

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

EXHIBIT MM1

EXTRACT FROM IPL'S CODE OF CONDUCT

INTRODUCTION AND SCOPE

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

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

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

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

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

STANDARDS OF BEHAVIOUR

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

COMPLIANCE WITH THE LAW AND RELEVANT INDUSTRY CODES

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

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

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

ANTI-BRIBERY

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

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

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

If you are unsure whether something is a bribe or could be perceived as such, please consult either the legal department or your manager. If you suspect someone of bribery or corruption, whether offering or accepting a bribe, please consult either the legal department or your manager/managing editor. We have set up a facility should you prefer to email any concerns anonymously. Whether you are on the Evening Standard or the Independent side of the business you can do so by emailing: anti-bribery@independent.co.uk.

DATA PROTECTION

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

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

The eight principles are:

Data should be

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

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

Everyone should familiarise themselves with the Data Protection Policy.

FINANCIAL INTEGRITY AND RESPONSIBILITY

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

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

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

COMPANY EXPENDITURE AND RESOURCES

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

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

EDITORIAL PROVISIONS

INTRODUCTION AND SCOPE

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

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

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

STAGE 1 - PREPARING FOR PUBLICATION

Pre-publication editorial and legal clearance

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

If you have any legal concerns, whether over libel, contempt, privacy, copyright or other issues, or ethical concerns about a story or article, it is up to you to consult the legal department (available to all employees, workers and freelances across both businesses on lawyers@independent.co.uk) as early on in the process as possible.

The legal department will work with you to ensure that any material published is accurate, defensible, and does not unjustifiably breach any person's rights, while being compliant with the PCC Code. Legal claims can be hugely expensive to the Company as well as damaging to its reputation. To be in the best position to defend a claim or complaint it is important that the people involved in preparation and publication of the story ensure their pre-publication conduct is beyond reproach, use their best efforts to get all the facts right, do the necessary research and seek a response from the subject of an article.

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

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

Putting the story to the subject

It is good journalistic practice that any potentially damaging story is put to the subject before publication.

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

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

Notebooks and Records

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

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

PCC Code Compliance

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

Use of freelances and the necessary due diligence procedures

When an employee is commissioning any freelances, they should research that person's professional history to ensure they are reliable, trustworthy and that their record on the standards of work and conduct is suitable for an association with the Company. If you are in any doubt, refer the issue to your desk head and the managing editor for assessment. Any

freelance you intend to use should be directed to this Code of Conduct and to the Terms for Freelance Contributions which are available on the Company's websites and will also be sent to them.

Payments for information/sources

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

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

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

Privacy and the Data Protection Act

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

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

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

You should note that it could be a criminal offence (subject to a public interest defence) to obtain, disclose or procure the disclosure of personal information knowingly or recklessly, without the subject's consent. You should familiarise yourself with the Data Protection Policy and make sure you comply with it.

Use of improper or illegal journalistic methods

Phone-hacking, subterfuge, 'blagging', trespass: it is established Company policy that no one should break the criminal law in their work for the Company. Anyone engaging in any form of deception for journalistic purposes (including not making it clear when making enquiries that they are a journalist working on behalf of the Company) needs *approval in advance*: that will

include an assessment as to whether that action could be justified in 'the public interest' made by the desk head with the assistance of advice from the legal department.

Again, please note that failure to get such approval is a serious issue: see the FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY section below.

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

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

Conflicts of Interest

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

Journalists should be particularly sensitive to the possibility that their activities outside the work they do for or with the Company (including holding office or being otherwise actively involved in organisations, companies or political parties) could be perceived as having a bearing on - or coming into conflict with - the integrity of our journalism. You should be transparent about any outside political, philosophical, religious or financial interests that might conflict with your journalistic independence or integrity, or could be perceived to do so. Anyone working in or for Editorial should declare an interest *before publication* to the desk head or managing editor when you are involved with something with which you have a significant connection. The desk head should then decide whether a declaration should appear in any relevant article.

