

List of submitted documents – see exhibit DW1 attached (page references refer to exhibit DW1)

- 1. ESL Code of Conduct and related policies (relevant extracts) – see page 2**
- 2. Editors' Code of Practice as overseen by the Press Complaints Commission – see page 14**
- 3. Sample contract of employment (relevant extracts) – see page 19**
- 4. Terms for freelance contributors (relevant extracts) – see page 24**
- 5. Terms for retained contributors (relevant extracts) – see page 25**
- 6. Employees Handbook used by ESL prior to the development of the current Code of Conduct (relevant extracts) – see page 27**
- 7. Letters to staff reminding them of their responsibilities vis-a-vis the Press Complaints Commission and the Data Protection Act – see page 31**
- 8. Letter to the Press Complaints Commission dated 1 September 2011 – see page 34**

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

EXHIBIT DW1

Contents

Page 2	ESL Code of Conduct and related policies (relevant extracts)
Page 14	Editors' Code of Practice as overseen by the Press Complaints Commission
Page 19	Sample ESL editorial contract of employment (relevant extracts)
Page 24	Terms for freelance contributors (relevant extracts)
Page 25	Terms for retained contributors (relevant extracts)
Page 27	Employees Handbook used by ESL prior to the development of the current Code of Conduct (relevant extracts)
Page 31	Letters to staff reminding them of their responsibilities vis-a-vis the Press Complaints Commission and the Data Protection Act
Page 34	Letter to the Press Complaints Commission dated 1 September 2011

CODE OF CONDUCT

GENERAL PROVISIONS

INTRODUCTION AND SCOPE

The reputation of our newspapers and websites, in the UK and around the world, is based on our editorial independence and integrity. Our readers, advertisers and business partners must be able to trust us, confident that our editorial and commercial decisions and procedures are ethical and beyond reproach.

This Code provides clear standards on the levels of behaviour and conduct which should underpin how we work. It applies to all board members, employees, temporary or shift workers, contractors, agents, consultants and people acting for on or behalf of the Company¹. All editorial contributors, whether contracted or freelance, are expected to comply with our approach as set out in this Code, and their particular attention should be given to the Editorial Provisions below. Where a provision only affects employees that will be made clear.

While managers should ensure this Code is understood within their own areas, everyone takes personal responsibility for their own compliance.

It is impossible to spell out every ethical scenario that could arise so you need to use your good judgement to uphold the expected high standard of integrity at all times. It is important to abide not only by the letter but also by the spirit of this Code.

If you have any questions or concerns about the Code or any of our Policies, you should contact your manager or the legal department².

STANDARDS OF BEHAVIOUR

The Company expects the highest possible standards of integrity and conduct in all matters. Everyone who works for the Company should be able to trust and respect those who work with them, internally and externally, and treat each other with respect.

COMPANY POLICIES AND STAFF INFORMATION

You should read and familiarise yourselves with all the policies and guidelines issued by the Company. Many of these are referred to in this Code, and the Policies are attached or linked to it online. Others which apply to employees only can be found in more detail in the Staff Handbooks including those on equal opportunities and health and safety. Managers should ensure effective systems of internal control are established in their area of operations.

COMPLIANCE WITH THE LAW AND RELEVANT INDUSTRY CODES

First and foremost, the Company fully complies with all applicable laws and regulations, not only in the UK but in every country where we do business. Particular care needs to be taken by employees, or agents acting on the Company's behalf, when working outside the UK.

Managers are responsible for ensuring that employees in their areas have adequate knowledge of the key laws as well as the relevant industry codes governing their spheres of operation. This Code refers to the most important, including anti-bribery legislation, the regulatory Code of Practice of the Press Complaints Commission (Appendix A) and the Advertising Code of the Advertising Standards Authority (Appendix B). If you feel you do not have the right experience or knowledge to carry out your functions effectively you should raise this with your manager.

If there is any doubt as to whether any business practice is compliant with either the law or any relevant regulation or code, it should not be continued until it has been cleared by the legal department. Therefore, no matter in what capacity you work for or with the Company, you should seek the advice of the legal department if there are any doubts about whether a business practice is compliant.

ANTI-BRIBERY

A bribe is defined as promising or giving a financial or other advantage intending to induce another person to perform improperly one of their functions in their position of trust and responsibility, or as a reward for improper performance.

It is a criminal offence to offer or pay a bribe, request or receive a bribe and to bribe a foreign official.

The Company adopts a zero tolerance approach to all bribery and corruption and expects strict adherence to all applicable bribery and corruptions laws, by way of compliance with our Anti-Bribery Policy.

If you are unsure whether something is a bribe or could be perceived as such, please consult either the legal department or your manager. If you suspect someone of bribery or corruption, whether offering or accepting a bribe, please consult either the legal department or your manager/managing editor. We have set up a facility should you prefer to email any concerns anonymously. Whether you are on the Evening Standard or the

For emailing: anti_bribery@independent.co.uk

DATA PROTECTION

In the course of the Company's business, you may have access to commercially sensitive data and also personal information about employees, readers, the general public, contributors, advertisers, subjects of journalistic investigations, customers or suppliers (including payment card data). It is important that all those whose personal or confidential information we deal with have total confidence that we will treat such data lawfully and correctly.

Under the Data Protection Act 1998 the Company and everyone working for or with it must ensure that any personal data about individuals it processes - that includes use, storing, transferring, handling and so on - is accurate, relevant and up to date, and used appropriately. Whenever someone obtains information which is entered into any type of database or computer, or filed manually, the data protection principles apply. There is even stronger protection for sensitive personal data: information relating to racial or ethnic origins, political or religious beliefs, trade union membership, physical and mental health, sex life and criminal offences.

