Dacre has had the
opportunity to look at any material that is necessary
for tomorrow afternoon.

LORD JUSTICE LEVESON: Yes, that's as I understand it, and
I notice Mr Crossley is nodding.

MR CAPLAN: Nodding. And that the material which he needs
to look at and refresh his memory about are his own
statements, Mr Grant's statements and Ms Hartley's
statements. If there is any other material, I would be
very grateful to have the opportunity to see it, in case
he needs to access anything else, and I do ask
Mr Crossley to let me know if possible, please, by
lunchtime.

LORD JUSTICE LEVESON: There were some other statements
I think submitted, but I am sure that that will be
thought about during the course of the morning. Thank
you very much indeed.

MR CAPLAN: Thank you very much indeed.

MR CROSSLEY: The only thing I would add is if Mr Grant's
statement could also be published.

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LORD JUSTICE LEVESON: Yes. I think I actually did say
that, but it was quite late. Right.

MS CARLA SAMANTHA BUZASI (sworn)

Questions by MR BARR

A. Thank you.

Q. Could you tell the Inquiry your full name, please?

A. Carla Samantha Buzasi.

Q. And you are -- I should ask also the witness statement
that you provided to the Inquiry, are the contents true
and correct to the best of your knowledge and belief?

A. They certainly are.

Q. You are the editor-in-chief of the Huffington Post UK?

A. Yes, that's correct.

Q. And the Huffington Post is an online publication which
is owned ultimately by AOL Incorporated?

A. Yes, that's right.

Q. A large American company?

A. Yes.

Q. There's an intermediary, AOL (UK) Limited, which owns
Huffington Post UK?

A. Yes.

Q. You've worked with AOL since August 2010, and in your
role as editor-in-chief you supervise a team of
journalists and editors who are based in London

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original content, and that's material produced by
journalists employed by Huffington Post UK and working
under your editorial guidance?

A. Yes.

Q. In that respect, are you effectively very much like any
other newspaper in this country, save that you publish
solely online?

A. Yes. No, we pride ourselves on the fact that we operate
as a newspaper organisation would be. These are trained
journalists who have come from backgrounds like CNN,
BBC, and they're writing original reports day in and day
out.

Q. In addition, the second stream of content is what might
be described as curated content, and that's where your
website is linking to other sites on the Internet?

A. Yes. I don't believe that any news organisation sort of
has the perfect journalism and the monopoly on brilliant
stories, so we do link out, make sure that our users can
see the best of what's out there on the web.

Q. And then finally --

LORD JUSTICE LEVESON: Hang on, is that to other newspapers
or just to other material?

A. It could be to other newspapers, it could be other
blogs, magazine sites or other material, yes.

LORD JUSTICE LEVESON: But you couldn't go behind a pay
Q. But you consider that the English courts have jurisdiction over your United Kingdom operation, and as you've told us, your journalists are based in London?

A. Yes, they are.

Q. The servers for your operation are in fact based in the United States?

A. Yes, absolutely. As soon as our journalists arrive with us, and as I've said, most of them have come from organisations where they would have had legal training in the past, they have legal training with us as well.

We have our own in-house legal team and in some of those sessions we'll invite external counsel as well to update us on changes in policy.

Our editorial guidelines, a large part of that has been framed to reflect the PCC code and therefore we felt it was important that we were signed up to the PCC as well.

Q. We'll come back to the future of regulation and talk about the PCC some more later on, but I would like to continue to explore the practices so far as your original content is concerned. You tell us that you always look to double-source articles where possible?

A. Absolutely. It's very important to me when we're building a reputation with the site that we're seen as trustworthy and we're transparent where we've got our content from. That means that we're interviewing people just as you'd expect any journalist to do on any other publication to make sure that we're factually correct.

Q. Does that mean that on occasions you might publish a single-source story if you weren't able to find a second source?

A. Yes, if we weren't able to, but I think in that instance I would need to understand why the journalist couldn't do that. That might well be because it's based on someone's specific opinion about something that's going on, but we'd certainly look to caveat that and explain why that had been the case.

Q. If you're going to publish a story, do you expect, if you feel that you need to know, to be told the ultimate source of the story? Or will you publish a story not knowing the source yourself but trusting the judgment of one of your journalists?

