

**UNCORRECTED TRANSCRIPT OF
ORAL EVIDENCE To be published
as HC 275-xiv**

House of COMMONS

MINUTES OF EVIDENCE

TAKEN BEFORE

CULTURE, MEDIA AND SPORT committee

PRESS STANDARDS, PRIVACY AND LIBEL

WEDNESDAY 2 SEPTEMBER 2009

**MR CHRISTOPHER GRAHAM and MR DAVID
CLANCY**

ASSISTANT COMMISSIONER JOHN YATES and

DETECTIVE CHIEF SUPERINTENDENT PHILIP WILLIAMS

Witnesses: Assistant Commissioner John Yates QPM and Detective Chief Superintendent Philip Williams, Metropolitan Police Service, gave evidence.

Q1891 Chairman: Can I welcome you to the second part of this session. When the *Guardian* published their first story, you were asked to conduct a review and you concluded that no new information had been obtained and there was no reason for you to reopen the investigation. You concluded that review in a remarkably short space of time. Can you assure us of how thorough that review

was?

Mr Yates: Would it be possible, Chair, just to make a few opening remarks in the first instance?

Q1892 Chairman: Yes.

Mr Yates: I am grateful for the opportunity to come here to provide some clarity, I hope, from a police perspective on a number of issues that have arisen since the *Guardian* story was published in July of this year. I think it is worth emphasising from the outset that the *Guardian* article talked about three entirely separate issues both in time and context. You have heard about Operation Motorman, and the related crunch investigation, Glade, was our investigation and there was the civil action in 2007. As I said previously, there is essentially nothing new in the story other than to place in the public domain additional material which had already been considered by both the police investigation into Goodman and Mulcaire and by the CPS and the prosecution team. There was certainly no new evidence and, in spite of a huge amount of publicity and our request of the *Guardian* and others to submit to us any additional evidence, nothing has been forthcoming since. You will also be aware as I think you have had a letter from DPP Keir Starmer who separately conducted his own review into the prosecution strategy in the Goodman and Mulcaire case, and for further reassurance he asked leading counsel, David Perry, to consider whether there was additional material that ought to have been subject to further investigation, particularly the Neville email, and he has written to you on 30 July and he makes it quite clear that he neither thought it appropriate to reopen the case from the prosecution perspective nor, importantly, to invite the police to reopen our investigation. Just turning to our investigative strategy in the case, you have had a very full note from us which I do not intend to go through of course, but I would just highlight some of the issues in terms of our investigative strategy in this case. It was based on the premise of to prosecute the most substantive offence. You have heard from the previous witness that, based on our advice, section 1 of RIPA, the Regulation of Investigatory Powers Act, thus intercepting or hacking, I will call it, voicemail messages, using that power was envisaged to be the simplest, most clear method to present to the court the most cogent evidence and it is of course the one they had the greatest sentencing powers with, so that was the principal strategy around that. There was then of course the technical evidence. We wished to ensure, in order to secure the confidence and support of victims, that their voicemails would not be played in court and we wanted to secure technical data, the best data possible, to ensure that we could prove the case and not by the revelation of private conversations. Then there is the case law, and this is rarely used. This was the first prosecution of its type in terms of voicemail messages, so success was clearly dependent upon having overwhelming and unambiguous evidence in this case. There were then numerous technical challenges around the way that the various phone service providers operate, and they all operate in a different way, and their basis was not

to provide data which had integrity in terms of evidential process and they have business reasons around the way they use their data, so we had to find a way which would get the data out that had integrity to ensure there could not be found ways round it through a court process. The victims were the next issue. One of the key aspects of the case was to ensure we had sufficient victims and a breadth of victims to reflect the overall criminality in the case and to ensure that the court had adequate sentencing powers around those issues, and then there are the suspects. In 2006 and again more recently, we have been invited to say whether there were more suspects in this case, and I would hate to think that anyone thought that we were avoiding any aspect around other editors or other people who may be related to this case. I found a letter only this morning in terms of these matters where we clearly set out to the solicitors acting for the *News of the World*, and this was in September 2006, a range of issues that we wanted them to disclose to us, and we finished the letter by saying, "The investigation is attempting to identify all persons that may be involved, including fellow conspirators". One of the bullet points we looked for was: "Who does Mr Mulcaire work for? Has he completed work for other editors and journalists at the *News of the World*? Can we have a copy of any other records for work completed by Mulcaire for these editors and journalists, including the subjects on which you might have provided information?" There was a very clear strategy set out from the start to ensure that we covered all those bases if there was evidence in the case. Our job, as ever, is to follow the evidence and to make considered decisions based upon our experience which ensures limited resources are used both wisely and effectively and, supported by senior counsel, including the DPP, the collective belief is that there were then and there remain now insufficient grounds or evidence to arrest or interview anyone else and, as I have said already, no additional evidence has come to light since. What has been achieved, lastly? An individual's right to privacy against the media's right to publish in the public interest will always remain a matter for debate and they can often clash, but this investigation into an interception of this nature was the first of its kind in the UK. The prosecution brought absolute clarity that accessing people's voicemails without their permission is a criminal offence for which you will go to prison. In terms of the wider public protection, it has also served to highlight some of the security vulnerabilities around the way people use their voicemail and, with the collaborative approach with the phone companies, there is now much greater awareness about how people should use the proper security measures they have within their phones to ensure that this cannot happen again. I hope that is helpful.

Q1893 Chairman: Yes, that is helpful. The evidence which the *Guardian* produced and indeed gave to this Committee actually came from you originally. It is evidence that was handed over to the court from the police investigation ----

Mr Yates: Yes, it was unused material.

Q1894 Chairman: ---- which reached the *Guardian*. The key one, which you

will be familiar with, is the email and this is the transcript for Neville. Why did you not think that it was sufficiently important to interview Neville?

Mr Yates: Well, again we took advice on this and it did form part of the original case and formed part of, what we call, the sensitive, unused material. There are a number of factors around it, some practical issues. Firstly, the email itself was dated, I think, 29 July 2005 and we took possession of it in August 2006, so it was already a minimum of 14 months old, that email, that is the minimum and we do not know when it was actually compiled or sent. We know from the phone company records that they are not kept for that period of time, so there was no data available behind that email. There was nothing to say that Neville, whoever Neville may be, had seen the document and, even if the person, Neville, had read the email, that is not an offence. It is no offence of conspiracy, it is no offence of phone-hacking, it is no offence of any sort at all.

Q1895 Chairman: Sorry to interrupt, but you say there is nothing to say whether Neville had read the email, but you could have asked him.

Mr Yates: Well, if I can finish, there is no clear evidence as to who Neville was or who is Neville. It is supposition to suggest Neville Thurlbeck or indeed any other Neville within the *News of the World* or any other Neville in the journalist community. Mulcaire's computers were seized and examined. There is nothing in relation to Neville or Neville Thurlbeck in those computers and, supported by counsel latterly and by the DPP, they both are of the view, as we are, that there are no reasonable grounds to suspect that Neville has committed any offence whatsoever and no reasonable grounds to go and interview him.

Q1896 Chairman: Well, it does seem an extraordinary coincidence though that somebody working for the *News of the World* sends an email, saying, "This is the transcript for Neville" when the chief reporter of the *News of the World* is called Neville and you think that this is not sufficient to ask Neville Thurlbeck whether he is the Neville referred to in the email.

Mr Yates: Well, there is no evidence of an offence being committed, which is what I said first. There is no evidence. Reading that document is no evidence of an offence. There is no evidence that there are any other links between Neville, whoever he may be, and Mulcaire. As I say, we looked at his computers, so it is not as if we ignored this, but we looked at all of his computers, looked for the links in terms of any contact and there is no contact. As I say, both our view and the advice of leading counsel and the CPS was that there were insufficient grounds to certainly arrest or question; it would not take us any further.

Q1897 Chairman: The judge in the trial actually states that Glenn Mulcaire was working for others in the *News of the World* besides Clive Goodman.

Mr Yates: Yes.

Q1898 Chairman: But, despite the fact that that was the clear conclusion of the court, you ----

Mr Yates: It is not quite like that. He said "worked with others". Well, of course he worked with others because that is his job. He is a private investigator and he works with journalists. He is going to be working with a number of other people.

Q1899 Chairman: Let me give you an example. You knew that Mulcaire was illegally accessing the phone messages of a number of other individuals besides the people working in the Royal Household. Did you not seek to establish who on the *News of the World* might have been commissioning those intercepts?

Mr Yates: Well, we sought the information that I have read out of the letter which I can probably redact with sense and give to the Committee to see, so we did seek those issues from them and they said that there was no information there. Now, to go further, we have got to have very strong grounds to further suggest that they are misleading us and there were no grounds on that. With all investigations, you have to set parameters as to what you are trying to prove and as to what is the proper use of resources to prove that. You would be the first to criticise us if we went off fishing somewhere because it seemed like a good idea, but we have got to actually have evidence to follow and to go through, so we are limited. There was a prosecution strategy, it was not just a police strategy, it was a prosecution team strategy, which said, "These are the eight people we're going to concentrate on. That reflects the full extent of the criminality and that gives the court the greatest sentencing powers if there is a plea of guilty or if they are found guilty", and that is the way the decisions were taken in 2006.

Q1900 Chairman: One of the reasons given by the Director of Public Prosecutions to us is that, in order to prove a criminal offence, you have to demonstrate that the phone message was intercepted and listened to before the intended recipient had himself opened and listened to it, and that was the criminal act. That is correct?