The eight principles are:

Data should be

- 1) fairly and lawfully processed
- 2) processed for limited purposes only
- 3) adequate, relevant and not excessive in relation to the purpose of the processing
- 4) accurate and, where necessary, kept up to date
- 5) not kept longer than necessary for the specified purpose
- 6) processed in accordance with the data subject's rights
- 7) secure
- 8) not transferred outside the European Economic Area without adequate protection or consent (the USA is a particularly lax jurisdiction and transfer of data there requires careful consideration)

Consult your manager or the legal department if you are in any doubt about the handling of personal information, or disclosure to a third party.

Everyone should familiarise themselves with the Data Protection Policy.

FINANCIAL INTEGRITY AND RESPONSIBILITY

Each person who works for or with the Company – not just in the finance areas – has a role in making sure that money is appropriately spent, our financial records are complete and accurate and that internal controls are fully complied with. This is relevant every time we expense something to the Company, sign a contract or enter into any deal on the Company's behalf.

So, whenever you enter a business transaction on the Company's behalf there should be documentation recording that agreement, approved by the legal department.

When entering into deals with any service or product supplier, ensure that you strive for the best possible deal for the Company. This will almost always mean that you solicit competing bids to make sure you are getting the best offer. Consider all factors in making any decision including, obviously, price but also service, reliability and the terms and conditions as well as whether the third party will accept and adhere to our terms and conditions and this Code.

COMPANY EXPENDITURE AND RESOURCES

Company resources should never be used for personal benefit. When you submit an expense for reimbursement or spend money on the Company's behalf, make sure that the cost is reasonable, directly related to the business of the Company and supported by the relevant documentation (usually receipts). Always record the

business purpose of any expenditure and identify anyone you have entertained on the expenses claim form. Claims must be submitted in a timely way and also abide by the rules on expenses published from time to time. The misappropriation of the Company's assets is strictly prohibited and anyone who witnesses or becomes aware of such behaviour should report it immediately to their manager or report it under the Whistle-Blowing section below.

EDITORIAL PROVISIONS

INTRODUCTION AND SCOPE

As stated earlier, the reputation of our brands is based on the editorial independence, integrity and high journalistic standards of our newspapers and online publications. By observing this section of the Code of Conduct, we will ensure that those standards are upheld.

The Editorial Provisions of the Code are addressed, and applicable, to all employees, workers, and contributors to the Company's publications, whether contracted or freelance. You must adhere to the Editorial Provisions of the Code, as well as to the General Provisions. Individuals take personal responsibility for their own compliance and managers should also ensure this Code is understood and complied with by employees, workers and contributors in their own areas.

In addition to the Code, you must adhere to the Press Commission's Editorial Code of Practice (the 'PCC Code', currently available at www.pcc.org.uk/cop/practice.html and included at Appendix A). You should keep updated on all developments of the Code and its application. As part of your employment contract / retainer arrangements / freelance terms, you are obliged to comply with both the letter and spirit of the PCC Code in your work for the Company and to ensure that nothing in your conduct, acts or omissions shall render the Company in breach of the PCC Code.

STAGE 1 - PREPARING FOR PUBLICATION

Pre-publication editorial and legal clearance

You must fully cooperate with the editors in the area you are working in or for, and undertake whatever pre-publication checks and research are requested by those editors or the legal department.

If you have any legal concerns, whether over libel, contempt, privacy, copyright or other issues, or ethical concerns about a story or article, it is up to you to consult the legal department (available to all employees, workers and freelancers across both businesses on lawyers@independent.co.uk) as early on in the process as possible. The legal department will work with you to ensure that any material published is accurate, defensible, and does not unjustifiably breach any person's rights, while being compliant with the PCC Code. Legal claims can be hugely expensive to the Company as well as damaging to its reputation. To be in the best position to defend a claim or complaint it is important that the people involved in preparation and publication of the story ensure their pre-publication conduct is beyond reproach, use their best efforts to get all the facts right, do the necessary research and seek a response from the subject of an article.

Each of you carries personal responsibility for asking the legal department about any specific issues you are not sure about, for updating yourself regularly with all information provided on legal and compliance subjects, and for familiarising yourself with legal bulletins and notices sent out by the legal department or by the managing editors.

It is your duty to raise, in a full and frank manner and making full disclosure, any issues that could have a bearing on whether publication of any material you are involved in complies with all legal and regulatory matters, including the PCC Code, as well as any issues to do with conduct.

Putting the story to the subject

It is good journalistic practice that any potentially ⁷damaging story is put to the subject before publication. This is a key factor in our commitment to good and responsible journalism. It ensures that the subject has

been given the opportunity to point out any errors in a story as well as providing their response to it so that it can be included in the article in the interests of fairness. The more serious the allegation, the more important it is to provide the subject with a proper opportunity to respond. This should normally be done by an emailed request, setting out each allegation and giving the subject a reasonable amount of time to consider the allegations and to respond.

Any queries on this point should be raised with the desk head concerned and the legal department.

Notebooks and Records

Detailed notes and contemporaneous records of conversations with a source could be crucial in defending a potentially libellous story, so you should take such notes and make sure you preserve them securely, bearing in mind that you may have to produce them as evidence in court. If a source needs to remain confidential you need to ensure that they cannot be identified in any way in your notes or other material.

If a legal complaint is received, you are under a personal legal obligation to retain safely all your records including notes and audio-recordings. Any attempt at this point to destroy or get rid of evidence, or a failure to conserve this material, would be considered a very serious matter by the Company and by the court.

PCC Code Compliance

As stated above, you must adhere to the PCC Code. Every clause is important, and to demonstrate its scope we draw your attention to provisions relating to privacy, children, grief and suicide (clauses 3, 6 and 5 respectively).

