

**LEGAL DEPARTMENT  
ATTENDANCE NOTE**

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**Date:** 20 October 2003

**File Ref:** Motorman

**Subject:**

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Attendees – Karen Nolan and Bernard Thorogood (11a.m. to 1.10 p.m.) discussing the case Operation Motorman.

1. Counsel would like me to establish how the police categorized counsel who examined the documents as independent. How did they appoint this counsel, what documents did they send and what kind of covering report when with those documents. He wants me to establish this in order to find out in what sense counsel was truly independent. If possible from the police can we obtain a copy of any brief or written report that accompanied the documents?

2. Whoever carries out the inspection of the documentation, Alec Owens, Investigating Officer, is to be present.

3. Counsel wants me to discover the timetable for the Met. And Devon and Cornwall Police in relation to interviews and charging. Also to discover the likely charges to be brought. Any further details regarding the lawyer, case worker, and counsel would be useful.

If Whittamore is charged by the police then the Information Commissioner is to make a decision regarding the possible prosecution of him. Bernard Thorogood is of the opinion that at this stage it does not appear to be in the public interest to prosecute if the police charge with serious offences.

- The evidence will be very similar in both cases.
- If the Police are successful the Court will not fine Whittamore.
- The expense of preparation is not justified against the background of a Police prosecution.

4. Prosecution of the Press - the scale of the case requires substantial manpower. Several cases and the cost would be excessive both to investigate and prosecute.

It would have to be that there was a good purpose to be served in prosecuting the Press.

However, if certain exceptions could be identified such as the cars with protected number enquiries and those could be linked to a reporter or any other seriously aggravated enquiries linked to a reporter those may be worthwhile in the public interest to pursue.

5. Counsel seeks clarification regarding the reference to the police in NJC1.

Counsel would like a copy of the Guidelines and Regulations for issuing information by the DVLA.

Page 3 of the statement of Wilson – reference is made to an obligation setting out Data Protection Act, Counsel seeks clarification on what briefing and any training which has been provided, in particular, of course, to Lyle

What sort of briefing or guidance is given to staff about the local arrangements? A copy of any guidance given to staff or any contracts with local arrangements should be provided.

With reference to Lyle's interview on pages 8 and 9 should the internal audit examine Lyle's disc as he claims in his interview? Where was the disc logged or referred to at all by the DVLA? Who else was aware of the disc?

In the second interview Lyle states that his grade would not be involved in any agreement. Page 8 & 9 of that interview, it appears that a variety of people set up initiatives and therefore it may be difficult to overcome for prosecution purposes.

Is there any evidence that Marshall paid Lyle? What is auto pay and do we know what this means?

See 1P page 6 – why was the information on the unmarked police cars sought?

What other of the 38 organisations that instruct Data Research Limited has been investigated? Their policy's decision about whether money should be spent is required.

The maximum charging that is recommended by Bernard is five per year and he would consider further conspiracy to defraud.