Financial Reporting

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

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

Declarations of Corporate Interest

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

STAGE 2 – PRE-PUBLICATION

Attribution

All substantial material and quotes must be attributed correctly (ie. by author and, where appropriate, by title of the publication), whatever the source of such material, including another newspaper, agency, writer or journalist. To reproduce material or quotes without a full and

correct attribution is, in most circumstances, plagiarism. This is a serious matter and you are referred to the section on FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY below.

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

Copy/Picture Approval

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

Quotes - direct and anonymous

If quoting someone directly, you should use their exact words. If you do not want to use the way they have expressed something then, if it is editorially justified, you should not quote directly but paraphrase their words in indirect speech, taking care not to change the actual meaning.

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

Responsibility of desk heads

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

STAGE 3 - POST PUBLICATION

Complaints Handling

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

Confidentiality of sources, and contracts

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

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

FAILURE TO COMPLY WITH THE CODE OF CONDUCT OR A POLICY

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

DATA PROTECTION POLICY

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

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

What is 'personal data'?

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

What is 'processing'?

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

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

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

What does 'fairly and lawfully' mean?

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

What are legitimate interests?

It is accepted that journalists and the media must be allowed to process data about individuals without newsgathering, investigations or publication being scotched by the requirements of the law. So journalists do not have to comply with some restrictions on the processing of personal data where this would prejudice journalism.

See 'Privacy and Data Protection' in Editorial Provisions of the Code of Conduct for more detail on the public interest defence for journalistic purposes.

What does 'Not kept longer than necessary' mean?

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

What does 'secure' mean?

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

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

Enforcement

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

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

FAILURE TO COMPLY

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

EXTRACT FROM IPL'S STAFF HANDBOOK

1.1 COMPANY BACKGROUND

Independent Print Limited publishes The Independent, The Independent on Sunday and i newspapers and the company's websites, independent.co.uk and londoncareers.net.

The Independent was launched Tuesday October 7th 1986. Its founders came from the Daily Telegraph, and were Andreas Whittam-Smith, Matthew Symonds and Stephen Glover. It was the first national quality daily newspaper for 131 years.

In May 1994 the Mirror Group became the major shareholder in Newspaper Publishing and took over the commercial side (print, marketing, advertising sales, circulation, and finance) and editorial remained independent. The paper then moved to Canary Wharf. There was a gradual increasing stake by Independent News & Media in Ireland to a point of joint running, and this became an impossible situation so Independent News & Media finally bought out the titles in April 1998 and put immediate investment into the paper. There was the appointment of new editor, Simon Kelner and established journalists joined the titles. Its brand value was:

A modern newspaper with a mission to take the broader view.

'Our values remain identical to those of the paper when it launched in 1986: beholden to no one political party, economically and socially liberal.'

We are now firmly persuaded, however, that our values unite naturally with the overall goal of at last making Britain, in the fullest sense, a key force in contemporary Europe.'

Simon Kelner, Editor-in-Chief

6.5 DATA PROTECTION POLICY

Introduction

Data integrity and accuracy is vital to the success of group businesses. The Company has always taken the view that all personal data in relation to its employees should be processed fairly. In addition the Company has strict legal duties under UK Data Protection legislation.

What is personal data?

This is defined under the relevant legislation as information about a living person or information from which a living person can be identified, however it is collected, recorded and used - whether on paper, in a computer, or recorded on other material. It includes expressions of opinion or intention towards an employee. Sensitive personal data is information relating to the racial or ethnic origins, political or religious beliefs, trade union membership, physical and mental health, sex life and criminal offences.

The Company's obligations in respect to personal data:

- personal data must be obtained and processed fairly and lawfully;
- personal data should be obtained for one purpose and not used in a manner incompatible with that;
- personal data held must be adequate, relevant and not excessive for the purpose it is held;
- personal data must be accurate and kept up to date;
- personal data must not be kept any longer than necessary;
- personal data must be processed in accordance with every employee's rights under relevant legislation;
- appropriate security measures must be put in place;

- personal data must not be transferred outside the European Economic area without consent or without appropriate procedures in place.

Status of the Policy

This policy has been approved by the management of the Company and any breach will be taken seriously and may result in more formal action.

Any employee who considers that the policy has not been followed in respect of personal data about themselves should raise the matter with their head of department or Human Resources.