Use of freelances and the necessary due diligence procedures

When an employee is commissioning any freelances, they should research that person's professional history to ensure they are reliable, trustworthy and that their record on the standards of work and conduct is suitable for an association with the Company. If you are in any doubt, refer the issue to your desk head and the managing editor for assessment. Any freelance you intend to use should be directed to this Code of Conduct and to the Terms for Freelance Contributions which are available on the Company's websites and will also be sent to them.

Payments for information/sources

We do not pay individuals or agencies for information about third parties that breaches their rights. That is the Company's rule, but there are exceptional circumstances when it could be acceptable, that is where it would be in the public interest. If you are considering making a payment in money, expenses or money's worth to any person for information or as a source you should fill in a form giving the details set out in Approval Form – Payment to Sources attached at Appendix C, and submit it for the approval of the managing editor.

Please note the relevant terms of the PCC Code in relation to payment to witnesses/criminals and that any payment to a police officer or public official will breach the law.

Failure of compliance on this matter is viewed as a serious issue – see the FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY section below.

Privacy and the Data Protection Act

In accordance with the PCC Code, the Human Rights Act and the Data Protection Act, we should avoid intrusions into people's privacy, that is reporting details about their personal lives, unless there is a clear public interest in doing so. For example, you should take care if thinking about reporting addresses or giving locations like street names or images of the street where a person lives, or reporting any potentially sensitive medical information: a story that someone is in the early stages of pregnancy for instance. Please refer any queries to the relevant desk head and the legal department.

The Data Protection Act (the 'DP Act') has the potential to impact journalists in two ways: 1) you might try to obtain information from people or organisations who will cite the DP Act as a reason for refusing to divulge information; and/or 2) as a person who is processing data, you have to comply with the Act when writing about personal information.

In relation to 1), consult the legal department as this might not be a valid reason in fact, and on 2), the government acknowledged that journalists and the media must be allowed to process data about individuals without having their activities scotched by the Act. This means journalists do not have to comply with some restrictions where to do so would prejudice journalism, and in particular where it is in the public interest. The Act does not define the public interest, but the journalist and publisher must 'reasonably believe' that publication is in the public interest. One important test would be whether you had complied with the PCC Code, which refers to detecting or exposing crime or serious misdemeanour, protecting public health and safety and preventing the public from being misled. Please consult the legal department in good time before intended publication to consider whether a defence of 'public interest' could apply in the particular circumstances.

You should note that it could be a criminal offence (subject to a public interest defence) to obtain, disclose or procure the disclosure of personal information knowingly or recklessly, without the subject's consent.

You should familiarise yourself with the Data Protection Policy and make sure you comply with it.

Use of improper or illegal journalistic methods

Phone-hacking, subterfuge, 'blagging', trespass: it is established Company policy that no one should break the criminal law in their work for the Company. Anyone engaging in any form of deception for journalistic purposes (including not making it clear when making enquiries that they are a journalist working on behalf of the Company) needs *approval in advance*: that will include an assessment of advice from the legal department. Again, please note that failure to get such approval is a serious issue: see the FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY section below.

'Public interest' includes such things as detecting or exposing crime or serious impropriety, protecting public health and safety and preventing the public from being misled by an action or a statement of an individual or organisation. You should read the section on what could be in the public interest in the PCC Code.

To be clear: it is no defence to the criminal offence under certain legislation (e.g. the Regulation of Investigatory Powers Act 2000, which covers phone-hacking) that any resulting story would be or was in the public interest.

Conflicts of Interest

Journalists (which term includes everyone working on editorial material for the Company whether employee, worker, contracted or freelance contributor) should adhere to the conflict of interest section in the General Provisions above.

Journalists should be particularly sensitive to the possibility that their activities outside the work they do for the Company (including holding office or being otherwise actively involved in organisations, compa-

nies or political parties) could be perceived as having a bearing on – or coming into conflict with – the integrity of our journalism. You should be transparent about any outside political, philosophical, religious or financial interests that might conflict with your journalistic independence or integrity, or could be perceived to do so. Anyone working in or for Editorial should declare an interest *before publication* to the desk head or managing editor when you are involved with something with which you have a significant connection. The desk head should then decide whether a declaration should appear in any relevant article.

Financial Reporting

You should be aware of and adhere to the PCC Code on financial journalism (Clause 13). Even where the law may allow, our journalists – whatever their status, employed or freelance – should never use for their own profit financial information they receive in the course of their work before such information is published, nor should they pass such information to others. You must inform your desk head of any significant interest in any shares or securities that you know you or your close family/ associates hold before writing about such shares or securities. You must not buy or sell, directly or through nominees or agents, shares or securities about which you have written recently or intend to write.

If anyone writing about financial information is concerned about a potential conflict of interest, they must raise their concerns immediately with their desk head.

Declarations of Corporate Interest

Anyone writing a story concerning any interests of Company-related businesses or that of the owners of the Company should seek comments and/or confirmation in the normal way. The desk head should consider an appropriate declaration.

STAGE 2 - PRE-PUBLICATION

Attribution

All substantial material and quotes must be attributed correctly (ie. by author and, where appropriate, by title of the publication), whatever the source of such material, including another newspaper, agency, writer or journalist. To reproduce material or quotes without a full and correct attribution is, in most circumstances, plagiarism. This is a serious matter and you are referred to the section on FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY below.

You should not fabricate any aspect of the material for which you are responsible, and even where it is occasionally acceptable – a pseudonym used in the interests of the source's security, for example – the principle is to give transparency to our readers/ users. Images should, similarly, be appropriately captioned.

Copy/Picture Approval

In order to ensure the integrity and independence of our editorial content we should not offer copy or picture approval to any subject. If this is the only way to secure an interview, approval must be sought in advance from your desk head or the managing editor.

Quotes – direct and anonymous

If quoting someone directly, you should use their exact words. If you do not want to use the way they have

expressed something then, if it is editorially justified, you should not quote directly but paraphrase their words in indirect speech, taking care not to change the actual meaning.