Mr Yates: Yes, the analogy is the envelope and the opened letter. It is not an offence to read the opened letter, but it is an offence to open the letter and read it, and that is the analogy.

Q1901 Chairman: However, let us say that somebody is accessing my voice messages and, therefore, if they get to that voice message before I have got round to listening to it, they are committing a criminal offence?

Mr Yates: Yes.

Q1902 Chairman: If I happen to have listened to it and not deleted it and they then manage to access it, that is perfectly legal?

Mr Yates: It is a breach of privacy. I am not sure it is legal, but it is certainly no offence under section 1 of RIPA.

Q1903 Chairman: This may be going slightly beyond your remit, but do you not think that is completely ridiculous?

Mr Yates: Well, I suppose you could take a view on it, but we are only dealing with what the law states and what we can do in terms of the evidence in terms of building a case.

Q1904 Chairman: I understand. Can I, finally, ask you about the notification of those many people where there was evidence that their phones might have been hacked into. There appeared to be some confusion as to how many of those were notified and when.

Mr Yates: If I take it from the start, all those subject to the indictment are clearly aware obviously. A number of other people who were approached as potential witnesses, but chose not to provide evidence for whatever reason, they too were aware. Then we looked at a system with the phone providers, and the decision was taken in 2006 and I have no reason to doubt them now, where we looked at certain sensitive areas, people in government, people in sensitive public positions, royal, military, police and the like, where there was a suspicion that they had been hacked or otherwise had their privacy breached where we would contact them, which we did. Then the service providers contacted other ones in the same sort of category that we were looking at who, they believed, had been hacked or otherwise had their privacy interfered with. They contacted them and, if they felt there was a greater degree of interference which merited further police investigation, then they came back to us, and there was one case where that happened which formed part of the indictment. Since July 2009, you will remember that at the end of my statement I said I was concerned as to had anything fallen through the net, and we had been following a very, very tight strategy around analysing whether something could have fallen through the net. There may have been a couple, it is a handful of people potentially, and we have gone back and worked with the phone companies again on that, and one of them of course was Andy Coulson who himself declared that he may have been subject to that type of activity, but it is very few, it is a handful, and we are still going through that process now.

Q1905 Philip Davies: Just going back to the point about Neville Thurlbeck, I am obviously not a police officer, you are the experts in these matters and I certainly do not want to presume that I know more about these things than you do because I do not, but, given that Clive Goodman was the royal reporter and there was evidence that phones hacked included those of people who were not in

the Royal Family, would it not be a fairly easy conclusion to come to or proposition to make that perhaps, if he is the royal reporter and there are other people's phones being tapped, there must be other people at the *News of the World* involved in this activity? Would that not be an early presumption that the police would make if investigating this?

Mr Yates: I think we made the presumption and the assumption that he was involved with numerous journalists from many newspapers and other outlets. All the evidence and material we seized from his home address indicated that that was his job. Whether it breached into the lines of illegality is a different matter, but he was a private investigator and you would expect him to have snippets of information and sometimes he had just a name, sometimes he had a date of birth, sometimes he had an awful lot of information around individuals, but that is what his job is. Our job was to follow the evidence around section 1 of RIPA, which is fairly narrow, fairly well defined and fairly challenging to prove.

Q1906 Philip Davies: Sure, I appreciate all that, but, given that you had the name "Neville", this idea that he did not say which Neville it was and it could have been any Neville, how many Nevilles were working at the *News of the World* at the time? Did you look into it and come across a huge list of Nevilles at the *News of the World* when you were carrying out the investigation?

Mr Yates: I can absolutely see where you are coming from and where the Chair is coming from on this, but we are looking at using our resources wisely and effectively. I would say it is 99.9% certain that, if we were to question Neville Thurlbeck on this matter, he would make no comment. That was the position of every other journalist we spoke to during this inquiry. It was the position of Mulcaire, it was the position of Goodman and they made no comment. I have no evidence to put for him other than the fact that this is a Neville, that he has not read it and we know that he has not read it because it has not been transmitted by Mulcaire to Neville Thurlbeck. I can see where you are coming from, but we are making the decision based on where the evidence is going to be and where we are going to get the proof for a case to put before a court. The decision taken at that time was that it was not a viable line of inquiry and, I have to say, it has been supported by leading counsel and the DPP recently.

Q1907 Chairman: You could have asked the author of the email. We know precisely who he is.

Mr Yates: Who, Mulcaire or (?)?

Chairman: No, the individual employed by the *News of the World* whom we have not named at the request of the *Guardian*, but you know who it is because it is on the top of the email.

Q1908 Paul Farrelly: He has just been named.

Mr Yates: I did not mean to.

Q1909 Chairman: Well, you could have asked him.

Mr Yates: We could, and I can ask my colleague whether we did or not.

Mr Williams: No, we did not speak to him, but it comes back actually that, as part of our investigation strategy, we were asking the *News of the World* to supply more information pertaining to Mulcaire, his employment, his records of work, who he worked for and what stories he worked on, as was said, and any editors or journalists that he worked for because this was an ongoing process and we wanted to understand the whole picture. What it came back to was the *News of the World* saying, "No, there was no information" and, therefore, we were left in isolation, literally, with that document which, when you look at it, is not enough in evidence to pursue, which is where we have ended up.

Q1910 Philip Davies: Whether you think it is worth reopening this again at this stage is a separate matter, and you may well be right that, based on what you have seen, it is not, but would you not at least concede that, in reviewing it thoroughly, perhaps at the time it would have been best practice if the police had spent a bit of time having a chat with Neville Thurlbeck on the basis of the emails that you had in your possession?

Mr Yates: In 2006 that may well have been the case but it is concentrating on using your resources properly. We would make a professional decision based on our experience, which collectively is quite considerable, that that is going to take us absolutely nowhere; therefore we were concentrating on using the resources that we do have in the areas where we are going to find the evidence. That is not going to take us anywhere. That was the decision taken at the time. Certainly, in 2009, I was absolutely of the view that it was not new; it was considered at the time by counsel, and there was certainly no value in reopening it.

Q1911 Mr Sanders: I will move away from Neville-Neville Land and come back to what actually happened when the *Guardian* wrote this story. There was a lot of excitement and then, almost within a matter of hours, it was announced there had been a review and that sort of killed it. Can you explain to the Committee how that review was undertaken?

Mr Yates: Firstly, it was not a review. The Commissioner asked me to establish the facts, two entirely separate exercises. A review involves a thorough -----

Q1912 Mr Sanders: Hang on. It was very clearly reported as a review and I am almost certain I heard a police officer on television refer to it as a review at the

time.

Mr Yates: I absolutely guarantee the word "review" was not mentioned that day.

Q1913 Mr Sanders: So where has the media got the idea that there was a review? Do you think they tapped somebody's phone and got it?

Mr Yates: I have no idea. I was so clear on the day, through both my statement and through other means, that I was asked to establish the facts. In police circles, and no doubt in journalistic circles, a review has a completely different sense, which is a focus. Sometimes it is a forensic review, sometimes it is a complete review, but that involves a lot of work and a small team of people. I was asked to establish the facts by the Commissioner, and indeed if you read the transcripts of that day you can see absolutely clearly I was asked to establish the facts. I made a note to myself on that day as to what I was actually doing, what I was actually going to consider. I looked at the scale, the scope and the outcome in terms of the original case. I considered the level of liaison there had been with CPS and senior counsel and any advice they had provided. Clearly that was considerable.

Q1914 Mr Sanders: Did you consult with counsel at that time?

Mr Yates: No, I did not.

Q1915 Mr Sanders: So you just went back over what had been the -----

Mr Yates: There were a number of other considerations that I made. I considered the approach adopted by the prosecution team in their papers, what were they actually focused on, and it was those eight cases. I considered the amount of complexities and challenges around the evidence then and what evidence would be available now, particularly in relation to the availability of the data. I considered the level of disclosure and who would review the material. In this case senior counsel had reviewed the material. I considered how the case was opened after the guilty pleas. I considered whether there was anything new in the *Guardian* articles in terms of additional evidence, and I considered finally our approach to the victims, how they were managed and dealt with and the impact of further inquiries, if they had been necessary, on them, and I came to the view, and I appreciate you all thought it was rather quick, that there was no new evidence in this case. It was a conflation of three old stories.

Q1916 Mr Sanders: And this was an exercise you alone conducted?

Mr Yates: No, I did it with Philip and the team and the original team. We sat down for a number of hours that day and went through these points.

Q1917 Mr Sanders: How many hours that day? What time did you start this

process?

Mr Yates: It was a number of hours. I did not record it, but I came to the view --

Q1918 Mr Sanders: It presumably was not on your agenda that day.

Mr Yates: No. The diary was cleared that day, as you would imagine.

Q1919 Mr Sanders: At some point the diary must have been cleared. At some point somebody took a decision, in the light of this new story, "We have got to look at this again".

Mr Yates: It was fairly early on in the day. I gave this considerable thought in terms of what was new and was there any --- the principal point is, was there any new evidence, and the answer was there was not, and I have to say, whilst I came to the view fairly quickly, subsequent events, subsequent views of the DPP, subsequent views of senior counsel who had reviewed the material, had concurred with my view.

Q1920 Mr Sanders: At what time in the day was an announcement made to the media that this exercise was being undertaken?

Mr Yates: I think Sir Paul Stephenson had announced it up at the ACPO conference round about half past nine that morning, I cannot remember, but he certainly had a very early conversation in the morning with me. I cannot remember what time because I did not deem it relevant then, but it was a very early in the morning conversation.