Notification of Data Held and Processed

All employees are entitled to

- Ask what information the Company holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed what the Company is doing to comply with its obligations under the 1998 Data Protection Act.

Responsibilities of Employees

All employees are responsible for:

- Checking that any personal data that they provide to the Company is accurate and up to date.
- Informing the Company of any changes to information that they have provided, e.g. changes of address.
- Checking any information that the Company may send out from time to time, giving details of information that is being kept and processed.

If, as part of their responsibilities, employees collect personal data about other people, they must comply with the policy.

Data Security

The need to ensure that data is kept securely means that precautions must be taken against physical loss or damage, and that both access and disclosure must be restricted. All employees are responsible for ensuring that:

- Any personal data which they hold is kept securely
- Personal information is not disclosed either orally or in writing or otherwise to any unauthorised third party.

The Company's Practice

In order for the business to function, it will be necessary for the Company to have access to and process personal data relating to its employees. The Company will of course comply with its legal obligations and will also be asking employees to consent to the processing of data, subject to these legal obligations, in their contract of employment.

Employees Rights

Employees have the right in certain circumstances to have the personal data the Company holds on them communicated to them subject to certain exceptions. Employees who wish to see such information should formally request this in writing to Human Resources. The Company will respond to this request within 30 days.

The exemptions from this right are in relation to information on negotiations with employees, management planning, confidential references about employees and information, which would reveal confidential information about another employer.

If you require any more details about the data protection principles and your rights in respect of these, please contact Human Resources.

9.5 Summary Dismissal

You will normally be dismissed without notice or pay in lieu of notice in cases of gross misconduct. The procedure will be as paragraph (d) of the previous section and you will be required to leave the Company's premises immediately.

Examples of offences which are normally regarded as gross misconduct are:

- (a) theft, dishonesty or deliberate falsification of documents;
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- (d) deliberate disobedience or persistent refusal to obey a lawful or reasonable instruction, or a serious act of insubordination;
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- (h) gross negligence, incompetence or dereliction of duty;
- (i) unauthorised use or disclosure of confidential information;
- (j) a serious act which breaks mutual trust and confidence or which brings or is likely to bring the Company into disrepute;
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Whilst gross misconduct will usually relate directly to the Company's business, circumstances may also occur when conduct, which is not so related, will be treated as gross misconduct, because of your position or duties, the need to maintain mutual trust and confidence or the need to protect the Company's reputation. Thus for example, you should be aware that the Company will take a serious view if you are convicted of any criminal offence other than a minor motoring offence not involving a custodial sentence.

NEWSPAPER AND MAGAZINE PUBLISHING IN THE U.K.

Editors' Code of Practice

This is the newspaper and periodical industry's Code of Practice. It is framed and revised by the Editors' Code Committee made up of independent editors of national, regional and local newspapers and magazines. The Press Complaints Commission, which has a majority of lay members, is charged with enforcing the Code, using it to adjudicate complaints. It was ratified by the PCC in January 2011. Clauses marked* are covered by exceptions relating to the public interest.

The Code

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

It is essential that an agreed Code be honoured not only to the letter but in the full spirit. It should not be interpreted so narrowly as to compromise its commitment to respect the rights of the individual,

nor so broadly that it constitutes an unnecessary interference with freedom of expression or prevents publication in the public interest.