A. I haven't had that situation arise. I think that the relationships I have with my reporters I would expect to know the source, but in line with the PCC, we would look to protect those sources ourselves.

Q. You also tell us that you try to ensure that the subjects of your stories are given a reasonable amount of time to reply to any charges which are levelled against them prior to publication.

A. Yes.

Q. Are there any circumstances in which you have decided not to give prior notice in a case which would be invading someone's privacy?

A. No. Again that situation hasn't arisen yet. I think if it was in the public interest, we might make that decision, but our site is all about having a conversation. If we publish a story and we haven't given someone the right to reply, it's very easy for them to do that, whether they want to comment on that story or write a blog submission to the site, so I would much prefer we'd given people that opportunity before the story was published, so the conversation can start immediately.

Q. Do your journalists ever use subterfuge to obtain someone's specific opinion about something that's going on, but we'd certainly look to caveat that and explain why that had been the case.

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Q. Moving now to your blogging platform, can we explore what sort of standards you expect from your bloggers and how you go about enforcing them? First of all, you have some guidance, don't you?
A. Yes.
Q. Amongst other things, that encourages your bloggers to be themselves?
A. Absolutely.
Q. And not to impersonate --
A. Yes. It's important to us that this is an area, as I said, for debate, for conversation, and the blogs are very much opinion. But we do have blogger terms and conditions that by using our blogging platform you are bound by. You are free to stop blogging for us at any time if you decide that you don't want to comply with those terms and conditions.
I should stress there's not an editorial control over that. We want people to have their personalities shine through on their blogs, but there is a framework there to ensure that we're -- or our bloggers are complying with the law.
Q. You do, though, permit anonymous and pseudonymous bloggers, don't you?
A. As a general rule, we would strongly encourage our bloggers to be upfront about who they are. There have been a few occasions, we have someone who blogs about the gay nightlife in London and he wants to do that anonymously. He's not naming other people, these are just his personal experiences, and in an instant like that we may allow people to blog anonymously. However, we do know exactly who that person is. We have their contact details should we need to get in contact with them.
Q. Is that the case for all of your anonymous bloggers?
A. Absolutely, yes.
Q. You have a system of pre-moderation of comments, don't you?
A. So the way -- so we're talking about comments on the site?
Q. Comments on the blogs.
A. Comments on the blogs, yes. Comments on blogs work exactly the same as comments on news articles. We don't actively pre-moderate through people. We have a filter tool, which a small amount of those comments go through, which would flag up swearwords, for instance, or certain word combinations, and if that filter flags those up, then those would go to a human moderator, but in line with common practice on news sites in the UK, the majority of our comments are not pre-moderated.
Q. You tell us that there is an element of peer review of
comments in that people will respond if somebody posts something outrageous?

A. Absolutely. We make it very easy for somebody to flag if they feel something is inappropriate within the comments. Once that's been flagged, our aim is within 15 minutes a human moderator will check that comment and see whether it needs to be removed or not.

LORD JUSTICE LEVESON: Would that be for privacy, libel, whatever?

A. Yes, anything that went in the face of law in this country.

LORD JUSTICE LEVESON: So there's a risk that you'll get something libellous up there?

A. There is a risk, yes, absolutely, but because of the way that the law is framed in this country, we are not in a position to pre-moderate all our comments.

LORD JUSTICE LEVESON: I understand, and you know it will get back to whoever did it, whether the name is published or not, because you know who they are?

A. Yes.

MR BARR: And they've signed up to say that they're not going to post anything illegal?

A. Yes.

Q. So you have a contractual lever as well?

A. We do, we do.

Q. In case those defences you've described fail, there's a complaints procedure, isn't there?

A. There is.

Q. That applies both to the blogging content and to the original content?

A. Yes. At the bottom of every single one of our articles we have a "send a correction" button. It's important to us that people can contact us very quickly and easily in that we have a robust notice and takedown process, so that's put clearly. It's not hidden anywhere on the site, it's at the bottom of every article.

Q. And you make clear in your witness statement that you have your own in-house legal team and they have access to independent counsel as well?

A. Yes.

Q. To make judgments as to how to deal with each complaint. Can you give us some idea of the sort of volume of complaints that are made?