Q1921 Mr Sanders: And at what time -----

Mr Yates: You are trying to find out how many hours I spent on this?

Q1922 Mr Sanders: I am trying to get to the point of what time that day you then announced that this process had been completed.

Mr Yates: I think it was late --- it was early evening. I think it was five-ish.

Q1923 Mr Sanders: What sort of relationship does the Metropolitan Police have with the *News of the World*?

Mr Yates: Cordial, professional, as we do with all the media outlets, both London and nationally. In terms of transparency and confidence in policing, of course we do engage with journalists at all levels, be it the most senior executive, and reporters on the ground. You would expect us to do that.

Q1924 Mr Sanders: Is the *News of the World* a newspaper you consider is more or less helpful than other newspapers in helping the Metropolitan Police with some of the inquiries they have to undertake?

Mr Yates: I think all newspapers can be extraordinarily helpful in terms of some crime inquiries, but I think -----

Q1925 Mr Sanders: That is not what I asked. Is the *News of the World* more or less helpful?

Mr Yates: I would not like to give you a view on it. If you look at some of the coverage we have from newspapers, particularly the *News of the World*, occasionally, it is pretty brutal.

Q1926 Mr Sanders: I am not asking about how they portray you. I am saying is the *News of the World* more or less helpful with the Metropolitan Police in terms of the relationship that you have, in terms of the information that can be exchanged?

Mr Yates: We have a very professional relationship at a number of levels - with the Crime Reporters' Association, which is at the more tactical level, all the way up to the senior executive level in terms of people like the Commissioner and myself. It is a professional, objective relationship where we will seek their help on a number of occasions and get their help on a number of occasions with serious crime matters when we are seeking information, and, quite rightly, they will hold us to account when we are perceived or otherwise to have made misjudgements. If you look at the G20 recently, if you look at the coverage of G20, what the *News of the World* gave us then, pretty brutal.

Q1927 Mr Sanders: In terms of the information that is passed do you, do you ever question how that information may have been obtained by a newspaper?

Mr Yates: In what sense?

Q1928 Mr Sanders: If you want to tap somebody's phone you have to go through a process.

Mr Yates: Yes, we have to get a Home Secretary warrant. I am not sure what you are suggesting.

Q1929 Mr Sanders: I am asking whether you ever question how a newspaper that gives you information may have obtained that information.

Mr Yates: Of course we have to.

Q1930 Mr Sanders: What if that information had been obtained illegally?

Mr Yates: In supposition terms, any investigation would uncover that. You would have to source where the information came from in order to present it into a court, and if we had uncovered that it had been sourced illegally then, of course, we would have to deal with that.

Q1931 Mr Sanders: That is if it formed part of the evidence.

Mr Yates: If it formed part of anything. We are dealing in supposition anyway so I cannot ---

Q1932 Mr Sanders: Going back to when somebody listened to a recorded message that the original recipient had already listened to themselves, you suggested that that is not an illegal activity.

Mr Yates: No.

Q1933 Mr Sanders: But, surely, that they are listening to something without permission --- in a sense, if I wanted to see something in your file that you did not want me to see but I somehow was able to see what was in that file, surely an offence has been committed for me to see what was in that file.

Mr Yates: It is not an offence under RIPA but it is a breach of privacy, which my colleague here -----

Q1934 Mr Sanders: Would that not be under the human rights legislation?

Mr Williams: It is actually under the Misuse of Computer Act, which is one of the other offences that we considered, but, similar to the previous witness in terms of data protection, there are those three bits of law that cover broadly what is happening. Misuse of computer essentially is someone unlawfully gaining access to data that they should not have. The voicemail, being data, with it comes a sentence of six months and a fine, so it was considered in our case as one of the potential offences but the substantive offence that reflected the seriousness, the gravity, of what we were dealing with, was clearly the section 1 interception offence.

Q1935 Mr Sanders: So you could be fined. Has this ever been tested in law? Has anybody ever been --- you might not know the answer to this, but has this ever been tested in law?

Mr Williams: You mean the misuse of a computer?

Q1936 Mr Sanders: That offence, in relation to voicemail.

Mr Williams: As far as I am aware, no. There have been cases of misuse of computer. It gets quite complex in proving what is data and that again was one of the reasons, when we liaised with the CPS, that in terms of simplicity, of presenting something clear and unambiguous before a court, section 1, interception, was something where everyone, we hoped, would readily grasp exactly what was happening and it would be clear what we were trying to prove, and it was by far the substantial offence that would give a court the greatest powers.

Q1937 Paul Farrelly: I just wanted to say that the written statement that there is no new evidence is not going to get us very far because that is a circular argument and because the *Guardian's* evidence has come from what is in your files in the first place and in Motorman. The question really is, whilst we all appreciate the need for case management with limited resources, what evidence was there and whether it was acted upon, and, if not, why not. It does seem quite extraordinary to offer a justification that the chief reporter was not interviewed, nor the junior journalist who wrote the email, whom you have named as Ross Hindley, because they would have said, most likely, "No comment", and I imagine that if that was the approach to all police interviews we would not be getting very far.

Mr Yates: That was a secondary point, Mr Farrelly. The first point was that there was no evidence to put to them and there were no reasonable grounds to question them. That was the point that both counsel for the CPS and ourselves came to the view on.

Q1938 Paul Farrelly: But there is a series of transcripts of telephone conversations.

Mr Yates: The secondary point is that, in terms of where was it going to take us in terms of proving the prosecution's strategy at that time, that was where we chose to go then. I concede what Mr Davies has said: perhaps in 2006 it ought to have been done; I do not know, but in 2009 that is going to take us absolutely nowhere.

Q1939 Paul Farrelly: Could I ask Detective Chief Superintendent Williams what Clive Goodman and Glenn Mulcaire's first comments were on the August date when they were hauled in front of the police? Was it "No comment", or did they plead guilty immediately?

Mr Williams: I cannot remember what they replied to caution, but through all interviews it was "No comment". In fact, they have never made a comment to us.

Mr Yates: As I opined in the trial.

Q1940 Paul Farrelly: We all have a problem with the words, of course, that are on your card, but we have all heard on the tele, "You may exercise your right to silence although this may effectively be held against you", which would put the fear of God up me if I were unwilling to co-operate, but there is also the issue of interviewing people not as suspects under caution but as witnesses. It strikes me as extraordinary, given that this email existed with transcripts of telephone conversations, which was the very thing that you were investigating following the concerns that had been raised by members of the royal household, that these people and the editor and the managing editor who was authorising the payments to this person were not interviewed even as potential witnesses. Can you explain why that was the case, Chief Superintendent?

Mr Williams: After the arrest and having discovered this material, and it was not all discovered, - yes, obviously, it was discovered on the day of the search but it then had to be searched through and analysed - we did go through a process of seeking to explore who else knows about this. Now that the whole investigation was overt, as it were, people were aware of exactly what we were after, we were quite open in terms of exploring who else knows about this. We had a list of things that we wanted to understand. We did consider getting things like legally something called a production order which would give us the authority to go in and require material. Again, we came up against what grounds did we have to ask for that material. With CPS and counsel advice we went through a process of co-operation with the lawyers representing *News of the World*. We quite clearly set out the range of material that we wanted to have access to, including things like an understanding of how their internal phone system worked. We asked for plans so that we could put a telephone on a desk in different offices because, as was already read out, we were open to the potential were there other people who were involved in this conspiracy because we were looking to explore all of that. That process went on over a number of months. The replies that we eventually got, I can quote some of them -----

Mr Yates: Would it help if I briefly - it will take less than 30 seconds - read out for the record what we sought from the *News of the World*? This was obviously dealing with their lawyers on a lawyer-to-lawyer basis. We sought a copy of all documents relating to the contract for the employment of Glenn Mulcaire and his company, Nine Consultancy Ltd; any record of work completed in respect of Mr Mulcaire; how is the return of work for Mr Mulcaire's weekly retainer confirmed; who does Mr Mulcaire report to; who does Mr Mulcaire work for; has he completed work for other editors/journalists at the *News of the World*; can we have a copy of any other records for work completed by Mulcaire for these editors/journalists, including subjects on whom he might have provided information; can we have the details of the service providers for the telephone systems installed in the offices where Clive Goodman works; details of the floor plan, to include the locations of telephone extensions in the office where Mr Goodman works; details of the phone used regularly by Clive Goodman, ie, the number of the phone on his desk or any mobile issued to him by the company;

and, lastly, itemised billing of the phones used regularly by Goodman, ie, the phones on his desk or the mobile phones, for the period 1 December 2005 to 8 August 2006. As I said, the investigation was attempting to identify all persons that may be involved, including fellow conspirators, so we were not exactly ignoring it.

Q1941 Paul Farrelly: No. Can I ask you whether, from your memory of the investigation at the time, Detective Superintendent Williams, you got truthful and satisfactory replies to those questions from News International?