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

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

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| <p>1 Accuracy</p> <p>1 The press must take care not to publish inaccurate, misleading or distorted information, including pictures.</p> <p>2 A significant inaccuracy, misleading statement or distortion once recognised must be corrected, promptly and with due prominence, and - where appropriate - an apology published. In cases involving the Commission, prominence must be agreed with the PCC in advance.</p> <p>3 The press, whilst free to be partisan, must distinguish clearly between comment, conjecture and fact.</p> <p>4 A publication must report fairly and accurately the outcome of an action for defamation in which it has been a party, unless an agreed settlement states otherwise, or an agreed statement is published.</p> <p>2 Opportunity to reply</p> <p>A fair opportunity to reply to inaccuracies must be given when reasonably called for.</p> <p>3 Privacy</p> <p>1 Everyone is entitled to respect for his or her private and family life, home, health and correspondence, including digital communications.</p> <p>2 Editors will be expected to justify intrusions into any individual's private life without consent. Account will be taken of the complainant's own public disclosures of information.</p> <p>3 It is unacceptable to photograph individuals in private places without their consent.</p> <p><i>Edge - Private places are public or private property where there is a reasonable expectation of privacy.</i></p> <p>4 Harassment</p> <p>1 Journalists must not engage in intimidation, harassment or persistent pursuit.</p> <p>2 They must not persist in questioning, telephoning, pursuing or photographing individuals once asked to desist, nor remain on their property when asked to leave and must not follow them, if requested, they must identify themselves and whom they represent.</p> <p>3 Editors must ensure these principles are observed by those working for them and take care not to use non-compliant material from other sources.</p> <p>5 Intrusion into grief or shock</p> <p>1 In cases involving personal grief or shock, enquiries and approaches must be made with sympathy and discretion and publication</p> | <p>handled sensitively. This should not restrict the right to report legal proceedings, such as inquests.</p> <p>2 When reporting suicide, care should be taken to avoid excessive detail about the method used.</p> <p>5* Children</p> <p>1 Young people should be free to complete their time at school without unnecessary intrusion.</p> <p>2 A child under 16 must not be interviewed or photographed on issues involving their own or another child's welfare unless a custodial parent or similarly responsible adult consents.</p> <p>3 Pupils must not be approached or photographed at school without the permission of the school authorities.</p> <p>4 Menors must not be paid for material involving children's welfare, nor parents or guardians for material about their children or wards, unless it is clearly in the child's interest.</p> <p>5 Editors must not use the name, notoriety or position of a parent or guardian as sole justification for publishing details of a child's private life.</p> <p>7* Children in sex cases</p> <p>1 The press must not, even if legally free to do so, identify children under 16 who are victims or witnesses in cases involving sex offences.</p> <p>2 In any press report of a case involving a sexual offence against a child -</p> <p>i) The child must not be identified.</p> <p>ii) The adult must be identified.</p> <p>iii) The word "incest" must not be used where a child victim might be identified.</p> <p>iv) Care must be taken that nothing in the report implies the relationship between the accused and the child.</p> <p>8* Hospitals</p> <p>1 Journalists must identify themselves and obtain permission from a responsible executive before entering non-public areas of hospitals or similar institutions to pursue enquiries.</p> <p>2 The restrictions on intruding into privacy are particularly relevant to enquiries about individuals in hospitals or similar institutions.</p> <p>9* Reporting of Crime</p> <p>1 Relatives or friends of persons convicted or accused of crime should not generally be</p> | <p>identified without their consent, unless they are genuinely relevant to the story.</p> <p>2 Particular regard should be paid to the potentially vulnerable position of children who witness, or are victims of, crime. This should not restrict the right to report legal proceedings.</p> <p>10* Clandestine devices and subterfuge</p> <p>1 The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.</p> <p>2 Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means.</p> <p>11 Victims of sexual assault</p> <p>The press must not identify victims of sexual assault or publish material likely to contribute to such identification unless there is adequate justification and they are legally free to do so.</p> <p>12 Discrimination</p> <p>1 The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, gender, sexual orientation or to any physical or mental illness or disability.</p> <p>2 Details of an individual's race, colour, religion, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story.</p> <p>13 Financial Journalism</p> <p>1 Even where the law does not prohibit it, journalists must not use for their own profit financial information they receive in advance of its general publication, nor should they pass such information to others.</p> <p>2 They must not write about shares or securities in whose performance they know that they or their close families have a significant financial interest without disclosing the interest to the editor or financial editor.</p> <p>3 They must not buy or sell, either directly or through nominees or agents, shares or securities about which they have written recently or about which they intend to write in the near future.</p> | <p>14 Confidential sources</p> <p>Journalists have a moral obligation to protect confidential sources of information.</p> <p>15 Witness payments in criminal trials</p> <p>1 No payment or offer of payment to a witness - or any person who may reasonably be expected to be called as a witness - should be made in any case once proceedings are active as defined by the Contempt of Court Act 1981.</p> <p>2 This prohibition lasts until the suspect has been freed unconditionally by police without charge or bail or the proceedings are otherwise discontinued or has entered a guilty plea to the court, or in the event of a not guilty plea, the court has announced its verdict.</p> <p>3 Where proceedings are not yet active but are likely and foreseeable, editors must not make or offer payment to any person who may reasonably be expected to be called as a witness, unless the information concerned ought demonstrably to be published in the public interest and there is an over-riding need to make or promise payment for this to be done; and all reasonable steps have been taken to ensure no financial dealings influence the evidence those witnesses give. In no circumstances should such payment be conditional on the outcome of a trial.</p> <p>4 Any payment or offer of payment made to a person later cited to give evidence in proceedings must be disclosed to the prosecution and defence. The witness must be advised of this requirement.</p> <p>16* Payment to criminals</p> <p>1 Payment or offers of payment for stories, pictures or information, which seek to exploit a particular crime or to glorify or glamorise crime in general, must not be made directly or via agents to convicted or confessed criminals or to their associates who may include family, friends and colleagues.</p> <p>2 Editors invoking the public interest to justify payment or offers would need to demonstrate that there was good reason to believe the public interest would be served. If, despite payment, no public interest emerged, then the material should not be published.</p> |
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PCC Guidance Notes