A. It depends. The corrections policy, we would get a number of those a day, and that might be something very small, someone spotted a spelling mistake in an article. I'm pleased to say we haven't had any significant complaints on our blogs. We haven't had any with our articles. We have had people who have come to us and, as I said in the witness statement, we've got an in-house legal team to ensure that we don't have a knee-jerk reaction to anything like that, that each complaint is considered very carefully. But we're talking on a day-to-day basis, you know, less than ten, and that's including those very small typographical errors.

Q. Is one of the reasons for this relatively benign picture that the sort of journalism that you're engaged in isn't of the sort which is pushing at the boundaries and very controversial?

A. No, I think it's that we're exceptionally careful, we're very aware that we're building a brand in this country at the moment, and therefore we need to be squeaky clean with everything we write. I don't think that means that what we're producing is bland journalism. I think it just means we're being careful to fact-check.

Q. I wasn't suggesting your content is bland, but you're not engaged in the sort of controversial investigative journalism that some other publications are?

A. No. Certainly our politics team are doing investigative pieces, but we haven't yet uncovered an MPs' expenses scandal or anything like that. We are doing investigative journalism, but nothing too scandalous.

Q. Moving now to regulation, and just to set the scene as to what a commercial enterprise this is, it's right, we need the sort of protection that's in place. Have you met Lord Hunt to discuss the way forward?

A. No, I haven't, and I would welcome the opportunity to do that. I think it's very important. I think this has been acknowledged here by other people that digital properties, whether those are digital only or they're the digital arm of a more traditional media organisation, are given the opportunity to feed into that. We welcome the fact that we've been invited along today to have our say, but I think that what Lord Hunt's doing, as far as I can see at the moment, it's been very much with reference to the newspaper editors, and I think that -- and I would say this, but, you know, digital websites are the future of the media industry in this country, and I think it's important that we get consulted on that.

Q. So if I may consult you on that a little bit, can we start first of all with in your view what the ambit of future regulation should be. I ask that because you raise a point in your statement about individual
bloggers, for example, who perhaps are too small and non-commercial. You think they should fall outside?

A. I think they should, because I think it shouldn't be financially prohibitive. It shouldn't be people being tied up in red tape before they want to post their first blog somewhere. As I've said, the majority of blogs are opinion pieces. These are people who have something that they want to get off their chest. They're not journalists, so they don't have that platform, as someone like myself would do, and therefore I think it's important that they should be given that voice.

When the Huffington Post launched in America, there were only five people. They didn't have the might of AOL behind them as we do now, and I think we should be encouraging that kind of media enterprise. So whatever framework is put in place, I think it shouldn't be prohibitive to that. If people do want to join up, then I think it should be made extremely easy for them to do that, but if a mummy blogger somewhere wants to start a blog in their bedroom, I think we should allow them to get on and do that and not tie themselves up in paperwork before they do that.

Q. If it's going to be optional for the small blogger, what about the large media institutions? Are you of the view that in order to be credible all the major media players need to be involved?

A. I think they need to be so -- held in such high regard that it would be foolish of them not to do that, and I think that the issue we have at the moment, and we've seen, is that some of those news organisations don't hold the PCC in high enough regard and that's why they've decided to opt out of it.

I think there also needs to be a reflection of the people who are making up that council, that it is broad across the media industry as well. I've heard other people have been sitting in this chair talking about the fact that it should be experienced editors or ex-editors who have been doing this for a number of years, and I can see why they would make that recommendation, but I think that people throughout the industry need to be consulted. The editorial assistants who are just starting out, who understand the pressures of starting out in their careers and what they're asked to do, I think it's as important that they make up part of that body as it is editors who have been running newspapers for 30 years.

Q. In terms of -- you mentioned people sitting outside currently, for perhaps reasons of credibility. There are other reasons, too. For example, we've heard of people who don't want to be judged by the very people that their publications criticise.

A. Yes.

Q. How do you get around that? What I'm getting at is would the Huffington Post, do you think, object to some form of statutory underpinning and mandatory membership?

A. I think mandatory membership has its issues, and I think for some of the reasons that I've said already. I think the fact is that statutory regulation should be part of the law of the land, which everyone is bound by anyway, and I think to a certain extent, because of that, we are bound by those statutory things right now, because of the things that are illegal. It is illegal to tap phones, whether you are a journalist or a banker or, I don't know, installing someone's gas meter. You aren't able to do that. I think the law should remain as it is, but I think the body that the press is answerable to for inaccuracies and many of the other things that have been spoken about here shouldn't be bound by that.

