



From the Director

7th February 2007

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A handwritten signature in black ink, appearing to read "Colin Myler", is written over the typed name.

I am writing following the convictions of Clive Goodman and Glenn Mulcaire. As you may know, the board of the Press Complaints Commission has met and discussed the matter on two separate occasions. It has asked me to put a number of questions to you before launching a wider exercise aimed at ensuring that such phone message tapping does not happen again.

There are obviously several matters that are specific to the News of the World. The focus of our enquiries is on lessons to be learned. But clearly this requires some understanding of the situation which gave rise to the Goodman/Mulcaire case. It goes without saying that the Commission realises that you have no personal responsibility for what occurred.

We have been especially concerned whether the employment of Mr Mulcaire represented an attempt to circumvent the Code's provisions by sub-contracting investigative work to a third party. We recognise that there is nothing inherently wrong with using third parties. But the Code says that "editors should take care to ensure it is observed rigorously by all editorial staff and external contributors, including non-journalists". There are therefore no loopholes.

More specifically,

1. Were Mulcaire and any other external contributors aware that when using their material the newspaper had to work within the terms of the Code and the law?

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2. To avoid a repetition of this episode, what new guidance has been or will be introduced for external contributors? Is it/will it be written into their contracts or otherwise made clear that material must be obtained in a manner consistent with the requirements of the Code of Practice and of the law, and that public interest exceptions may apply? What other steps are being or will be taken to ensure that material supplied by third parties complies with the Code?
3. What steps have been/will be taken to ensure that all staff journalists on the News of the World understand that the use of third parties to circumvent the Code is unacceptable, and may be illegal?

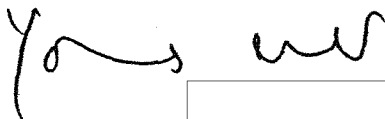
As to Goodman, it seems from the evidence submitted to the court that he repeatedly breached the Code and the law. It will not surprise you to hear that the Commission requires reassurance that the newspaper makes its staff journalists fully aware of the requirements of the Code and the law in terms of subterfuge, including when it is justified. This, of course, embraces also the Data Protection Act, where there has been separate comment recently about the extent to which it is respected by journalists.

More specifically,

1. Has the paper's guidance to staff journalists changed in light of Goodman's conviction? If so, what does it say?
2. Are you satisfied that staff fully understand all clauses of the Code of Practice and the consequences of breaching the Code? There are occasions where exceptions to the rules may be made in the public interest – are these made clear?
3. Do you need the Commission's assistance to help with internal training or anything else? As you may know, we run regular workshops on the Code and how it is enforced.
4. The Commission intends to widen its investigation after hearing from you, with a view to establishing whether controls across the industry are adequate. With this in mind, is there anything else that would be helpful to us from the newspaper's experience in this case?

I look forward to hearing from you. I may have some further questions at a later stage.

With kind regards.



Tim Toulmin