Take care if you want to quote someone anonymously. Ask yourself what their motivation is if they are not prepared to go on the record. Consult the legal department if you have any concerns over this material.

Responsibility of desk heads

It is the responsibility of every desk head, but also everyone working in or for Editorial, whatever their status, to ensure that you follow up anything that might appear to you to be incorrect, even to a minor extent, or which raises any alarm bells from a legal or editorial point of view - whether or not you yourself are responsible for that material. You should pass any concerns to the managing editor or legal department as appropriate.

STAGE 3 - POST PUBLICATION

Complaints Handling

If you receive a complaint about a story you have been involved with, you should forward it to the managing editor and the legal department as soon as possible. You should not make any response or indicate a possible remedial course of action - including an apology or correction, promising a change to the online article, or running a letter - without the involvement of the legal department. You should co-operate fully with any investigations the managing editor or the legal department conduct in order to respond to such complaints.

Confidentiality of sources, and contracts

We have a moral duty to protect sources who have told you they wish to remain confidential, or where confidentiality is clearly implied. We also need to have available to us the greatest range of evidence to put before a court or to contest a complaint. Accordingly, if you agree with a source that they can remain confidential you should tell your desk head and the legal department before publication.

If you are presented with a confidentiality agreement, a book or speech embargo maybe, you must pass it to your desk head and the legal department. Signature of such an agreement may well bind the entire Company and you should not sign it or take such a decision without consultation as to whether that is in the Company's interests.

FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY

Failure to comply with any part of the Code of Conduct or a Policy by an employee could lead to disciplinary action in accordance with the Company's disciplinary procedures, up to and including termination of employment. In the case of someone who is not an employee, the relationship or any arrangements with the Company could be terminated without notice, or such other action taken as the Company might decide.

DATA PROTECTION POLICY

In the course of the Company's¹ business, employees, workers and contributors may have access to personal information about employees, readers, the general public, contributors, advertisers, subjects of journalistic investigations, customers or suppliers (including payment card data). It is important that all those whose personal or confidential information we deal with have total confidence that we will treat such data lawfully and correctly.

Like all businesses, the Company is subject to the provisions of the Data Protection Act 1998 (the 'DP Act') in the UK and corresponding data protection legislation in other countries. In summary, the DP Act requires those who use information about individuals to ensure it is accurate, relevant and up to date, and is used appropriately.

What is 'personal data'?

Very broadly, it is information relating to an identifiable, living human being (the 'data subject') that is held either electronically, capable of being processed by a computer, or in a manual filing system. So, whenever someone obtains information which is entered into any type of database or computer, or a filing system, the principles apply. The DP Act provides even stronger protection to a person's sensitive personal data: information relating to racial or ethnic origins, political or religious beliefs, trade union membership, physical and mental health, sex life and criminal offences.

What is 'processing'?

This includes obtaining, recording, holding the information or data, or carrying out operations on it such as consulting, adapting, organising, retrieving, disclosing (which includes publishing), erasing and destroying it.

DATA PROTECTION PRINCIPLES

The Act sets out eight principles about how personal data is handled: whether electronically or manually, it should be

- 1) fairly and lawfully processed
- 2) processed for limited purposes only
- 3) adequate, relevant and not excessive in relation to the purpose of the processing
- 4) accurate and, where necessary, kept up to date
- 5) not kept longer than necessary for the specified purpose
- 6) processed in accordance with the data subject's rights
- 7) secure

8) not transferred outside the European Economic Area without adequate protection or consent (the USA is a particularly lax jurisdiction, and transfer of data there requires careful consideration)

What does 'fairly and lawfully' mean?

To ensure data is processed 'fairly and lawfully' either the data subject must have given their consent or the processing must be necessary for compliance with any legal obligation on the Company, the administration of justice or the Company's legitimate interests.

What are legitimate interests?

It is accepted that journalists and the media must be allowed to process data about individuals without news-gathering, investigations or publication being scotched by the requirements of the law. So journalists do not have to comply with some restrictions on the processing of personal data where this would prejudice journalism. See 'Privacy and Data Protection' in Editorial Provisions of the Code of Conduct for more detail on the public interest defence for journalistic purposes.

What does 'Not kept longer than necessary' mean?

This means that we need to consider how long we retain data. This is not likely to be a problem for data held for journalistic purposes, but could impact on how long we should retain personal data held on commercial lists, for example, before considering erasure. You should consult the legal department² to discuss any such issue.

What does 'secure' mean?

Data must be kept securely and precautions taken against physical loss or damage, so both access and disclosure must be restricted. Common sense applies, but everyone is responsible for ensuring that: 1) any personal data which you hold is kept securely; and 2) personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

Consult your manager or your link person if you are in any doubt about security of personal information or what you could disclose to a third party.

Enforcement

It is a criminal offence to obtain, disclose or procure the disclosure of personal information knowingly or recklessly, without the consent of the data subject.

There is a defence for anyone who can show that it was 'in the public interest'. If you are in any doubt, please discuss any compliance issue with the legal department.

FAILURE TO COMPLY

Failure to comply with any part of the Code of Conduct or a Policy, including this Data Protection Policy, by an employee could lead to disciplinary action in accordance with the Company's disciplinary procedures, up to and including termination of employment. In the case of someone who is not an employee, the relationship or any arrangements with the Company could be terminated without notice, or such other action taken as the Company might decide. See the FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY section of the Code of Conduct.

INTRODUCTION

The Editors' Code of Practice is published in full below. The Editor's Code is also available to download as a PDF [here](#) or you can email tonia.milton@pcc.org.uk to be posted a hard copy.