LORD JUSTICE LEVESON: Sorry?

A. Shouldn't be. I don't think then it should be legally binding, but I think if there are illegal practices that are going on, then obviously it should be.

MR BARR: In terms of the funding of any future system, do you have any views about how that should be pursued?
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<td>LORD JUSTICE LEVESON: It becomes very subjective then, doesn't it?</td>
<td>MR BARR: Thank you. Those were all my questions.</td>
<td>LORD JUSTICE LEVESON: Or indeed the BBC.</td>
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<td>A. It does become subjective, which is why I think it's very, very difficult, and I can see why there were problems when we came to it, that maybe digital players need to be seen slightly differently to magazines. I can imagine magazines have far fewer complaints than newspapers because of the very nature of the content that they publish, and blogs alongside that as well.</td>
<td>MR BARR: Is there anything else that you'd like to add on the question of future regulation?</td>
<td>A. Mm-hm. And I think that our comment policy and the fact that we don't pre-moderate is in line with most of those publications, and I think that's reflective of the defamation law in this country. In the US, for instance, it's very different. The Huffington Post in the US moderates most of its comments because the law is different there.</td>
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<td>MR BARR: Can we concentrate on your second statement, please, the best of your knowledge and belief?</td>
<td>LORD JUSTICE LEVESON: Do you think that's going to affect the way in which one regulates, whether formally or informally? In other words, I suppose I'm really asking: do you think there is in reality any difference between what you are doing and what somebody is doing who is sending off a copy down the line to be printed around the country and then distributed to people's front doors?</td>
<td>A. It does become subjective, which is why I think it's very, very difficult, and I can see why there were problems when we came to it, that maybe digital players need to be seen slightly differently to magazines. I can imagine magazines have far fewer complaints than newspapers because of the very nature of the content that they publish, and blogs alongside that as well.</td>
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<td>LORD JUSTICE LEVESON: That's interesting. I thought that was different there.</td>
<td>A. I don't think so, in the original journalism that we produce on our site, that there should be any difference. But I believe on the blog side of it, that is different. These are not trained journalists who have gone through legal training, who have lawyers sitting 10 metres away from them, and I think that that distinction is very important. But certainly when it comes to our trained editors, they should uphold the standards that journalists on any publication would be required to.</td>
<td>MR BARR: Could you confirm your full name, please?</td>
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<td>A. Yes.</td>
<td>LORD JUSTICE LEVESON: Thank you.</td>
<td>A. Paul DeLaire Staines.</td>
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<td>LORD JUSTICE LEVESON: Mr Staines, thank you very much indeed for participating and providing the Inquiry with the benefit of your views, which come from a very different perspective to many of the others that I have received.</td>
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<td>Q. Are the contents of your two witness statements true to the best of your knowledge and belief?</td>
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<td>Questions by MR BARR</td>
<td>MR PAUL STAINES (sworn)</td>
<td>A. Yes, they are.</td>
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<td>MR BARR: Please take a seat, Mr Staines.</td>
<td>A. Yes.</td>
<td>Q. Can we concentrate on your second statement, please, where you tell us a little bit about your background and</td>
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Table 1: The economic viability of the press and the impact of digital platforms on regulation.

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<td>A. Yes.</td>
<td>LORD JUSTICE LEVESON: You're in the rather unique position of having set up more recently than anybody else I've previously seen. Do I gather that there isn't a pay wall to the Huffington Post?</td>
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Table 2: The economic viability of the press and the impact of digital platforms on regulation.

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current activities?

1. LORD JUSTICE LEVESON: Before you do, possibly I ought to make it clear and explain that following a complaint in relation to the statement that was concerned that it had come from the Inquiry for probably obvious reasons. As soon as it became clear, which it had not become clear until a day or so into it, that it had not, that was the reason that I immediately stood down my request that you attend, because the complaint had vanished. But whether you --

2. A. Sir, could we publish the first statement then?

3. LORD JUSTICE LEVESON: I think we just have.

4. MR BARR: Until it was published, which it just has been.

5. A. Thank you.

6. Q. You are here because you currently run the Guido Fawkes website, and you do that with Mr Cole and a cartoonist; is that right?