Mr Williams: I can tell you we got written replies. I can quote what they said: "No documents exist recording any work completed by Mr Mulcaire, monitoring of Mr Mulcaire's return of work, reporting structure of any persons for whom Mr Mulcaire may have provided information. There is no floor plan. The telephone system installed at News Group Newspapers does not provide an itemised breakdown in respect of any particular extension number. We note with concern your assertion that you seek the telephone numbers of persons called before and after relevant unlawful calls. It is highly likely that such information will amount to confidential journalistic material." What I would say is that they answered our questions by and large by saying, "We do not have it". As I explained, we were exploring two routes: a production order to get this, which we have to do and go before a judge for and there is a set of criteria we need to meet. We were also looking on the financial side and I had financial investigators pursuing that side. I suppose it would be fair to say that these are solicitors representing, so they are acting within the law. It would be fair to say they are being robust, they are meeting what they need to meet in terms of their legal requirements, and indeed we did get financial material and documents relating to Goodman and Mulcaire, which indeed were part of the prosecution case, but their answer, as you have heard, to these other things was no, so when it comes to us considering everything in the round and we look at this other material, I have to consider where is this taking me in my investigation. Also, I look to what is it I am seeking to achieve, and I was very conscious, as Mr Yates has said in his opening, that this is an area of great public concern. There is always, as we have heard with the previous witness, this issue of public interest. Obviously, if I can find evidence I will pursue it; my team are very tenacious in that, but what I wanted to be clear about was to present a case that once and for all would clearly say, "This is wrong. It is criminal and you will go to prison", because it would be the first time that this clarity had actually been produced. The other thing that I was very clear about was that, yes, this could very well be widespread potentially, and for everyone, all of us in this room and in the UK, how are we going to stop this happening again? That required very close and I must say good co-operation from all those companies involved, and I know that at the time and since then they have all brought in a raft of measures that should stop this happening again. It comes back to what Mr Yates said. In terms of what we were seeking to achieve, I understand that this might not be palatable

but I have to follow the evidence and we pursued it.

Q1942 Paul Farrelly: And, of course, it all comes down to what the inquiry was seeking to achieve, of course.

Mr Williams: Exactly.

Mr Yates: In 2006.

Q1943 Paul Farrelly: And that prefaces everything, but I can imagine that you would certainly want to be tenacious, given replies like that from News International's lawyers, particularly with respect to the existence of documentary evidence that now seems, after the fact, to be untruthful, quite plainly.

Mr Williams: I cannot say whether that is --- their replies are official replies from the solicitors. I am in no way saying they are untruthful.

Q1944 Paul Farrelly: We know, because you found out from documentary evidence, for instance, that there are records showing authorisation of expense payments to Clive Goodman.

Mr Williams: Oh, no, they provided those. I was obviously interested to know who else was involved in this, what other records do they hold.

Q1945 Paul Farrelly: And they were authorised by the managing editor, Stuart Kuttner. Presumably, if you wanted to examine how far-ranging the conspiracy was, you would not simply be satisfied with Clive Goodman's or Glenn Mulcaire's assurances that nobody else knew. You would want perhaps to go and interview the person who was authorising the payments to get his version, but that interview never took place.

Mr Williams: No, because we were going down the line of what the law requires us to do, because I was considering using the law, production orders, to get this information. Therefore, again, I admit, I was not deciding this in isolation. I had legal advice around this and therefore the process was through this co-operative route, through the lawyers appointed by *News of the World*, and therefore I have to ask for what I want, and they undertook that they were much willing to support the inquiry, and obviously we know what their replies are.

Q1946 Paul Farrelly: Can I just ask you which unit of the Metropolitan Police you were in?

Mr Williams: I was then in what was the Anti-Terrorist Branch. It is now the Counter Terrorism Command.

Q1947 Paul Farrelly: Was that the unit that originally took up these inquiries?

Mr Williams: It is, yes.

Q1948 Paul Farrelly: They were special operations?

Mr Williams: Yes, specialist operations.

Mr Yates: Do not forget the inquiry started in terms of the royal family.

Q1949 Paul Farrelly: Yes, which is special operations.

Mr Yates: And my remit is sensitive inquiries around those sorts of matters. That is why it was in that unit.

Q1950 Paul Farrelly: And decisions on the future of case management are not taken in isolation, I can imagine that, and there is a senior management team that convenes Monday, Wednesday and Friday, I understand.

Mr Williams: I would say there was extensive oversight on this case, and interest.

Q1951 Paul Farrelly: And I can imagine your Public Affairs Director - I have been in Italy; forgive me if I pronounce this wrongly - Dick Fedorcio, may have really in those meetings counselled against having a wide-ranging war against such a powerful news organisation rather than just nailing it down to a specific case involving as few people as possible.

Mr Yates: It is a nice leading question but no, that would not happen. These types of cases are not discussed at management board in that level of detail. They are then managed outside with some senior oversight; it might be someone like myself, to manage what we call a goal group. It is the common parlance. They do not get discussed in that level of detail. I was on the board at that time and I do not recall it ever being considered at that level.

Q1952 Paul Farrelly: Again to Mr Williams, can I ask you why you telescoped the period of the charges? Originally it was from 1 January 2005 to June 2006, and then when it came to court there was an amendment. You will be aware of why, even though it was the DPP and the counsel that were leading the case at that stage. It was telescoped from 1 January 2005, the period of conspiracy, to 1 November 2005, but that may have been in case management terms. It would be interesting to have your comments on why that happened, but clearly that would not in itself mean that there was no evidence on your part, whether you pursued it or not, that there was criminal activity before that time. One charge, count 2, which laid on the file, for instance, alleged that between 1 February 2005 and 6 April 2005 the phone of Helen Asprey, one of the royal staff, was accessed. Is

that correct? Is there evidence of criminal activity before 1 November, and why was the period telescoped?

Mr Yates: I will explain in detail, and we are grateful that you gave us some foresight of that question because we can certainly help with a little diagram which I will pass round. It really says that what we were trying to prove was that there was a conspiracy between Mulcaire and Goodman and the period of time that that took place. We have got a little chart - here's one we made earlier - which will help you, and Phil will take you through it.

Mr Williams: Can I just check - where you say it has been telescoped, are you referring to having read -----

Q1953 Paul Farrelly: It was amended in court.

Mr Williams: The indictment?

Q1954 Paul Farrelly: Yes, the indictment was amended.

Mr Williams: It was amended, yes. Strictly speaking, the CPS and counsel actually finalised the indictment. It went through a number of different iterations. I think the straightforward answer is that it was changed because, having gone to a guilty plea, Mr Perry was presenting the evidence that specifically related to two bits - the conspiracy, which was between Clive Goodman and Glenn Mulcaire, which was predominantly around the royal household members, and, as he said in his opening, that essentially was over the period November to June. The only reason that we had evidence relating to Helen Asprey going back to February is that, when we were doing the initial inquiries, that was how we first came across that there was someone else other than Goodman, which led us into Mulcaire. In terms of that period, if you look on the diagram, and I am just saying this is the best evidence we presented in court, the period from February to October is really a period where Mulcaire, using his office number, was doing potential interception. Our case was first covered around the conspiracy and working together and the best evidence of that starts in November. It was purely changed to reflect what evidence we were presenting to the court.

Q1955 Paul Farrelly: One of the mysteries of this case is, on counts 16-20 which involved five people who are not royals and in which Clive Goodman was not involved, to whom Mulcaire was passing these intercepts. From your inquiries, given that there were five guilty pleas on these separate offences, do you have evidence or grounds for suspicion that Mulcaire was passing these intercepts in those cases to other journalists at *News of the World*?

Mr Williams: We have no evidence as to who he was doing those inquiries for and whether anything ever came of it. Again, in terms of informing you, all I

can point to is the mitigation factors presented by his own counsel, which was that he may have been working on those people but there were no stories forthcoming and he never got anything as a result of it, which is what was put forward pre-sentencing.

Q1956 Paul Farrelly: So you did not pursue that any further?

Mr Williams: There was nothing that we found that presented it, but what I would argue is that I was pursuing it in the things that I was asking of *News of the World* because I was asking, "What do your records show at the other end? Who is it that Mulcaire is working for? Which journalist is he working for? Which editors? What stories have come out of his work?", so I was asking for all of that.

Q1957 Paul Farrelly: In your file of other evidence, unused evidence, do you have any, for instance, tape recordings of Glenn Mulcaire talking to other journalists at *News of the World* who he refers to by a name but the identity is not immediately clear?

Mr Williams: I have no evidence that he is talking to anyone at the *News of the World*.

Q1958 Paul Farrelly: Do you have any tape recordings?

Mr Williams: There are tape recordings, yes.

Q1959 Paul Farrelly: Where he may have been talking to other journalists at the *News of the World*?

Mr Williams: I do not know.

Q1960 Paul Farrelly: But there are tape recordings in the file?

Mr Williams: They are on tape recordings.

Q1961 Rosemary McKenna: I am sorry but I have to get a flight soon, so, just very quickly, is it normal practice to write to organisations with questions?

Mr Williams: It is, yes.

Mr Yates: Certainly when it is talking about potentially going into confidential journalist material, yes.

Q1962 Rosemary McKenna: It would not be in the first instance an interview with, say, the editor or the managing editor?

Mr Yates: No. Looking at the range of material we are after, it is perfectly normal practice for it to be on a lawyer-to-lawyer basis or investigation team-to-lawyer basis, particularly around the sensitivities with confidential journalist material where the first thing the editor would say would be, "Please speak to our lawyer".

Q1963 Rosemary McKenna: It just seems to me most unusual that you would not just go and speak to the managing editor or the editor and try and establish, you know, --- it does give them some time to consider their answers, does it not, if you write to them?

Mr Yates: We treat each case on its merits and this was a case where it would certainly be on a lawyer-to-lawyer basis.

Q1964 Rosemary McKenna: You did not consider speaking to the individual who actually signed off the payments? It was huge sums of money they were being paid. It was not considered that you would speak to the person actually authorising those payments?

Mr Williams: Which payments were these?