If you are a journalist or editor you can order a wallet-sized version that is produced on behalf of the industry by the Society of Editors from office@societyofeditors.org

This section also includes an [Introduction to the Code](#), which explains the function of the Code and who is responsible for its development; and a [history](#) of the Code, which provides a comprehensive summary of all changes made to the Code since 1991.

The Press Complaints Commission is charged with enforcing the following Code of Practice which was framed by the newspaper and periodical industry and was ratified by the PCC in January 2011.

THE EDITORS' CODE

All members of the press have a duty to maintain the highest professional standards. The Code, which includes this preamble and the public interest exceptions below, sets the benchmark for those ethical standards, protecting both the rights of the individual and the public's right to know. It is the cornerstone of the system of self-regulation to which the industry has made a binding commitment.

It is essential that an agreed code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual, nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

It is the responsibility of editors and publishers to apply the Code to editorial material in both printed and online versions of publications. They should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists, in printed and online versions of publications.

Editors should co-operate swiftly with the PCC in the resolution of complaints. Any publication judged to have breached the Code must print the adjudication in full and with due prominence, including headline reference to the PCC.

1 Accuracy

i) The Press must take care not to publish inaccurate, misleading or distorted information, including pictures.

ii) A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Commission, prominence should be agreed with the PCC in advance.

iii) The Press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.

iv) A publication must report fairly and accurately the outcome of an action for defamation to which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.

2 Opportunity to reply

A fair opportunity for reply to inaccuracies must be given when reasonably called for.

3 *Privacy

i) Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.

ii) Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.

iii) It is unacceptable to photograph individuals in private places without their consent.

Note - Private places are public or private property where there is a reasonable expectation of privacy.

4 *Harassment

i) Journalists must not engage in intimidation, harassment or persistent pursuit.

ii) They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist; nor remain on their property when asked to leave and must not follow them. If requested, they must identify themselves and whom they represent.

iii) Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.

5 Intrusion into grief or shock

i) In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.

*ii) When reporting suicide, care should be taken to

avoid excessive detail about the method used.

6 *Children

i) Young people should be free to complete their time at school without unnecessary intrusion.

ii) A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.

iii) Pupils must not be approached or photographed at school without the permission of the school authorities.

iv) Minors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.

v) Editors must not use the fame, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.

7 *Children in sex cases

1. The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.

2. In any press report of a case involving a sexual offence against a child -

i) The child must not be identified.

ii) The adult may be identified.

iii) The word "incest" must not be used where a child victim might be identified.

iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.

8 *Hospitals

i) Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.

ii) The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.

9 *Reporting of Crime

(i) Relatives or friends of persons convicted or accused of crime should not generally be identified without their consent, unless they are genuinely relevant to the story.

(ii) Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.

10 *Clandestine devices and subterfuge

i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally-held private information without consent.

ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.

11 Victims of sexual assault

The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.

12 Discrimination

i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.

ii) Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.

13 Financial journalism

i) Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.

ii) They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.

iii) They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.

14 Confidential sources

Journalists have a moral obligation to protect confidential sources of information.

15 Witness payments in criminal trials

i) No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.

This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued; or has entered a guilty plea to the court; or, in the event of a not guilty plea, the court has announced its verdict.

*ii) Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an overriding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.

*iii) Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.

16 *Payment to criminals

i) Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates – who may include family, friends and colleagues.

ii) Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.

THE PUBLIC INTEREST

There may be exceptions to the clauses marked * where they can be demonstrated to be in the public interest.

1. The public interest includes, but is not confined to:
 - i) Detecting or exposing crime or serious impropriety.
 - ii) Protecting public health and safety.
 - iii) Preventing the public from being misled by an action or statement of an individual or organisation.
2. There is a public interest in freedom of expression itself.
3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.
4. The PCC will consider the extent to which material is already in the public domain, or will become so.
5. In cases involving children under 16, editors must demonstrate an exceptional public interest to over-ride the normally paramount interest of the child.

EVENING STANDARD EDITORIAL

Evening Standard Limited
Northcliffe House
2 Derry Street
London
W8 5EE

[Name & Address]

Ref: [xx]

[Date]

Dear [Forename],

I am pleased to confirm our offer of employment with Evening Standard Limited, "the Company". These terms set out the entire agreement between you and the Company and, unless expressly stated in this contract, supersede all prior agreements, understandings, and representations, whether written or verbal, made between you and the Company.

Certain additional details relating to your employment with the Company and various rules, policies and practices can be found on our intranet, <http://esintranet.anl.dmgt.net/>. The Company may change its rules, policies and procedures from time to time. Generally, such changes will be announced in advance.

Code of Conduct and Other Company Policies The Company expects the highest possible standards of integrity and conduct in all matters. You must ensure that, as an employee, you comply with all applicable laws and regulations, including any anti-bribery legislation.

In addition, by signing this contract, you confirm that you have read and understood the Company's Code of Conduct and associated policies, including the Company's Anti-Bribery, Gifts and Hospitality, Business Relationships, Social Media and Online Activities and Data Protection Policies and any other future policies which might be issued by the Company. We draw your attention in particular to the Anti-Bribery Policy and ask you to note that it is a criminal offence to offer, promise or give a financial or other advantage to bring about the improper performance by another person of a relevant function or activity or to reward such improper performance.

Other policies which apply to you as an employee can be found in more detail in the Staff Handbook on the intranet including those on equal opportunities, driving on Company business and health and safety.

Failure to adhere to either the Code of Conduct, associated policies or any Company policy may result in disciplinary action up to and including dismissal.

Press Complaints Commission:

You will observe high professional ethical standards in the performance of your duties and you will comply with the full letter and spirit of the Code of Practice of the Press Complaints Commission, as amended from time to time, in all respects. Copies of the Code may be obtained from the Managing Editor's Office or are available on www.pcc.org.uk/cop/practice.html. You will also observe any more rigorous standard imposed by your Head of Department.