7. A. Correct.

8. Q. Before that, you've had one of the more diverse career histories of the witnesses before the Inquiry. You tell us that between 1986 and 1990, you worked in politics, think tanks and campaigns. Between 1989 and 1991 you organised mass attendance dance music raves. Between 1992 and 1994, you were a professional gambler. Then between 1995 and 2001, you were a derivatives broker, bond dealer, hedge fund trader in London, Hong Kong and Tokyo. You were then a litigant in a protracted commercial dispute for two years, before commencing publication of the Guido Fawkes political blog in 2004, and since then, since 2006, you've supplemented that activity by being an investment adviser to online ventures; is that correct?


10. Q. Moving to a little detail about the Guido Fawkes website, its raison d'etre is to publish political tittle-tattle, gossip and rumour?

11. A. Yes.

12. Q. And you pride yourself in breaking news stories and your success stems from doing that time and time again, you say, until -- well, beating big news organisations to stories.

13. A. Yeah, I think we have a record of that. I think the BBC’s Mark Thompson explained in a speech why we do beat them.

14. Q. Your economic model is combined of advertising and story-breaking, isn't it?

15. A. Yes. I'd say they're roughly equal, the amount of advertising revenue and the amount we get from selling stories.

16. Q. Your current readership is what?

17. A. Daily: 50,000 to 100,000.

18. Q. And at times when you are breaking big news stories, what sort of visitor rates do you attract then?

19. A. I think at the peak we were getting 100,000 an hour. In an average month, we would have certainly hundreds of thousands, maybe up to a million readers, or a million different browsers come to our website.

20. Q. You operate also on Twitter. How many followers do you have?

21. A. 60,000-odd.

22. Q. In obtaining readers, how important is the role of search engines in directing computer users to your material?

23. A. On a day-to-day basis, I'd say between 25 and 35 per cent of the traffic comes via search engines, particularly Google. If people are searching for a story that is of the moment, you know, if they're researching for Leveson Inquiry today, then they would arrive to us via Google.

24. Q. You tell us in addition to covering political tittle-tattle, gossip and rumour, you are increasingly commenting on and analysing the media industry.

25. A. Well, currently we have a situation where the media and politics are overlapping quite heavily, and we have great fun teasing some of our media rivals.

26. Q. You say that you often publish articles about media personalities and say what others are afraid to say for career reasons. That is an issue which is of some interest to the Inquiry. Are you able to help us, from your knowledge of the industry: how prevalent are career fears for those who are considering speaking out?

27. A. I think there's a reluctance to damage your career prospects by writing about your rivals, when one year you might be writing for the Times, the next year you might be working for the Guardian, so people are reluctant to put their name to stories attacking rivals.

28. I deal mainly with political journalists, and quite reluctant to put their name to stories attacking rivals.
Q. How real do you think the consequences are for journalists who speak out? What I'm getting at is: are these fears, which you tell us about, subjective or is there an objective justification for them? Do journalists who speak out suffer consequences?

A. No, journalists have very thin skins and they hold a grudge, so definitely it might damage your career prospects. I think that's part of the problem this Inquiry has had with getting people to go on the record and say that at their publication there was hacking going on or blagging going on, because the only people I see come forward are people who have no longer got careers in active journalism. So people who are still in the business are reluctant to admit to what's been going on.

Q. You have certainly said on the Internet that your inspirations editorially are Kelvin MacKenzie and Popbitch. Is that right?

A. That's correct. Camilla, who is the boss of Popbitch, is a friend and has given me advice over the years, and I'd say that Kelvin MacKenzie is our lodestar.

Q. The nature of your work gives rise, doesn't it, to a number of stories coming your way which are single-sourced?

A. Yeah, quite often there's only one source in the room who can provide us with the information, so we have no choice. We don't rely on single-sourcing from people we don't know. There has to be some authority to that person or we have to have a level of trust built up over time. If someone came in fresh and was a single source and we couldn't verify in any way whatsoever, I'd be very reluctant to run it with it.