Q1965 Rosemary McKenna: To Mulcaire.

Mr Williams: What? His contract and -----?

Q1966 Rosemary McKenna: The total amount of money that was paid to him, all of that.

Mr Williams: As I understand it, in terms of the cash payments they had a practice of it was Goodman who was making the payments.

Q1967 Rosemary McKenna: Yes, he made it a habit. That was signed off.

Mr Williams: He would be saying, "I have got this story. I am paying £500", as it was, "to this person, using a pseudonym".

Q1968 Rosemary McKenna: Yes, but the overall amount of money that was being paid to this person was absolutely enormous. Do you not think there would be various speaking to more senior people about the amount of money that was being paid?

Mr Williams: Yes, but, again, what I needed to know was the answer to a lot of the questions I put in to them: exactly who was he working for, who was he working to, who were the editors that he was working to, so that then, when you go to speak to someone, you have a basis for a conversation and hopefully you

have some documents that you can put to them.

Q1969 Rosemary McKenna: You see, I am getting the impression that you quite happily accepted that Goodman was taking the rap, if you like, and although he was making no comment you were charging him, that he was the one who was saying, "All right, I'll do the time".

Mr Williams: To be fair, we did not actually know that until the court case, so all the work that we were doing beforehand, all these decisions around what is it we want to pursue and are we going to speak to anyone about that, was entirely before we knew what was going to happen. In many ways, personally speaking, although it sounds odd, I actually wish they had gone not guilty because that truly would have presented all the evidence and it would have been a test of the legislation. We worked out with counsel and CPS a package and a range of victims here whereby there was some evidence that was excellent in terms of absolutely categorically proving that there had been an interception, and then there was other, less strong evidence, but by inference you could say what was happening, so all of this package stuck together. In a way, this was the first time this legislation had been tested and we were hoping to use this as case law. The fact that they pleaded guilty meant that none of the evidence was truly tested. None of this came out in argument. In court both defendants would have had the opportunity to give their explanation, and they may well have said something and we may have been a lot wiser or better informed.

Q1970 Rosemary McKenna: Yes, which suited the *News of the World*, did it not?

Mr Williams: Sorry, the last bit?

Q1971 Rosemary McKenna: It suited the organisation that there is not case law, that all of the evidence did not come out.

Mr Williams: That is what happened but I cannot alter that fact. What I would come back to is that it was absolutely instrumental in making it clear in everyone's mind that this is illegal; it is criminal and you will go to prison. That is what it has established and there has been a whole change in the practices in terms of how voicemail is managed.

Q1972 Paul Farrelly: Just to complete what I was trying to get at beforehand in terms of other people, the defence so far has been the one rotten apple defence and nobody else knew, but there is this mystery of who else the investigation would have been dealing with on non-royal stories. You say from your evidence that there are no other journalists where you might have reasonable suspicion from the evidence you have collected. In the evidence the court ordered you to hand over to help them with the Gordon Taylor civil case, as far as you are aware there would be no evidence there that might give a reasonable suspicion

that other journalists in the *News of the World* were involved?

Mr Williams: There is no evidence that we can go forward with in terms of a criminal -----

Q1973 Paul Farrelly: No, that is not the question, there is no evidence. Whether or not you went forward or chose not to go forward or decided that you would not go forward, is there any evidence where you might as the police have reasonable suspicion that other journalists within *News of the World* on these particular charges were dealing with Glenn Mulcaire and seeking transcripts of telephone conversations that were intercepted in the way that royal staff's had been?

Mr Yates: I think it is fair to say that there was a whole range of documents seized from Mulcaire's house which displayed the range of activity he had been up to as a private investigator. There could have been some blagging, there could have been all sorts of nefarious means used to get that information. There is no evidence to take any further. We were concentrating in 2006 on section 1 of RIPA and that is what we were looking at.

Q1974 Paul Farrelly: But that is not my question.

Mr Yates: As I have said previously, you would expect a private investigator to have a range of information and material to do with his role. We may not always agree with it, but that is what they do and there is employment out there for them. As to how they came by that information, there was nothing to take us any further forward from an investigation point of view.

Q1975 Paul Farrelly: Finally, there is one particular point. From the records and evidence that went into the civil case pursued by Gordon Taylor there could be no inference that Glenn Mulcaire was dealing with any other journalists at *News of the World*?

Mr Yates: Of course there would be. There was bound to be.

Mr Williams: He was obviously working for someone and I do not know who, and there is nothing in that material that points to who.

Mr Yates: And not necessarily in an illegal way. It is his job.

Q1976 Paul Farrelly: Just to finish this off, in this very strident editorial on 12 July after the original *Guardian* - and, remember, we already know at least one case where Goodman himself is directly accessing, using techniques that Mulcaire has passed over to him - the *News of the World* says the following: "So let us be clear. Neither the police nor our own internal investigations have found any evidence for allegations that *News of the World* journalists have accessed

voicemails of any individuals". Strictly speaking, given what we know about Goodman, that is not true, is it? If your unused evidence were to find tape recordings, for example, of conversations between Mulcaire and other people whom you did not pursue but may very well be journalists, then that would be doubly untrue, would it not?

Mr Williams: From what you are asking, there is nothing there that points me to any other journalists at the *News of the World*. The only person, if you like, unfortunately, is Goodman quite clearly taking part in this activity. Clearly, Mulcaire was under contract to the *News of the World* and doing a whole range of things; hence the question I asked *News of the World*, "What is he doing for you?". They say they have no records, so I cannot go any further. Equally, frankly, Mulcaire was not that organised. In my view he was not organised at all in how he was doing this. Everything was written. It was like a flurry of papers everywhere, scrap notes and everything, so to make head or tail of it there was - and I am merely making the inference - no organised list in terms of a roller deck with names and addresses of people that you could go through and say, "Ah, these are the people who he is working for". It just did not exist.

Q1977 Paul Farrelly: Could I just reasonably ask you to have a look at the unused evidence, Assistant Commissioner Yates, to see whether you might infer from what you have not used, because it is germane to this inquiry, whether Mulcaire was dealing with other journalists apart from Goodman, for instance, tape recording, where there was a journalist who was apparently a *News of the World* journalist by the first name of Ryan?

Mr Yates: I am quite happy to concede that he had contact with other journalists. That is what he did. That is his job. What we focus our minds on is evidence.

Q1978 Paul Farrelly: In relation to this sort of activity.

Mr Yates: In relation to the activity that we took them both to court for in 2006. It is not our job to look beyond that. We can only follow the evidence, so I am happy to concede that he did. Of course he did. I have said so on several occasions.

Q1979 Paul Farrelly: I have just got one final line of inquiry. We have debated what constituted a review and what did not constitute a review, but in your statement, Assistant Commissioner, as you said, you had been asked to establish the facts around the inquiry, and in the statement that you made you said that where there was clear evidence that people had been the subject of tapping they were all contacted by the police. Was that true in the case of Jo Armstrong?

Mr Yates: Sorry; I do not know who Jo Armstrong is.

Q1980 Paul Farrelly: She is the lady who is the legal adviser of the PFA whose

phone was hacked into as well as Gordon Taylor's.

Mr Yates: I suppose I have heard her name, by the way. I do not know the detail of that but in terms of the people about whom we had evidence that they had been hacked into under section 1 of RIPA and we took to court on, my understanding is that we contacted all those people. I do not know whether her phone was hacked into or whether there was a suspicion her phone was hacked into. That is an entirely different -----

Q1981 Paul Farrelly: I think she is one of the ten where we have established that their phones had been hacked into.

Mr Yates: I will have to look into that and come back to you.

Q1982 Paul Farrelly: If you would, please.

Mr Yates: Presumably she knows now.

Paul Farrelly: I think she already knows. She is named.

Chairman: She is JA.

Q1983 Paul Farrelly: If you could come back to us on that particularly, please.

Mr Yates: Yes, I will.

Q1984 Paul Farrelly: There has been some controversy about what the evidence shows about how many people's phones were hacked into. I think we have got to eight or ten so far, and Andy Hayman has said a handful and somebody said fewer than 20. Detective Chief Superintendent, do you have a feel for what your inquiry threw up in terms of how many people's phones were actually hacked into?

Mr Williams: Our challenge has been the technical side, which is going back to the companies to understand what has gone on in terms of in the voicemails, and this goes into the technical side. I think some of it may have been explained in the submission, but what we were relying on was each individual's company's internal engineering software to tell us what is happening in the voicemail box, and by and large that engineering software is not good enough to tell us because it is their own administration, so the only people that we can actually prove - and that was looking at our potential list of victims - is people that we have done a significant amount of work on in terms of frequency, duration of calls and what the individual companies can tell us, and in one instance the phone company had to write some new software to be able to do some of the analysis. I am being very cautious around knowing who is a victim of what, because he clearly has got an interest in a range of people which, as we have said, is his job.

He has this ability but we do not know definitively to what extent he has used that and we are entirely reliant on the phone companies being able to look at their internal data and come back to us. I suppose the honest answer is we do not know, and if we were saying to people, "The honest answer is we do not know", some of these people that were part of our case, it is an inference that they may have been a victim of this.

Q1985 Paul Farrelly: But we have got documentary evidence, which comes from your inquiry because it was released to Gordon Taylor's case, that shows Jo Armstrong of the Professional Footballers' Association, for instance, being a victim, as was Gordon Taylor. It is quite worrying to hear that that name was not being recognised and it is only one of a few names.

Mr Yates: It would have formed of the indictment. There have been 600 or 700 names bandied around, so I am not able to remember every one of them.