It is your duty to familiarise yourself with the Code and to keep yourself updated on any developments of the Code or its application.

Termination:

The Company may, notwithstanding any other terms of your employment and irrespective of whether the grounds for termination arose before or after it began, at any time by notice in writing, terminate your employment with immediate effect :

3. if you are convicted of an offence relating to insider dealing or a criminal offence, other than one committed by virtue of the nature of the office or under the specific instructions of the Board or which in the opinion of the Board does not affect your position as an employee of the Company, bearing in mind the nature of your duties and the capacity in which you are employed; or
4. if you are guilty of any serious default or misconduct in connection with or affecting the business of the Company, commit any serious or repeated breach of your obligations under your employment, are guilty of serious neglect or negligence in the performance of your duties or behave in a manner (whether on or off duty) which is likely to bring the Company into disrepute or which seriously impairs your

ability to perform your duties.

**Data Protection
Act 1998:**

In accordance with The Data Protection Act 1998 the Company notifies you that it holds and processes both electronically and manually personal data relating to you for the purposes of maintaining a personnel file in respect of your employment and your signature to this agreement constitutes your consent to this.

You will comply with your general obligations under the Data Protection

Act 1998 and in particular you will not during the period of your employment unlawfully obtain or disclose personal data or request any other person or company to do so. You also agree to comply with the Data Protection Policy as set out on the Company's intranet, under the Company Code of Conduct documents. Failure to adhere to this Policy may result in disciplinary action up to and including dismissal.

Confidentiality:

You must not use or divulge to any person or organisation, any confidential information, except in the proper course of your duties, or as required by law. This applies both during and after your employment for as long as may be deemed reasonable in all the circumstances. Examples of confidential information include, but are not limited to:

1. Trade secrets
2. Sensitive or non-routine correspondence
3. Dealings or other information concerning the organisation, business or finances of the Company or any journalist, employee, director, client,
4. Journalistic source, customer of the Company, or party contracting with the Company.
5. Any information which you know or ought reasonably to know is confidential which comes to your knowledge in the course of your employment.

You must use your best endeavours to prevent the use or disclosure of confidential information. It should be remembered that it is possible to divulge information by means of unguarded conversations or by accidentally allowing documents to be read or copied.

TERMS FOR FREELANCE CONTRIBUTORS

Dear []

I am writing to set out the terms under which we accept contributions for publication. This includes any copyright work as set out in UK copyright laws.

These Freelance Terms are also available at [web address]. They will not be varied unless a Director of the Company has expressly agreed in writing.

If you are not happy to supply your contribution on the basis of these Terms then you should not offer any material or accept any commission from us.

RIGHTS

EDITORIAL STANDARDS

In submitting a contribution to us you warrant that contribution and your conduct before publication is ethical and legal. You are expected to comply with the Press Complaints Commission Code of Practice (www.pcc.org.uk/cop/practice.html). Should any complaint be made about your contribution you must make no response yourself but promptly pass it on to us, and ensure you cooperate fully with us over the complaint.

We have our own Code of Conduct [attach], and you agree to comply with its terms.

You will see in the Code that we expect you to tell us about any conflict of interest, which includes anything which could be perceived as such. You should raise any issue by email to the person who you deal with here.

In these Terms "we" means Evening Standard Limited, Independent Print Limited, Independent Digital News and Media Limited, and any associated company.

I believe that these terms will be of benefit to all concerned.

Yours sincerely

TERMS FOR RETAINED CONTRIBUTORS (EXTRACT)

Private and confidential

DATE

NAME
ADDRESS

Dear [name]

I am delighted that you have agreed to work with the *Evening Standard*. I have set out below the terms of the Agreement between yourself and *Evening Standard Limited* ("ESL"), publisher of the *Evening Standard*.

1. This Agreement commences on [date] [and will continue for one year (the "Term")]
2. This Agreement may be terminated at any time by giving the other party not less than one month's written notice.
3. You will provide [description of the material or services to be provided, eg. xx columns per year/ xx words/features /services in the capacity of xx] at the time and in the manner requested by us.
4. The fee is £[] per annum, paid monthly in arrears.
5. Redacted
6. Redacted
7. Redacted
8. Redacted
9. Redacted
10. You will at all times be familiar with the Press Complaint Commission's Editorial Code of Practice as updated and implemented (the "PCC Code), currently at www.pcc.org.uk/cop/practice.html, and shall comply with the letter and spirit of the PCC Code.
11. You warrant that you will at all times comply with ESL's Code of Conduct which shall be provided to you on paper or electronically.
12. You agree that you will observe strict confidence before publication of your work (and after publication in relation to material which retains its confidentiality) in relation to sources and other confidential material. You agree that you will not, during this Agreement or thereafter as long as may be reasonable, use or disclose any confidential information concerning ESL's business or any other matter which you have knowledge about due to this Agreement.
13. We shall be entitled to terminate this Agreement immediately without notice if we become aware of any breach or alleged breach by you of your obligations to us and you will

asso
ciated
news
papers

Associated Newspapers

**Employee
Handbook**

Staff handbook

Welcome to Associated Newspapers Ltd, part of the Daily Mail and General Trust Group

This handbook provides you with information about the Company, terms of employment, benefits, facilities, policies, procedures and practices. Please take time to read it carefully. It should be read together with your written offer of appointment, Statement of Main Terms of Employment, Company notices, department rules and procedures and any other information supplied to you. The Company reserves the right to make changes to the policy statements contained in this handbook.

We would like your relationship with the Company to be one of mutual trust and respect. We hope this handbook will help provide a basis for open, honest communication and fair, consistent treatment of employees. Likewise, we expect high standards of behaviour from you. It is important that you abide by Company policy and contribute to a pleasant, productive and safe working environment.

