

FILE NOTE

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FILE NO:

DATED: 24.03.05

SUBJECT: MOTORMAN

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PJT telephone in from Bernard Thorogood at 15.50 p.m.

He stated that he had had a call back from Counsel for the CPS following their conference and that the contents of it were slightly odd. He stated that [ ] [ ] had stated that her lawyer had spoken to a lawyer at the Information Commissioner's Office (*please note that PJT subsequently checked with Janet Witkowski and it was neither him or Janet Witkowski who had spoken to the CPS lawyer*). He stated that the CPS seemed to be under the impression that if Whittamore pleaded guilty to their Data Protection Act offences then we would:-

1. Drop the proceeding against Whittamore.
2. We were concerned about getting consent of the DPP to commence the prosecution.
3. We were concerned about duplicity between their Data protection charges and ours.

PJT stated that he feels that if they only charge Whittamore with substantive DP offences we would have no alternative but to commence and continue our proceedings against Whittamore as we take the view that he is the centre of the conspiracy, and that it would then fall to Whittamore to make whatever applications he might want to make for the proceedings to be either discontinued, dismissed or standing to lie on the file. BT agreed with PJT that we would have no alternative but to proceed.

Furthermore, BT stated that he wished it to be made clear to the Case Officer that the information that related to the commencement of the proceedings in the early part of next week was not to be disclosed to Whittamore or any of the other defendants. PJT stated that he would immediately telephone the officer back to confirm that to him.

PJT also confirmed that he would also forward a copy of the case summary as drafted to Bernard for him to start having a look at.

PJT/JT