Q1986 Paul Farrelly: The issue was germane to the statement that you made, Assistant Commissioner, where you said you had been asked to establish the facts. You made a statement that the people who had been subject to tapping were all contacted by the police. That does not seem to be the case.

Mr Yates: Yes, it is.

Q1987 Paul Farrelly: And then later on in the evening there is a corrective statement put out by Scotland Yard clarifying that, saying, "The process of contacting people is currently under way and we expect this to take some time to complete".

Mr Yates: If you go to the end of the statement I think I make it clear that there could be people that fell through the gap and that was my concern, had we been sensible, reasonable and diligent, I think I used those words, in terms of contacting everybody, and that is what I undertook to do, so I make the assumption that Mrs Armstrong was one of those.

Q1988 Paul Farrelly: She was only one of eight or ten people.

Mr Yates: Okay. Your point is made.

Q1989 Paul Farrelly: Do you feel now that if there are further revelations and there is further public concern, and I think there are three categories of people - A, definitely hacked; B, suspicions but through case management we do not pursue them; C, targeted, ie, if people do bring concerns to you and the issue stays live, there might be an argument for taking a fresh look at the case?

Mr Yates: We have always said and I have always said that if new evidence is presented we would, of course, consider it. No new evidence has been

presented. It has been now two months since that article and no new evidence has come to light. Also, there has got to be a sense of what can you do with that material now, three years later, when there is no technical data. There have to be some sensible, pragmatic decisions taken around these things on occasion. If new evidence comes to light we have always said we would consider it, but no new evidence has come to light.

Q1990 Paul Farrelly: That is a circular argument, as we established when I opened my questions, but anyway, if further complaints are made, would you consider it?

Mr Yates: If there are further complaints with viable evidence that we can pursue, then of course we would consider it.

Q1991 Mr Watson: I do not envy you. It has got everything, this case, has it not? Competition, celebrities, Royals, big newspapers, you always seem to get them, and that must temper the way you look at this case. You have to proceed with caution. You said you asked a number of detailed questions of the News International lawyers when you were investigating the case. Did they tell you when they first had a relationship with Mulcaire, what year that was? I think you asked for contracts of employment and the year he started working for News International. Did they tell you that?

Mr Williams: I am now going totally off the top of my head, so be careful. In relation to Mulcaire, yes, I believe they did supply the information. We obviously found a contract and in relation to him -----

Q1992 Mr Watson: It would be great if you could clarify that perhaps in writing afterwards. When we interviewed Tom Crone, the lawyer, and the editor, there was a bit of confusion about the year that Mulcaire started. I think they said he started in the late nineties. When you say there were a few people you suspected had had their phone hacked, did that include the royal princes?

Mr Yates: No, to my knowledge.

Mr Williams: Say the question again, sorry.

Q1993 Mr Watson: Did you suspect that the royal princes had had their phones hacked?

Mr Williams: In terms of them ringing their voicemails?

Q1994 Mr Watson: What did you suspect had happened to the royal princes' phones?

Mr Williams: Yes.

Q1995 Mr Watson: By Goodman and Mulcaire?

Mr Williams: Yes.

Q1996 Mr Watson: And presumably you did not want to drag the royal princes into court, so you chose not to pursue that route?

Mr Williams: The criminality was through their private secretaries, so they are listening to their private secretaries' voicemail which has messages.

Q1997 Mr Watson: From the princes?

Mr Williams: And other people.

Q1998 Mr Watson: And did you suspect that they had listened to the mobile phones of the royal princes?

Mr Williams: Yes, I think they may well have done.

Q1999 Mr Watson: I do not know how many people you have put away in jail over the years but it must run into hundreds. Does it run into hundreds?

Mr Williams: Yes.

Mr Yates: Twenty-eight years yesterday.

Q2000 Mr Watson: When people go to jail they do not just lose their liberty; they lose their livelihoods, they lose their jobs, they are guilty of gross misconduct. Is there anyone that you have ever put away that you know has received a payoff from their employer, having received a custodial sentence and lost their job?

Mr Williams: I personally? What do you mean? Do you mean because -----

Q2001 Mr Watson: They have received a payoff by their employer after they lost their job when they went to jail.

Mr Williams: What, legally?

Q2002 Mr Watson: Yes.

Mr Williams: Are you alluding to the fact that Mulcaire -----

Mr Yates: I am not sure that we should comment on this.

Mr Williams: I suppose the short answer is no.

Mr Yates: And we would not know anyway.

Mr Williams: And I would not know anyway.

Q2003 Mr Watson: Mulcaire and Goodman got a payoff from News International.

Mr Williams: Did they?

Q2004 Mr Watson: Yes. News International will not disclose to us what they --

Mr Yates: It is not part of our business.

Q2005 Mr Watson: They say it is personal. Do you not think they have been bought off?

Mr Yates: It is not part of our business.

Q2006 Mr Watson: But is it not your business to investigate whether they have had their silence bought?

Mr Yates: Our business is to follow the evidence and put before the court the best evidence we can in terms of proving a case that we are investigating.

Q2007 Mr Watson: Does it not look suspicious that Mulcaire and Goodman, there they go, they have been attacking the royal family's phones, they are guilty of a serious criminal offence, they have undermined their own reputations and that of their employers. Their employers then give them an undisclosed payoff. Their employers are not prepared to publicly admit how much that payoff was for and no-one has gone back to them and asked them what that financial arrangement was about?

Mr Yates: It is just not our business, Mr Watson. It is just not our business.

Q2008 Mr Watson: It must concern you though.

Mr Yates: I am pretty certain the lawyers of News International have been careful about how they have phrased or shaped that contract, whatever it was, but it is not our business. I am sure you have asked them as well.

Mr Watson: Okay. Those are all my questions, thanks.

Q2009 Janet Anderson: I wonder if I could take you back to the various counts in the court case, which were 1-20. In 1-15 it was clear that Goodman and Mulcaire had acted together and charges 16-20, and the judge made a point of differentiating between the two groups, where only Mulcaire was charged, but the judge did say, "As to counts 16 to 20, you had not dealt with Goodman but with others at News International. You had not been paid anything because no stories had resulted". When you have been questioned by other members of the Committee about why no-one else was charged in relation to counts 16-20, I think you said there was no evidence, you had no further evidence about who Mulcaire was working for, who he was working to, but there was actually a contract which you will be aware of, signed by Greg Miskiw. He is the former news editor. He is the one who is quoted in his book as saying, "That is what we do; we go out and destroy other people's lives", and he had a contract offering Paul Williams, which is a known pseudonym of Glenn Mulcaire, £7,000 for delivery of a Gordon Taylor story. That contract was dated 4 February 2005. Despite that you did not feel the need to question Mr Miskiw. Is that because once the decision had been taken to truncate the period during which the offences were going to be considered that particular contract fell out of that period? It was dated 4 February 2005 and the prosecution's original ambit was from 1 January 2005, so it would have fallen within that ambit, but once it was decided, by agreement with the prosecution and the defence, to shorten that period, it then fell outside. Is that one of the reasons why you did not feel able to question Greg Miskiw?

Mr Williams: I think the only reason the ambit of the prosecution fell into the January/February of 2005 was because of the phone data on Helen Asprey's phone. That is what showed us potentially how far back this activity might have been going on. The only reason it was not included was because we needed to show a conspiracy, ie, the two men working jointly together, and the only evidence we had from that was from when those victims first alerted us in November/December and we began the process of looking at it. In fact, we had a proactive phase around those particular victims where we were attempting with them to monitor what was going on, and through the work that we did we were able to show, as Mr Perry showed in his statement, the behaviour, the interaction, between Mulcaire and Goodman in the way that one would ring the other and one would ring one of our victims, then another would ring a customer service, then they would text, so that interaction was the strength of our case. It was our evidence to prove the conspiracy. Anything before November going back to January did not show that conspiracy, so it is merely, I would say, Mr Perry being neat and tidy and saying, "Well, strictly speaking, the best evidence and all we can prove in terms of a conspiracy is from November on".

Q2010 Janet Anderson: Even though there was this contract offering £7,000 for delivery of a Gordon Taylor story, the prosecution apparently in the trial did

not for some reason link that to instances of phone tapping. How did they think Mulcaire was going to get information to provide £7,000 of story?

Mr Williams: We, the prosecution, counsel, put in that document as evidence to show that Mulcaire had been working for *News of the world* right back there, but again, and it came up because it was challenged by, I believe, Mulcaire's counsel, what they were challenging was that there was no evidence to say what he was being paid for and there could be no inference that he was being paid for interception, so I believe it was a matter of fact and record that, yes, at that moment in time he appeared to have been paid for a story about Gordon Taylor, but there could be no inference as to how he had got the information, in particular in terms of interception.

Q2011 Janet Anderson: But it did show you that there was a relationship between Mulcaire and Miskiw.

Mr Williams: Yes.

Q2012 Janet Anderson: And yet you still did not feel it might be a good idea to interview Greg Miskiw?

Mr Williams: This comes back to, yes, it is a piece of paper that shows that, but what was it for? Was he working for Mr Miskiw? What records are there? In addition to that, what else of substance is there in the company, because that was back in 2005, when we know from the technical point of view that we are simply not going to have the data in our case to go to prove anything? So it does go into the round, but more specifically around what our case is for we had this list of questions for *News of the World* which we did put in, and indeed, if there was any information that they did have and they produced to us, then it would have been considered, but what we came back with was a flat, "No, there is nothing held in this company that will answer all your questions".