If you would like to talk to anybody about any of the information contained in this handbook, journalists should contact their Managing Editor; all other staff should contact the Personnel Resources Department, Northcliffe House.

A copy of this handbook can be found on the Personnel section of the Intranet and any future amendments to the handbook will initially be posted on this site.

To find out more about Daily Mail and General Trust and Associated Newspapers and its divisions, go to www.dmgmt.co.uk and www.associatednewspapers.com

Published Spring 2005

We hope you will find working here interesting, challenging and rewarding

06/07

Conduct

To be effective, the working relationship between you and the Company must be based on mutual respect and confidence. It should be borne in mind that responsible conduct should continue whilst you carry out your normal duties and equally when you attend social, business or training functions associated with the Company, whether on or off the Company's premises.

Code of practice

High professional and ethical standards are expected of all our employees. For journalists, the Code of Practice of the Press Complaints Commission should be observed, as well as standards established by your Head of Department. Copies of the Code may be obtained from your Managing Editor's office.

Dress code

The Company expects you to attend work dressed in a clean and tidy fashion. Dress codes vary from department to department so your Head of Department will advise you appropriately.

Alcohol and drugs

You should not be under the influence of alcohol, or be suffering the effects of non-prescribed drugs for recreational use, while on Company premises or elsewhere on Company business, or at functions associated with the Company. Any unacceptable behaviour arising from this will be viewed very seriously and disciplinary action may be taken, up to and including dismissal for gross misconduct.

Union membership and activities

Individuals are free to join a Trade Union if they wish. The Company does not recognise Trade Unions for collective bargaining purposes.

Security

All employees at Northcliffe House are required to carry a security card to enter Company premises. The Security Department will issue this at the request of the Departmental Manager. Local rules will apply at other Company locations.

Whilst at work, if you notice any unattended package that causes you concern or any individual acting suspiciously, please contact the Security Department immediately. At other Company locations you should alert your Head of Department.

Staff handbook

Policies and procedures

Whistleblowing (protected disclosures)

Associated Newspapers is committed to conducting its business to the highest possible standards. Accordingly, if you have any concerns about actual or planned malpractice you should raise them with the Company by following the procedure detailed below. If you raise a concern in accordance with this procedure you can expect the Company to deal with the matter in a responsible manner, to respect confidentiality and to take appropriate action.

Your concern must be raised in good faith and you must reasonably believe that the information you have shows malpractice. Any abuse of this procedure could result in disciplinary action being taken against you, which may include dismissal without notice.

This procedure is not suitable for personal matters or concerns you may have, which should be discussed with your Manager informally or through the Grievance Procedure.

Disclosure Procedure

If you have a genuine suspicion of an actual or planned wrongdoing at or which affects the Company which:

- amounts to a criminal offence;
- is a miscarriage of justice;
- involves danger to the health and safety of any person;
- involves damage to the environment;
- is a breach of any legal obligation; and/or
- involves the deliberate concealing of information about any of the above,

you should initially raise it with your Manager or Managing Editor. However, if you consider this to be inappropriate, it should be raised with the Personnel Resources Department.

In the first instance you are encouraged to speak confidentially with this person, and then confirm it in writing.

Investigation

If, on the face of it, the concern has merit then an investigation into the allegations will be initiated. You will be advised if other members of staff need to be informed. If you request anonymity you should be aware that this may affect the Company's ability to carry out an investigation. The Company will take such actions as it deems appropriate, having discussed this with you.

The Company will advise you of the outcome of any investigations.

You are expected to treat the investigation, the outcome of the investigation, any report prepared as a result of the investigation and any disciplinary procedures arising as confidential. Any breach of confidence may lead to disciplinary action being taken against you, which may include dismissal without notice.

POSTED/HANDED IN PERSON – 12 NOVEMBER 2009 ON LETTERHEADED PAPER

SAMPLE sent to all staff

11 November 2009

Dear

You will know that we work very closely with the Press Complaints Commission and we are committed to upholding the spirit as well as the detail of the PCC code of practice. The code has recently been updated and I have been supplied with a copy for every Evening Standard journalist, and one is enclosed for you. Can I suggest that you do take a few minutes to refresh your mind with the sixteen points of the code.

If at any time you have queries over whether something you are working on may be in conflict with the code, do let me know straight away as I may be able to call on recent experiences or speak directly with the PCC advisors.

Recently, there has been an increase in the number of complaints centering around the issue of privacy. It is essential that we do always carefully consider the code, whether this is using fresh material or words or pictures from previous publications, including the Standard. Do always check with our lawyers about re-using material, particularly if the cuttings are not recent. The fact that it has appeared in another publication does not mean it is necessarily safe for us to use it. It may also be that things have moved on since the story was first written – as was recently the case. New checks should always be made on old cuttings.

Yours sincerely



Doug Wills
Managing Editor

London Evening Standard

9 June 2010

You will remember that I wrote to you a while ago about the need for all of us to always be vigilant about working to the guidelines of the Press Complaints Commission and its Code of Conduct. In a similar vein, I am now writing to every Evening Standard journalist about the legal risks that we face with every story we publish. I appreciate that you may feel that in your case it is a case of "Grandmother teaching...", and if so I then I hope you will take this letter in the well-intentioned spirit that it is written.

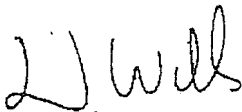
You will know that with increased awareness about litigation combined with some high-profile awards for damages, all newspapers are receiving more legal actions through solicitors than ever before. As has always been the position, the Evening Standard robustly stands by its stories and will defend publication on the grounds of accuracy and fairness. It is important that before publication every story goes through a legal check and any involving particularly litigious individuals should be specifically brought to the attention of our Legal department. Recently there have been several Evening Standard stories where journalists have relied upon information that has previously appeared in other newspapers. Our lawyers believed, on reading these stories as part of the legal check, that the Evening Standard writers had substantiated the information. In fact, this was not the case. It is absolutely necessary to verify information. The fact that something has been previously published is no defence. In fact, we have cases where the Evening Standard is being sued and not the publication that originally published the material. It will be us that may face legal costs and bills of tens of thousands of pounds.