Court Reporting (1994)

Reporting of international sporting events (1998)

Prince William and privacy (1999)

On the reporting of cases involving paedophiles (2000)

The Judiciary and harassment (2003)

Refugees and Asylum Seekers (2003)

Lottery Guidance Note (2004)

On the reporting of people accused of crime (2004)

Data Protection Act, Journalism and the PCC Code (2005)

Editorial co-operation (2005)

Financial Journalism: Best Practice Note (2005)

On the reporting of mental health issues (2006)

The extension of the PCC's remit to include editorial audio-visual material on websites (2007)

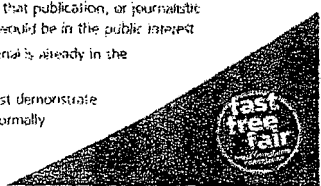
Copies of the above can be obtained online at www.pcc.org.uk

Press Complaints Commission
 Halton House, 20/23 Holborn, London EC1N 2JD
 Telephone: 020 7831 0022 Fax: 020 7831 0025
 Textphone: 020 7831 0123 (for deaf or hard of hearing people)
 Helpline: 0845 600 2757

The public interest

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

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



EXTRACT FROM IPL'S CONTRIBUTOR AGREEMENT

- 14.1 The Contributor warrants that the Works and every part of them will be his own original work and that neither the Works nor any exploitation or use which the Publisher may make of them will infringe any rights, including but not limited to intellectual property, privacy, performance, data protection, human or other right of any person or body, nor be defamatory of any person or body, nor render himself or the Publisher in contempt of court or in breach of any criminal law, including (but not limited to) improper processing or disclosure of data, surveillance, harassment, trespass, bribery and any other law or regulation whether during the course of his journalistic endeavours or otherwise.
- 14.2 The Contributor warrants that he is familiar with the Press Commission's Editorial Code of Practice (the "PCC Code", currently available at www.pcc.org.uk/cop/practice.html) and that he will keep updated on all developments of the Code and its application. He further warrants that he will comply with both the letter and spirit of the PCC Code in his performance of this Agreement and that nothing in his conduct, actions or omissions shall render the Publisher in breach of the PCC Code.
- 14.3 The Contributor warrants he will comply with the Data Protection Act 1998 ("DPA"), and will ensure that he does not obtain or handle any personal data unlawfully and that he complies with the PCC Code for the use of subterfuge in obtaining material for journalistic purposes. A PCC note on how the DPA relates to journalism is currently available at www.pcc.org.uk/news/index.html?article=ODg.
- 14.4 With regard to matters arising under Clause 14.1, 14.2 and 14.3, the Contributor shall raise any issue that he might become aware of, whether before or after publication of the Work in question, and disclose all relevant matters fully and promptly to the Publisher's Legal Department.
- 14.5 REDACTED.
- 14.6 The Publisher shall be entitled to terminate this Agreement immediately without notice if it becomes aware of any breach by the Contributor of the warranties given herein and the Contributor shall indemnify the Publisher against all costs, claims, losses and liabilities incurred or suffered by the Publisher as a result of any breach of his warranties or obligations hereunder.