Q2013 Janet Anderson: Do you think the *News of the World* told you the truth?

Mr Williams: I do not know because what I am being very conscious of is this is a firm of solicitors. I have absolutely no reason to doubt their reputation, and they are acting on behalf of the company and I have to take it on face value because I have got no other evidence to think otherwise; that is the state of affairs.

Q2014 Janet Anderson: If it turned out that the *News of the World* had not told you the truth would there be a penalty for that?

Mr Yates: It would have enabled us then to get a production order.

Mr Williams: Because they are not going to argue to a judge that there was substance to not believing it, but that would have been a very serious step. I would have had to have something very substantive to be able to turn that around when a firm of solicitors had said that.

Mr Yates: Before you go to a production order you have to demonstrate that you have gone through all the normal channels of consent and all those other processes first before a judge will even consider it, and when you have gone through those and they have said, "Actually, there is nothing there". You have got to have something very substantive to suggest that they are behaving in a nefarious way. In terms of they are misleading us and we have got no evidence of that a production order will not work.

Q2015 Janet Anderson: But it would be a reasonable assumption, would it not, if Mr Miskiw had made this kind of offer to Glenn Mulcaire once, that he had probably done it more than once?

Mr Yates: I do not know.

Q2016 Alan Keen: We were peacefully finishing our inquiry before the summer recess until we got an interesting article published in the *Guardian*. Since then it has been so frustrating. We have hardly had an answer and this afternoon, I am not sure whether you were here when the Information Commissioner -----

Mr Yates: The last ten minutes.

Q2017 Alan Keen: ----- in answering what some of my colleagues asked, "Why did you not pursue this issue further", said, "I do not know. We think the PCC should do it. It is nothing to do with us". You said a short while ago that in your interrogation of two people who pleaded guilty they did not say one word to you. We did a bit better than you when we had the editors and managing editor in front of us. They looked at each other and said, "I don't know anything about it". What is missing? Normal companies have financial records that can be traced. It appears that newspapers have almost nothing. It is no wonder you cannot go further and investigate it. Would you give us your idea as to what we could recommend so that in the future you would have something substantial to look into, some facts to look at, some records? There appears to be none.

Mr Yates: The key around all this would be good, solid self-regulation. With any corrupt administration I have been involved in it is all about fear of detection and fear of being caught and having good people on your tail all the time. There are several models around banks in terms of what records they must keep, which may be suitable in this area; I do not know. It is certainly not our area of expertise. All we would like is the records being kept and being readily retrievable, be it phone data, be it banking data, be it other data, to make our job

easier, and there is lots of regulation around that.

Q2018 Alan Keen: We learn most of what we know about the police from watching TV dramas, admittedly. I used to believe the police had a slush fund out of which you paid informants. Is that true, and then over the years did you have to have some proof? Did people have to sign documents to show where the money was going, or is that all drama and not real?

Mr Yates: Yes, of course there is an informants' fund, as you have read in the last few months, and, yes, through mistakes and otherwise we have learned to regulate ourselves in a slightly more formal way, so there are lots of pretty strict regulations about how these funds are paid and who they are paid with.

Q2019 Alan Keen: Do you agree with me that it appears that within newspaper organisations there are not the same sorts of strict procedures that you have adopted?

Mr Yates: I have no idea how they operate.

Q2020 Alan Keen: You have never seen any evidence of any strict procedures for authorising expenditure?

Mr Yates: No.

Q2021 Alan Keen: We could not find that out from editors and managing editors.

Mr Yates: Again, it is not our bailiwick and I have got no idea how they operate.

Q2022 Alan Keen: Listening to you, it would be hard for you to disagree with me when I say that to help you in the future we really need to recommend that newspapers have to keep proper financial records. I have always had the impression that the owners, the proprietors, distance themselves comfortably away from what goes on at the dirty end of newspapers. Again, to help you in the future, what would you like us to recommend as far as giving you records that you can actually look at?

Mr Yates: I come back to it: good self-regulation is clearly the starting point, a permanent fear of being caught, and a fear of detection has to be there all the time, and sentences that are comparable with the offences committed. With the Operation Glade I think they got conditional discharges, did they not? I think all the defendants got conditional discharges in that case. That is hardly sending out a signal that suggests that this is serious and important and a serious crime. It is those issues that are the key ones for us.

Q2023 Adam Price: I think some of us may still be struggling here a bit. Just

briefly touching again on this issue of those parts of the indictment, counts 16-20, the hacking of the phones of Max Clifford, Andrew Skylet, Gordon Taylor, Elle MacPherson, Glenn Mulcaire was found guilty of those charges and so whether or not a story appeared was immaterial; a criminal offence had occurred. We have a contract from *News of the World* in relation to Gordon Taylor. We have a transcript in relation to Gordon Taylor, count number 18. The judge in the trial accepted that Clive Goodman was nothing to do with it because Glenn Mulcaire dealt with others at News International, so even the judge at the trial came to the conclusion that others at News International were involved in relation to, amongst other things, the Gordon Taylor hacking, and yet you are saying you did not even have enough evidence to go and interview Greg Miskiwi or Neville Thurlbeck. I find that extraordinary. Maybe it is not your fault. Maybe it is our fault, as Alan is suggesting, but there is a problem there surely.

Mr Yates: We can only deal with the evidence.

Q2024 Adam Price: A contract.

Mr Yates: Mulcaire had a lot of dealing with lots of journalists. We are not dealing with nefarious dealings of breaches of privacy and all those issues. We are dealing with phone hacking. That is what we are looking at and the evidence around that. It is circular. We have been going round this circle several times. We cannot go fishing somewhere for offences that may have been committed on which we have no reasonable grounds whatsoever. He is a private investigator. He deals with tittle-tattle. He deals with information about people in public life. That is what they do. We may not approve of it, we may have a view on it, but that is not evidence and section 1 of RIPA was what we were dealing with.

Q2025 Adam Price: Does not even the fact that a pseudonym was used in the contract set alarm bells off in your mind that here are potentially the elements of an attempt to prevent the information getting out, that there were dodgy dealings going on here and therefore we had better cover our backs?

Mr Yates: We deal with pseudonyms to protect sources. It is trade craft, if you want to call it that. That is what happens. It is not evidence of an offence.

Q2026 Adam Price: Now I am slightly worried. You said earlier, Mr Williams, that if only you had been clearer earlier on what the strategy of the accused was going to be or how they were going to plead --- I read Mr Kelsey-Fry who was appearing for Mr Goodman. It was interesting that a leading counsel, a QC, was engaged for him, at considerable cost, I am sure, but he goes on to say that yes, he did not answer questions at interview but within days of being arrested he was offering to admit his guilt in court. That seems slightly out of kilter with what you were suggesting, that within days of his arrest --- it is extraordinary as well, is it not, that somebody says nothing and then within days apparently they

are pleading guilty?

Mr Williams: My objection is, if, just prior to when they formally appear and the indictment would be read out, there was an indication and they wanted it to be called an early indication, I do not remember at all it being around there because we were building a case on the basis that it would be a hard-fought battle and we wanted a strong case. It was only towards the approaching date that there was this potential indication but we would never have made the assumption that that was what was going to happen. We would always wait until the day.

Q2027 Adam Price: Mr Justice Gross goes on to say himself, the judge in the case, "I shall approach it on the basis that Mr Goodman pleaded guilty at the first available opportunity", so he seemed to accept that. It suggests that somebody brought the shutters down. I am not pointing the finger of blame at you here. Mr Goodman said nothing to you and he pleaded guilty, and, of course, as you yourself said, that prevented you from shining a stronger light on all aspects of this case.

Mr Williams: All I am reflecting is that it would have been interesting for the case to have been contested in that all the evidence would have been tested. Both counsel would have had the opportunity to test in the ins and outs of the evidence, perhaps in similar opportunities to yourselves, the defendants may or may not have decided to say something, in which case we would have had the opportunity to really get in and test it and flag up some of these strange anomalies and we might have got answers to some of these questions and we still might have been unhappy in terms of some of them, but that opportunity did not happen. They pleaded guilty. They said, "Yes, we have done that".

Mr Yates: And it is quite normal to have, in the adversarial system we operate, the prosecution putting the case beyond reasonable doubt. We would show our case to the defence and then the defendant would take legal advice and would see the benefits on an overwhelming case of a guilty plea and his solicitor would advise him in that way. It is not unusual at all.

Q2028 Philip Davies: No, but, just to clarify this, it was actually said by his lawyer that Mr Goodman in fact offered to plead guilty at the magistrates court within days of his arrest. That is not what you are saying, Mr Williams.

Mr Williams: I must admit I do not remember that. Let us say that was said. It would never have been taken on face value. We would have been preparing for a full case. Hence, as you can see from the things that we asked for, in particular of *News of the World*, we were preparing this case on the basis that we would need a robust case, and indeed was there anything else?

Mr Yates: In a case like this, before the man is actually indicted before the

crown court he can put a plea in and you are suspecting it is always going to be not guilty and you would always prepare accordingly.

Q2029 Adam Price: So you do not accept that he offered to plead guilty at the magistrates' court?

Mr Yates: He may well have done. That is part of his mitigation; he may well have done, but you would never accept that as a plea.

Q2030 Adam Price: Can you just clear up one thing in relation to the now famous Neville Thurlbeck? Did you check how many Nevilles were working at the *News of the World* at the time?

Mr Yates: No.

Q2031 Adam Price: I think it probably is one but we will make inquiries. The CPS told Nick Davies, I think it was, that they were not given that email. You must have seen the story.