There have also been stories published in the Standard that repeated information after legal warnings had been circulated. It is essential to check in the editorial legal warnings database and eLib cuttings to ensure there is no legal advice over what you are writing about. I will email you a link to the legal warnings database in case you do not already have this.

Finally, may I re-emphasise the basic journalistic rule that before publication it is essential that exhaustive efforts are made to contact someone from both sides of a story and they are given the opportunity to comment. I am sure you would think that I didn't need to say this. Sadly, there have been recent cases of this not being done and again this may cost the paper tens of thousands of pounds.

Thank you for taking note of these points, and please do give me a shout if you would like to discuss any of these points individually.

Yours sincerely



Doug Wills
Managing Editor

NAME AND ADDRESS

Xxxxx
xxxxx
xxxxx
xxxxx

28 January 2011

Dear xxxx

You may have heard that the Press Complaints Commission has updated its PCC Code of Practice. I have been supplied by the Society of Editors with copies of the code in a wallet-sized format for every Evening Standard journalist, and one is enclosed for you. Can I suggest that you do take a few minutes to refresh your mind with the 16 points of the code.


As you know, I have outlined in recent letters to you that the Evening Standard is totally committed to upholding the spirit as well as the detail of the PCC Code of Practice, and this is an important part of all our individual contracts.

It may also be helpful for you to know the particular change that has been made to the PCC code from 1 January. Clause 1 (Accuracy) part ii has been amended with some extra wording which is in bold. It now reads:

"A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and – where appropriate – an apology published. **In cases involving the Commission, prominence should be agreed with the PCC in advance.**"

If at any time you have queries over whether something you are working on may be in conflict with the code, do let me know straight away as I may be able to call on recent experiences or speak directly with the PCC advisers. A link to the PCC web page with the code is also on our Intranet home page.

With my thanks for your continued support.



Doug Wills
Managing Editor

London Evening Standard

Geordie Greig
Editor

Mr Stephen Abell
The Press Complaints Commission
Halton House
20 23 Holborn
London
EC1N 2JD

1 September 2011

Dear Stephen

Thank you for your letter about the Phone Hacking Review Committee. As you know, the Evening Standard absolutely supports the work of the PCC and we are very happy to help the committee achieve its wish to establish best practice across the industry.

You will know that the Evening Standard has for many years had firm guidelines and standards requiring its journalists to operate within the law, and to the PCC Code of Conduct. This has not changed. It may be helpful if I quote from the letter sent by our Managing Editor Doug Wills to PCC Director Tim Toulmin in April 2007 following a request for information about internal controls at the Evening Standard regarding telephone tapping, the Data Protection Act and the PCC code.

The letter said:

I can confirm that the Evening Standard requires its journalists to operate stringently within the law, including in respect of telephone tapping. All editorial staff were reminded of this in individual letters in December which said: "It is your responsibility not to do anything illegal yourself, nor commission anyone else to do so, nor knowingly process information that has been obtained illegally."

It is a condition of employment that journalists work to the provisions of the PCC Code of Practice. This condition is included within staff contracts, as is working to the provisions of the Data Protection Act. Any deliberate breach would risk instant dismissal.

All our journalists have been provided with the Code of Practice and the attention of all personnel is regularly drawn to PCC guidance.

I have also been in contact with all agencies who have carried out research for the Evening Standard to ensure that they operate in full accordance with the Data Protection Act.

The Managing Editor's office oversees all these matters on behalf of the Editor, and I am happy to answer any further points of detail you may have.

The position we outlined then is still very much the case. Indeed, we have written letters personally to staff in 2007, 2008, 2009, 2010 and earlier this year reminding them of the Evening Standard's commitment and of their personal responsibilities.

In January, we distributed to all members of staff the updated PCC code in a wallet-sized format. The letter asked staff to "refresh your mind with the 16 points of the code." We also reminded staff that a link to the PCC web page with the code was on the Standard's intranet page.

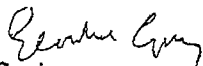
In addition to this, Evening Standard editorial executives have attended briefing sessions that have been given by PCC officers at our office on Data Protection and Privacy laws, as well as the PCC code and recent PCC rulings. Our Managing Editor has also attended briefings given by the PCC at your offices, and has in turn briefed editorial executives with this information.

On the specific questions in your letter:

1. The measures outlined above make it clear that journalists work within the law and to the Editors' Code. Our editorial executives ensure this is the case as part of day-to-day consideration and scrutiny of material being considered for publication.
2. If you mean private investigators, no. We do, of course, use bona fide research companies for information such as company and directors reports filed to Companies House.
3. Not applicable.
4. All information, wherever it comes from, is carefully weighed up by our editorial executives as part of the stringent editorial judgments made on a story-by-story basis. We take into account the credibility of the source and whether there is previous proven reliability, i.e. if the information has come from a Cabinet Minister it would clearly be treated differently than if there was a cold call from a member of the public. When appropriate, independent verification is an essential part of making decisions. All articles are considered by editorial news executives and with the benefit of available legal advice, as well as being edited by sub-editors prior to publication.
5. Since I was appointed editor of the Evening Standard in March 2007, no such decision has been made nor do I foresee a decision being made in breach of the Code or the Data Protection Act.

I hope our actions make clear that the Evening Standard has total commitment to the highest standards of journalism, and that the details in this letter are helpful to the Review Committee in its consideration of best practices. I would, of course, be happy for me or any of our editorial executives to speak personally to the committee members if this would be helpful.

Yours sincerely



Geordie Greig