EXTRACT FROM IPL'S EDITORIAL EMPLOYMENT CONTRACT

Clause 3 - HOURS OF WORK AND DUTIES

Clause 3.6

You will perform such duties and exercise such powers as the Company reasonably may require. Those duties are to be carried out loyally, diligently and in accordance with the directions given to you. You should keep the Company properly informed about your involvement in its business and promote and protect its interests, not knowingly or deliberately doing anything which is to its detriment, or which disrupts normal production of its newspapers. You should also comply with all lawful directions given to you and all Company codes of conduct and policies in operation from time to time, including those on Health and Safety and Equal Opportunities. You shall also observe and comply with the full letter and spirit of the Press Commission's Editorial Code of Practice (the "PCC Code") as amended from time to time, in the performance of your duties for and in the name of the Company, and to ensure that nothing in your conduct, actions or omissions makes it more likely in any way that the Company itself might be rendered in breach of the Code. It is your responsibility to familiarise yourself with the Code (available on www.pcc.org.uk/cop/practice.html) and to keep yourself updated on any developments of the Code or its application. It is also your obligation to comply with the Data Protection Act 1998 ("DPA") and in particular to ensure that you do not obtain any personal data unlawfully: the PCC Code sets out conditions for the use of subterfuge in obtaining material for journalistic purposes. The PCC's note on how the DPA relates to journalism is available on its website at www.pcc.org.uk/news/index.html?article=ODg. You should discuss any issue on these matters with the Legal Department.

Clause 8 - CONFIDENTIALITY AND COMPANY PROPERTY

Clause 8.2

You may not during your employment (otherwise than in the proper performance of your duties and then only to those who need to know such information or secrets) or afterwards (otherwise than with the prior written consent of the Board or as required by law) use or disclose any confidential information or trade secrets concerning the business of the Group or in respect of which the Group may be bound by an obligation of confidence to any third party. You should also use your best endeavours to prevent the publication or disclosure of such information or secrets. These restrictions will not apply after your employment has terminated to information which has become available to the public generally, otherwise than through unauthorised disclosure. All press enquiries involving the affairs of the business or any personnel of the Company must be referred to the Press Officer or the Managing Director's office.

Clause 11 – STANDARDS AND DISCIPLINARY AND GRIEVANCE PROCEDURE

Clause 11.1

You are expected to exhibit a high standard of propriety, integrity and efficiency in all your dealings with and in the name of the Company. In addition you will observe and comply with the full spirit and letter of the Press Complaints Commission's Editorial Code of Practice, as amended from time to time, in the performance of your duties for and in the name of the Company. Any breach of the Editorial Code of Practice may be dealt with in accordance with the provision of this clause 11 or otherwise at the discretion of the Company

Clause 12 – TERMINATION

Clause 12.1

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

- (a) REDACTED;
- (b) REDACTED;
- (c) REDACTED; or
- (d) if you are guilty of any serious default or misconduct in connection with or affecting the business of the Group, commit any serious or repeated breach of your obligations under your employment, are guilty of serious neglect or negligence in the performance of your duties or behave in a manner (whether on or off duty) which is likely to bring the Group into disrepute or which seriously impairs your ability to perform your duties.

EXTRACT FROM IPL'S COMMERCIAL EMPLOYMENT CONTRACT

Clause 3 – HOURS OF WORK AND DUTIES

Clause 3.5

You will perform such duties for the Company as it reasonably may require. Those duties are to be carried out loyally, diligently and in accordance with the directions given to you. You should promote and protect the Company's interests and not knowingly or deliberately doing anything which is to its detriment, or which disrupts normal production of its newspapers. You should also comply with all lawful directions given to you and all Company codes of conduct and policies in operation from time to time.

Clause 3.6

Unless you have the prior written consent of the Managing Director, you may not directly or indirectly receive or retain any payment or benefit, either in respect of any business transacted (whether or not by you) by or on behalf of the Company, or with a view to any such business being transacted.