Q. What I was coming to is Mr MacKenzie has become of interest because he's given evidence about "lobbing stories in" if they "felt right". I wanted to know whether, in relation to dealing with single-source stories, you follow that lodestar or whether at that point you would depart company and --

A. Depends. If it's a trivial story, you know, an amusing story that's of no consequence, I'd be willing to go with it on that basis. If it's a career-ending story or a story of great import, then I'd be very reluctant to go forward on that basis.

Q. You tell us a little bit about the technological set-up of your website, and in particular the fact that your servers are in the USA. Is it right that initially you used Google to host your site and that you've since moved away from that?

A. Originally I was on Google's free Blogger system. When they became more willing to give in to legal threats, I thought it would be a good moment to switch from them to a hosting provider who was robust and would stand up for my First Amendment protections.

Q. So the position now is you have a smaller, independent American entity hosting your website from the United States?

A. Correct.

Q. And I think you make no bones about it: you have done that to make it more difficult for people in this jurisdiction to challenge what you publish?

A. Partly, and partly because of the experience of Wikileaks and I just don't want all of a sudden to have the website disappear because someone's made a -- what I would view as a spurious threat.

Q. You go on at the bottom of the first page of your witness statement to tell us that you've been the subject of many threatened legal actions, although none has ever succeeded in the UK courts, and you go on to say that you've repeatedly ignored injunctions and orders issued in the UK courts with no adverse consequences. I'd like to explore that in a little more detail, please, starting first with: what sort of volume of complaints do you receive from lawyers?

A. There was a period a few years ago where we would get sent To Whom It May Concern injunctions, ie we weren't named, we were informed that we weren't to report about this matter or that matter, and that died off after I wrote to a couple of the law firms saying that if they sent us that, then we would consider it on its merits, and I thought -- quite often the first I knew about these matters was receiving the To Whom It May Concern injunction, so as of about the Ryan Giggs time, I haven't received a single injunction.

Q. You've been the subject of an injunction which was granted on an interim ex parte basis in Ireland, but that injunction was subsequently not made permanent. A. I was injunction in three jurisdictions by Zac Goldsmith and his sister, Jemima Khan. This was obviously before she became a freedom-of-information campaigner. It was done on Christmas Eve in the year it was. I was quite surprised they managed to get a High Court judge out on Christmas Eve in Dublin. I got no warning. They made undertakings to the court to produce evidence that I had got the material that they claimed I had got. The judge on that basis gave them an interim injunction. In between Christmas and January 4, when it was held over, we had communications directly through myself and Zac, and it was agreed that they would drop it, and when they
came back to the court and were unable to provide any evidence, they got a judicial bollocking from an Irish High Court judge.

Q. Have there been other attempts overseas to obtain injunctions against you?

A. Not that I’m aware of. I’ve had communications sent to me at my Irish address that have never proceeded.

Q. You mentioned Ryan Giggs a moment ago. What role did you play in relation to speculation as to his identity whilst it was protected by an injunction?

A. I can’t remember exactly. I think on Twitter I devised a five-a-side football team of various footballers and suggested they should play, and suggested two managers, on Twitter, who might also manage that five-a-side football team, and nothing came of it.

Q. Do you know whether attempts were made to make something come of it?

A. Well, I couldn’t afford the footballers for a start, but there were various threats from Schillings in the press, but nothing happened. They said they were going to contact Twitter, but there was no follow-up. If there was, I wasn’t aware of it.

Q. Was Mr Giggs one of the team members?

A. He was.

Q. I don’t think we need go into the others. In addition to that activity, can I take you to a couple of examples in the bundle of things you’ve published? Can we go first of all to tab 4 and look at a page that’s right at the very back of tab 4. This concerns Wikileaks. It’s a post from February 242008, entitled, “Supporting Wikileaks and freedom of speech”: "Guido is showing Wikileaks some love with Google Juice. The IP address [then there's an IP address] is the Internet postcode for Wiki. A judge has ordered the web authorities to remove the website url address from the Internet, so this is the only way directly [to] access it now. This is where Guido uploads important documents (like that Northern Rock memo) and others they don't want you to see ...”

Can I take it from that that what you were doing was making available to those who read your blog material which a court had ordered should be removed from the Internet?