Mr Yates: I have seen the story, yes. What the DPP says is that he did not have that in his material possession when he was conducting his own review. What he also conceded later was that the prosecution counsel in the Goodman/Mulcaire case had reviewed that material during the prosecution of Goodman and Mulcaire. It was quite a semantic point but I understand that he did not have that in his material possession when he was doing his review in July. He then asked counsel to consider it again, which he did do, and you have seen the letter about what his view on that was.

Adam Price: Finally, just to clarify one of Tom Watson's earlier questions, just for me to be absolutely clear here, we know that members of the royal household, the staff of the royal family, their phones were hacked into and that was the substance of the indictment against Mulcaire and Goodman. Did you have any information which led you to believe that possibly Prince Harry's and Prince William's phones themselves had been targeted or had been accessed?

Q2032 Paul Farrelly: You answered yes to that, I think.

Mr Williams: Yes, through -----

Q2033 Paul Farrelly: No, you said yes individually, I think.

Mr Yates: No.

Q2034 Adam Price: Their phones themselves, not their messages but messages on their phones.

Mr Williams: Oh, I see, yes. Their voicemail.

Mr Yates: We were talking about their voicemails.

Q2035 Adam Price: Yes, you are right, the voicemail on their own phones.

Mr Yates: Their messages to people that worked for them in their outer office. That is how their voicemails were accessed.

Q2036 Adam Price: Because there was a particular story which we referred to in the Committee which was a message left on Prince William's or Prince Harry's phone which formed the basis for a story by Clive Goodman and the now famous Neville Thurlbeck, and that could only have been done on the basis that somebody had hacked their phones themselves or their voicemail systems, not the voicemails of the royal staff but the princes' phones themselves.

Mr Williams: I am not aware of that particular story. I know the stories that first brought it to attention were about messages that had been left on the private secretaries' phones, and that is what sparked off the inquiry.

Q2037 Adam Price: We are aware of that but were the princes' own phone messages to each other? Do you have any information which led you to believe that that happened?

Mr Yates: Not to my knowledge.

Mr Williams: Yes, other people and the princes, their voicemails may well have been intercepted.

Q2038 Adam Price: So the princes' voicemails may have been intercepted?

Mr Williams: Yes.

Q2039 Paul Farrelly: On their own phones?

Mr Williams: On their own phones.

Q2040 Chairman: When you say "may" -----

Mr Yates: We would never have been able to prove it.

Q2041 Chairman: Anybody may have been, but do you have actual -----?

Mr Yates: It is the letter and the open letter bit.

Mr Williams: It is whether you can prove it.

Q2042 Adam Price: So this is solid information which has led you to believe that quite possibly or probably their own phones were intercepted as well?

Mr Williams: Yes.

Q2043 Mr Hall: One of the things that really concerned me about the very swift response from the Metropolitan Police that there was no new evidence in this case and therefore nothing further to investigate was that it came out very quickly, and yet right at the start of the session you explained the amount of time that you put in during the day to reach that conclusion. Would it have been wiser on your part to have perhaps deliberated a little bit further before making the statement?

Mr Yates: We are sort of damned if we do and damned if we do not in these cases. If we are tardy we get criticised and if we are too quick we also get criticised. With Phil and others around the team we sat down and looked at what Mr Davies was saying in his article. We understood the genesis of it in terms of this was three stories, three old stories, conflated into one. We considered whether there was anything new within it and there was not, and we came to a view fairly quickly. Far be it from me to say it, but events have proved that that was probably the right decision to reach. I think we considered the DPP's and senior counsel's view on that.

Q2044 Mr Hall: What has emerged this afternoon is that this investigation and the prosecution was a very narrow and very fixed investigation, and it did not go further because you were not permitted to do fishing exercises with the *News of the World* to see if this was a widespread practice, rather than with the information you had to show if you had a particular case in certain circumstances. I am thinking about the request you made to the *News of the World* for information and their response, which you say is a response but did not give you any more information or led you any further forward. Is that a fair assessment?

Mr Yates: We could only follow the evidence. To go fishing is neither appropriate, lawful or ethical, we can only follow the evidence, and that is what we did in this case.

Q2045 Mr Hall: At one point I thought Detective Superintendent Williams was actually going to explain how the money worked and then the questioner led you further away. Detective Superintendent, how was this money actually paid to Goodman and how was it paid to Mulcaire?

Mr Williams: Mulcaire had a fixed contract, so that went into his bank, and then he received individual payments from Goodman. Goodman, according to the

material that *News of the World* gave us, would claim, for example, £500 and the records would show, which is what we got from *News of the World*, that it was Goodman to pay the pseudonym they were using for Mulcaire (and presumably Goodman) "Pay Mulcaire". That amount of money over the period totalled £12,300, and because it was believed to be in relation to Mulcaire's activities, the subject of our case, that was an amount we could say beyond reasonable doubt was as a result of this activity and therefore it became the subject of a confiscation order, which the judge granted, and it was not opposed.

Q2046 Mr Hall: If I can be clear, Mulcaire had a contract direct with the *News of the World* which they paid into his bank account, and he received subsequent amounts of money ---

Mr Williams: Additional sums.

Q2047 Mr Hall: --- from Goodman?

Mr Williams: Yes.

Q2048 Mr Hall: And Goodman claimed them from a pot in the *News of the World* organisation?

Mr Williams: Yes.

Q2049 Mr Hall: Is there an audit trail to the *News of the World* funds to show how much Goodman claimed and how much he passed on?

Mr Williams: Yes, and all that was the subject of the trial ---

Q2050 Mr Hall: This was all disclosed at the trial?

Mr Williams: Again, off the top of my head, it was a number of payments totalling £12,300.

Q2051 Mr Hall: These were cash payments?

Mr Williams: I believe they were. I could not quote you on that. I do not know.

Q2052 Mr Hall: Having looked at Mulcaire's bank accounts, there were no sums of money in his account which he could not actually account for?

Mr Williams: I do not know. I know we looked at his financial profiling, we knew where he was getting his money, from *News of the World* ---

Q2053 Mr Hall: So if there were other deputy editors in the *News of the World* - say the Sports desk rather than the Royal Family desk - and they had an

arrangement with a private investigator who was on contract, the payments would work the same way? That editor would claim them from a central pot in *News of the World* and pay them direct to the person supplying the information?

Mr Williams: If I have understood it, yes. Other people in *News of the World* had similar arrangements with other people. I am presuming, I do not know, is the honest answer, how they do it, but it could well be there would be similar records in *News of the World* to that.

Q2054 Mr Hall: Because of the requirements of the production order, you were not allowed to ask those questions?

Mr Williams: I can only ask in relation to what I am investigating. There is absolutely no basis to ask them that.

Q2055 Mr Hall: Did you follow the audit trail on the emails as well?

Mr Williams: Which?

Q2056 Mr Hall: The Goodman-Mulcaire audit trail via email? Was there an audit trail via email?

Mr Yates: Mulcaire's computer was seized and has been examined for any relevant material.

Mr Williams: There was nothing on his computer.

Q2057 Mr Hall: We were told by the current editor that he looked at 2,500 emails and he could not find anything to suggest this practice was active anywhere else in the *News of the World*. I do not suppose you looked at the 2,500 emails, did you? Although why would you.

Mr Williams: I do not know which emails he looked at. Again, my basis would be, who is Mulcaire working for? Give me names of people, give me stories, and then if you get that you would look at what gets revealed, but I have been told there is nothing in our records, therefore legally I have no basis to pursue it.

Q2058 Mr Hall: One final question, was John Prescott's phone actually tapped or not?

Mr Yates: No. As I said on the day, there is no evidence it was.

Q2059 Mr Hall: There have been plenty of stories about him which would explain his phone had been tapped.

Mr Yates: We have no evidence it was.

Q2060 Mr Watson: When you were examining the payments to the various people, the credit element and the cash payment element, did you have any reason to notify the Inland Revenue that tax offences might have been taking place?

Mr Williams: We did consider a raft of things. For instance, if he has received this fixed money, is there any basis for asset confiscation beyond the £12,300? So that was considered; all of that. There were some financial inquiries, but when it comes back to it, with counsel and CPS, we are completely unable to say on what basis he acquired that money; there is no basis to say it was unlawful. In fact the only basis we could say any of the payments were unlawful was that £12,300, so therefore that was the only bit that we could actually take off him. For the rest of it, we have no evidence to be able to support anything under asset confiscation or any of those matters.

Q2061 Mr Watson: With respect, that was not my question. I understand the point that you needed to find evidence of fraud for the trial ---

Mr Williams: I think you were asking about tax.

Q2062 Mr Watson: In the course of your investigation you were looking at the system of payments, how it worked, how Goodman was getting these cash payments, as an officer in other cases do you think there might be grounds which the Inland Revenue should have investigated further?

Mr Williams: In relation to Goodman?

Q2063 Mr Watson: This system of payments at News International.

Mr Williams: I must admit I do not know enough about Inland Revenue and tax to know whether or not that would be. You are now out of my field. I would bow to my financial investigators. I know we talked about this, we talked about tax, had they paid tax, and again that would be something I would leave to my financial investigators because that is their world.

Q2064 Mr Watson: So it might be something you could have a view on?

Mr Yates: In terms of how we pay our sources, there are arrangements but I do not know what it is like with ----

Q2065 Mr Watson: So it might be you would look at the Inland Revenue with others?

Mr Yates: Yes.

Chairman: We have kept you for long enough. Thank you very much.

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