Clause 8 – CONFIDENTIALITY AND COMPANY PROPERTY

Clause 8.2

You may not during your employment (otherwise than in the proper performance of your duties and then only to those who need to know such information or secrets) or afterwards (otherwise than with the prior written consent of the Managing Director or as required by law) use or disclose any confidential information or trade secrets concerning the business of the Company or in respect of which the Company may be bound by an obligation of confidence to any third party. You should also use your best endeavours to prevent the publication or disclosure of such information or secrets. These restrictions will not apply after your employment has terminated to information which has become available to the public generally, otherwise than through unauthorised disclosure. All press enquiries involving the affairs of the business or any personnel of the Company must be referred to the Managing Director's office.

Clause 12 - TERMINATION

Clause 12.1

The Company may, notwithstanding any other terms of your employment, at any time by notice in writing, terminate your employment with immediate effect :

- (a) if you are convicted of a criminal offence other than one which in the opinion of the Managing Director does not affect your position as an employee of the Company, bearing in mind the nature of your duties and the capacity in which you are employed; or
- (b) if you are guilty of any serious default or misconduct in connection with or affecting the business of the Company, or commit any serious or repeated breach of your obligations under your employment.

Independent.co.uk

Terms for freelance contributions

Thursday, 25 August 2011

These Freelance Terms relate to The Independent, the Independent on Sunday, i, www.independent.co.uk and other paper and online publications owned by Independent Print Limited or Independent Digital News and Media (IDNM) (jointly and separately referred to in these Terms as 'the Company').

The Company is happy to publish material which is supplied by freelance contributors; it is showcased in our titles daily and appreciated worldwide by our readers and users of our websites.

Freelance contributors should be aware that the Freelance Terms are the terms of business that will apply to all material you provide to us however supplied - commissioned, sent on spec or any other arrangement.

These Freelance Terms will not be varied, the only exception to that would be in the event that a Director of the Company has expressly agreed in writing to a variation. If any freelance is not happy with the Freelance Terms then they should not offer us any material or accept a commission from us. Any material supplied to us for publication is deemed to have been supplied in full knowledge and acceptance of these Freelance Terms.

A) RIGHTS IN THE MATERIAL

It is very important for both parties that there is a clear understanding early on over who can exercise which rights in the material. As is the case with other publishers, we need to have certain rights to allow us to make further use of the contents of the newspaper titles and websites.

One example is that since the early days of the internet we have put the contents of the paper online, on our own websites, and supplied it to those of other third party hosts. This gives our material much greater exposure and ensures that the quality writing the Company publishes is widely available to interested readers on a variety of websites.

We also supply our contents to a range of newspapers, magazines, websites, on mobile and tablet apps, and other media outlets, and license rights to a range of third parties.

Contributors will note that apart from the right of first publication, which has to be ours exclusively, all the Company's other rights are non-exclusive: this means that contributors can also exploit the material themselves.

Rights Terms:

1. The important point for you is that you retain copyright in the material ('material' means any copyright work as set out in the Copyright, Designs and Patents Act as amended, including all forms of content such as written, photographic, graphic, audio-visual and sound)

2. The Company has the following rights over the material without further payment or obligation to you, all of which are worldwide, perpetual, irrevocable and sub-licensable except to the extent that may be otherwise specifically stated:

2.1 the exclusive right to first publication in any media;

2.2 following the exercise of the right in 2.1, the right to republish, syndicate, distribute, exploit and retransmit the material in all present and future media and formats, including print, electronic, online, telephony and all others. If your material is syndicated by us to an end-user customer as an individual piece of work in print ("spot sale"), you will receive 50% of the net revenue attributable to that sale;

2.3 the non-exclusive right to store, archive and use the material in databases and archives in any present or future media or format;

<http://www.independent.co.uk/service/terms-for-freelance-contributions-759578.html?service=P...> 14/09/2011

2.4 all rights in the titles and formats used in respect of your material in any of our publications shall remain with the Company;

2.5 the right to translate, amend, cut or alter your material as we think appropriate.