A. Yeah, this was — I think, if I recall correctly — in relation to the Merrill Lynch memo, which was a document produced by Merrill Lynch concerning the prospects for Northern Rock, in which they outlined how it may result in costs to the taxpayer of £50 billion. The FT first published it online and were immediately hit with injunctions. I also got a copy of the memo. I wrote a story and took the precaution of uploading the memo, since I think it was Carter Ruck were very busy on this, on a foreign website and linked to that, and I think uploaded it in different locations around the globe as the day went on, so Carter Ruck were chasing — or whichever law firm it was — various hosting agencies around the world, and when that became boring, I gave it to Wikileaks.

Q. So is it the reality that, however prestigious the lawyers, the modern Internet, with its global reach, is such that if someone is determined to put information out there and keep it there by reposting it, or whatever other mechanism, in practice it can be made to happen?

A. I think it’s impossible for them to do anything.

I would basically upload it to free hosting services after the close of business hours, so if the law firm was contacting Yahoo India, they would find no one at home and it would be up on that website until the next day at the very least.

Q. So in taking this action, you were effectively deciding practically to thwart what the court was trying to achieve?

A. Yeah.

Q. And you were doing that for what reason?

A. Because I think when you’re considering £50 billion of the public’s money, the public has a right to know what’s going on, and there was no democratic reason why this should be done in secret. This was the taxpayer’s money and it was a lot of money.

Something that I think you might have overlooked is that I’m a citizen of a free republic, and since 1922 I don’t have to pay attention to what a British judge orders my countrymen to do.

Q. If we move to another example and look at tab 5, please, what I’m interested in is a document which is about halfway through and it relates to Mr Goodwin. It’s dated 19 May 2011. At the top it says page 1 of 33 and at the bottom the date is 1 February 2012, the date on which it was printed out. It has a sticking plaster picture.

A. It's on the screen.

Q. Good, I see you have that. Do you have that, sir?

LORD JUSTICE LEVESON: No. Halfway through tab 5?

MR BARR: Tab 5. It has two images on it. One is a life insurance advertisement and the other is a sticking plaster crisscrossed. I think it's up on the screen now.

LORD JUSTICE LEVESON: Yes, thank you.

MR BARR: This was written after Mr Goodwin's name was in...
The public domain, but what you do here is repeat what you'd published beforehand. We see in italics towards the bottom of the page:

"So there was this [then a number of asterisks] bloke who worked closely with another ***** colleague, they apparently began an adulterous affair not long after the *****ing crisis of 2008. He went to court to stop it getting out that he had been banging her. Because he is the most notorious ***** of his generation he also banned references to his profession let he be identified."

Then afterwards you say:

"Well, that went well for Fred, didn't it? Worth every penny ..."

And so, although you didn't in fact name Mr Goodwin in your post, you set out something of a riddle, which many might have been able to work out?

And so, although you didn't in fact name Mr Goodwin, we see:

"In March Guido told you about it, but had to adhere to words, yes."

Q. At the top of just above the sticking plaster article, we see:

"He is the most notorious ***** of his generation, after the *****ing crisis of 2008. He went to court to stop it getting out that he had been banging her. Because he is the most notorious ***** of his generation he also banned references to his profession let he be identified."

Then afterwards you say:

"Well, that went well for Fred, didn't it? Worth every penny ..."

And so, although you didn't in fact name Mr Goodwin in your post, you set out something of a riddle, which many might have been able to work out?

A. Well, I mean, I think in that particular instance he had banned references to him as a banker, and so we had to play on words, yes.

Q. At the top of just above the sticking plaster article, we see:

"In March Guido told you about it, but had to adhere slightly to the courts."

So I take it that you were on that occasion paying.....

Q. Can I ask you now a little bit, because you deal a lot of anonymous tips, we will make efforts to verify the document if we can.

A. We get a lot of stories coming in via email. Some of those emails don't reveal the source's name and are pseudonyms. We also have a voicemail that people can use and people leave us anonymous tips on the voicemail, and also we get documents faxed to us. With those kind of anonymous tips, we will make efforts to verify the document if we can.

Q. You say in your witness statement, and I'm moving now to page 110...
MR BARR: Privacy next. That's obviously a part of the PCC code. I know that you're not a member of the PCC, but an important aspect of the code is the need for accuracy. Am I right to understand that you, too, think that accuracy is of great importance to ethical journalism?