The non-exclusive rights under 2.2 and 2.3 can be exercised by you. However the Company's syndication department is set up to handle all enquiries for spot sales in print and other syndication requests so we ask you to pass on to them any such enquiries that you may receive.

The exercise by you of any of these rights is conditional on it not leading to any conflict of interest with the Company, and to your procuring a proper acknowledgement to the Company and its product is given on any further use of your material together where possible with a link to the material on the Company's website.

You agree that we can use an image of you in association with your material for purposes of publicity, promotion and any other activity related to the exercise of our rights under these Rights Terms.

B) PAYMENT

IPL operates a self billing system for the payment of freelance contributions. New contributors should supply their payment details and email address to the commissioning editor or the person to whom they have arranged to supply their material, on the first occasion of supply. Unless any other rate or fee is agreed at the time of commission/ agreement any payment will be made at the Company's prevailing rates

Payment will be made at the end of the month following the month of publication of the contribution.

C) EDITORIAL STANDARDS

The reputation of the Independent brand, in the UK and around the world, is based on the editorial independence, integrity and high journalistic standards of our publications. Anyone who supplies material to any of our publications must ensure that their conduct and the material they submit are ethical, legal and proper. In particular they should comply in full with the Press Complaints Commission Code of Practice (www.pcc.org.uk/cop/practice.html), keeping themselves updated on all developments of the Code and its application. You agree to cooperate fully with the Company should any complaint be made about your material.

You should tell us about any conflict of interest, whether actual or potential, as well as anything which could possibly be perceived as such. You should raise this, preferably in writing by email, to the person with whom you have contact in the Company.

It is also a term of acceptance of your material that you agree to comply with the Data Protection Act 1998. For a note on how this relates to journalistic activities see www.pcc.org.uk/news/index.html.

If you have any query on these points, or uncertainty about any aspect of conduct or the material you are submitting, you should email it to lawyers@independent.co.uk.

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Independent Print Limited
Statement on Johann Hari

Following an examination by a former editor, Andreas Whittam Smith, Johann Hari, currently suspended as a writer from The Independent, is taking four months unpaid leave of absence from the newspaper, following a two month suspension that began in July. This decision has been made in accordance with Andreas' recommendation that, subject to certain conditions, Johann should be allowed to work again at the paper. The report on his conduct is a private one and will not be published, as would be the case with any member of our staff.

During the next few months Johann will concentrate on a course of journalism, including ethics, in the United States, and will not be writing, tweeting or blogging for any of the group's titles or website. The expectation is that on successful completion of his studies, he will return to The Independent.

Johann has acknowledged and admits the central accusations made against him, that of embellishment of quotations/plagiarism, and that it was he who used the pseudonym David Rose to attack his critics.

Johann has also agreed to return the Orwell Prize awarded to him in 2008.

An article by Johann will be published on our website tonight and will appear in tomorrow's paper.

EXTRACT FROM BOARD MINUTES OF IPL – 21 JULY 2011

INDEPENDENT PRINT LIMITED
("the Company")

MINUTES OF A MEETING
OF THE DIRECTORS
HELD AT
11 Hill St, London W1J 5LG
on 21st July 2011

PRESENT:
Evgeny Lebedev (Chairman)
Justin Byam Shaw
Geordie Greig
Simon Kelner
Andrew Mullins
Andreas Whittam Smith

APOLOGIES:
Alexander Lebedev

IN ATTENDANCE:
Manish Malhotra

1. REDACTED.
2. EL announced that SK would be resigning as Editor in Chief but had agreed to remain on the Board as a Non-Executive Director. Chris Blackhurst had been appointed as Editor of The Independent. The Board thanked SK for his immense contribution over many years and wished CB well in his new role. In view of recent events, SK gave an assurance to the Board that there had been no phone hacking or illegal payments to his knowledge whilst he had been Editor in Chief at the Company.
3. AWS had been asked to conduct an internal investigation into the allegations made against Johann Hari and he would review the file and interview JH in the next few weeks. AWS was aiming to make his recommendations in time for the next Board meeting (**Action – AWS**).

Paragraph 4 onwards - REDACTED