A. Of course. And if you make a mistake, your readers will lose confidence in you, your reputation will go downhill.

I have to say I've heard a lot of testimony from other journalists saying that what people don't realise is the speed with which we have to do things, and we quite often hit stories out, you know, five minutes after we've got the basic details, and the story will be revised and amended during the day on the fly, so we'll get the details correct and hopefully the end story will be spot on. But due to the nature of how fast we move, it's not always the first print isn't always spot on.

Q. Would it represent the position accurately to say that what you're doing is striving for accuracy rather than guaranteeing it?

A. That would be correct.

LORD JUSTICE LEVESON: That's a different issue, isn't it, for those who are in print journalism, because you have the ability to change anything you've written?

A. Yeah, we can do -- pixels can be altered instantly.

What I'm trying to emphasise is the nature of the speed at which we work. If you have a whole day or a whole week to consider your article, you have a chance to dot the Is and cross the Ts in a way that we don't have because we're in such a hurry, and I think some of the tabloid journalists have been saying, "We do 100 stories a day", and the editors have been saying the same thing. It's not always possible to get things exactly right at speed.

MR BARR: Privacy next. That's obviously a part of the PCC code, qualified, though, by the public interest test.

A. Yes, I particularly don’t think people in public life, people who are, you know, paid for by the taxpayers, or subject to the voters, should expect the same degree of privacy as a private citizen who has no public life can expect. These people -- their character speaks to what the voters need to know about them as politicians, so if they misbehave in their private life -- it's quite common that somebody who will lie to their wife will lie to the voters. That's an old adage that has some truth to it.

LORD JUSTICE LEVESON: I can understand that, but it may be there isn't quite the difference that is sometimes portrayed, because you don't do stories about individuals outside the political spectrum. Or do you?

A. Very rarely do stories -- well, we write increasingly about journalists, but mainly it's about politicians.

LORD JUSTICE LEVESON: Yes.

A. Invariably there is a public interest angle when you have a politician.

LORD JUSTICE LEVESON: That's the point. So if you're not going to go into the area, whether it's celebrity or those who have been accused of crime, all the bits and pieces that I'm sure you've heard about that I've been hearing about, you don't have to make a decision, "Is this an invasion of privacy?", because you're starting from a broadly political perspective.

A. Yeah, I'm confident that it's almost always a public interest angle. Although that's not to say that...
against them for using subterfuge, but they exposed
Vince Cable's duplicity.

Q. Do you ever use subterfuge or cause other people to use
subterfuge?

A. We have. I've sent reporters in disguise. When UKIP
had a policy of banning the burka, I send a female
reporter dressed in a burka to interview the leader of
the United Kingdom Independence Party and ask him about
his worries about the Muslim Eurosceptic vote. It was
I think legitimate to juxtapose him on camera with
someone in a burka. It was also good fun.

Q. Do you, when you decide to use subterfuge, stop and
pause for thought and try and balance the invasion and
deception on the one hand against the degree of public
interest in the story on the other or do you just take
a view and decide on whim?

A. I think broadly correct. If we think the only way we're
going to get this information is by subterfuge, then we
will do that. But when we're asking people on the
record questions, we do identify ourselves. We don't
ring up and pretend to be a constituent when we're
asking to put something on the record as a public
statement. It's only when we think that they are being
deceptive and the only way we can discover this
deception or prove this deception is by subterfuge that
we'd use it.

Q. I see, so you would require at least a reasonable
suspicion that it was necessary that there was something
going on that needed to be uncovered?

A. Yeah, and if we said, "We're from the Guido Fawkes blog,
will you tell us what you really think?" I'm sure we
wouldn't have any success, so we will endeavour to find
out what we can.

Quite often what we're trying to illuminate is
politicians saying one thing to one set of people and
another thing to another set of people. That, I think,
is -- it's sometimes necessary to use underhand tactics.

Q. What about phone hacking? Do you think that might ever
be justified?

A. I think phone hacking is against the law, and there are
criminal sanctions that were available to deal with
that, and we don't need to reform the Press Complaints
Commission to prosecute those kind of actions.

Q. What about email hacking. Would the same apply?

A. I think the same would apply.

MR BARR: Sir, I'm about to move on to the question of
complaints system, such as it is. Is that a convenient
time?

LORD JUSTICE LEVESON: Yes. It's not inconvenient to you to
come back at 2 o'clock, is it?
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