

IN THE MATTER OF THE LEVESON INQUIRY

EXHIBIT "TM1"
TO THE
WITNESS STATEMENT OF THE RT HON THERESA MAY MP

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06/09/10

UQ HS briefing

SPEAKING NOTE

Urgent Question: Tom Watson "To ask the Secretary of State for the Home Department if she will make a statement on the Metropolitan Police Investigation into phone hacking by the News of the World newspaper".

In December 2005 the Metropolitan Police began an investigation focussing on alleged security breaches within telephone networks after concerns were raised by members of the Royal Household at Clarence House.

That investigation resulted in the prosecution and conviction of the News of the World's Royal Editor, Clive Goodman, in 2007 for unlawfully intercepting the phone messages of staff in the Royal Household. A private investigator, Glenn Mulcaire, was also convicted and jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association.

That investigation has already been reviewed by the Metropolitan Police, the Director of Public Prosecutions and the CPS who all concluded that the investigation was proper and appropriate. The matter has also been previously examined by the Culture Media and Sport Select Committee and the previous government updated the House on further allegations that were made in July 2009.

Honourable Members will be aware that there have recently been allegations connected to this investigation in the New York Times newspaper.

Any police investigation is an operational matter in which ministers have no role. I understand that the original investigation was complex and was informed by high level

legal advice. As a result of that investigation, of course, two individuals *were* successfully prosecuted.

The police have made clear that during the investigation there was early and regular consultation with the Crown Prosecution Service, so that the lines of inquiry followed were likely to produce the best evidence. The CPS had full access to all the evidence gathered and the final indictment appropriately represented the criminality uncovered.

The Metropolitan Police have indicated that if there is further evidence they will look at it.

Q&A

1. Fresh police or independent investigation

Will the HS order/instigate a new investigation?

Any criminal investigation is an operational matter entirely for the police and in which ministers have no role.

Will the Government/HS seek an independent review of the MPS investigation?

I have no plans to do so at present [since there is no hard basis for such a review].

The Metropolitan Police are making further enquiries to establish whether the recent media allegations constitute any fresh evidence.

The most appropriate course of action is to await the outcome of those enquiries.

Would it be appropriate for HMIC to investigate this matter [as suggested by the former Home Secretary] ?

I have made clear that I do not consider any investigation of this issue appropriate at this time.

[If pressed - If the position were to change markedly it would be necessary to consider the most appropriate course of action in the light of all the relevant circumstances.]

Will the IPCC investigate?

The IPCC is independent – it is therefore for the IPCC to consider whether there are any issues in the case falling within its remit.

Is Alan Johnson going to be allowed in to look through his paperwork, as he claims he will do?

There is a convention which allows previous ministers access to papers they had access to when in office.

I confirm that the Home Office stands ready to assist Mr Johnson in this respect.

What is the MPS doing about the media reporting?

This is an operational matter for the police.

However Honorable members may have seen comments by Assistant Commissioner John Yates that the MPS had been in touch with the New York Times about their story and had repeatedly asked them for any new material that they might have. This was not forthcoming.

The MPS is now making further enquiries of the newspaper about the information they have published.

What recent conversations has the HS had with John Yates / MPS – does she know whether he is likely to order a new investigation

I have had no such conversation.

This is an operational policing matter in which ministers have no role.

The MPS has made clear that it is seeking further information from the newspaper with a view to considering whether there is any fresh evidence relating to the allegations on phone hacking.

Assistant Commissioner John Yates has made clear that the MPS will consider any fresh information.

2. Allegations that MPs have not been informed if they were the victim of hacking

Will the Home Secretary insist that the MPS fully inform MPs whether they are hacking victims?

This is entirely a matter for the police.

However I understand that the Metropolitan Police has previously made it clear that while the potential targets may have run into hundreds of people, their inquiries showed the tactic was used against a far smaller number of targets.

Where information exists to suggest some form of interception was or may have been attempted the MPS has taken steps to inform those concerned.

Specific allegations that John Prescott does not know whether he was a target

Again this is a matter for the MPS but I understand they have previously publicly stated that they have no evidence that John Prescott's voicemail was intercepted or even that an attempt was made to do so.

Should this House/the public not know who was subject to such practices?

Those who may have been subject to such practices also have a legitimate expectation of privacy.

I believe it is quite right that other than in a small number of cases and with the consent of the individuals concerned - the privacy of individuals concerned has been respected by the MPS.

Shouldn't the Independent Police Complaint Commission (IPCC) look into these allegations?

The IPCC is an independent body and it is a matter for it to consider whether there are any issues falling within its remit, and how it responds to any referrals or complaints.

Background

The Guardian newspaper ran a story on Thursday 9 July 2009, with follow-up in subsequent days, alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories – tapping of mobile phone voicemails and blagging of other personal information of thousands of public figures.

The story stemmed from the jailing of the News of the World Royal Editor, Clive Goodman, in 2007 for hacking into the mobile phones of staff in the Royal Household. At the time News International said Mr Goodman had been acting without their knowledge. A private investigator, Glenn Mulcaire, was also jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association.

The Metropolitan Police investigation leading to the convictions started in 2006 after concerns were reported in December 2005 to its Royalty Protection Department by members of the Royal Household at Clarence House. It focused on alleged security breaches within telephone networks over a significant period of time. The investigation initially focused on complaints from three people within the Royal Household.

Mr Gordon Taylor sued the owners of the News of the World on the basis that its senior executives must have been aware of the actions. It was reported that an out-of-court settlement was reached and The Guardian claimed that the information from the case which would have exposed allegations of widespread phone-hacking by News of the World journalists (not just Mr Goodman) was then suppressed by the police and the High Court.

Commenting on the original police investigation, Assistant Commissioner John Yates, said on 9 July 2009 that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved, and that where there was clear evidence that people had been the subject of tapping, they were contacted by the police.

The Director of Public Prosecutions said on 9 July that the CPS would urgently examine the material supplied to the CPS by the police three years ago and that he would issue a further statement as soon as the review had been completed "in a matter of days".

During the exchanges in the House of Commons following an Urgent Question on 9 July when David Hanson made a short statement, and during exchanges following the repeat statement in the Lords, concern was raised about the role of the Press Complaints Commission.

The latest allegations ran in the Guardian on 2 and 3 September following a story in the New York Times which alleges that they have a new witness - a former journalist (Sean Hoare) at the News of the World - who alleges that contrary to previous denials Andy Coulson (then editor) knew about phone hacking practices.

The paper also makes allegations about the police investigation alleging a cover up due to a close relationship between the MPS and News International and that not all relevant evidence was passed to the CPS. Unsurprisingly the MPS strongly deny such assertions. They have asked the paper for further information so that they can assess whether the alleged information provided by Mr Hoare and others unnamed, amounts to any new evidence which would cause them to review or revisit the case.

The articles also contain various assertions by those who may have been hacking targets in relation to what they may have been told or not by the MPS. There are also various calls for judicial or independent investigations into the renewed allegations and the MPS investigation.

In July 2009, the IPCC received a letter from Chris Huhne MP complaining about the MPS' handling of the investigation into the alleged phone-tapping incidents. Mr Huhne requested the IPCC conduct a full independent inquiry into the original handling of the case by the MPS. In line with the Police Reform Act, the IPCC passed the complaint to the MPS (with Mr Huhne's consent) for them to make a recording decision. The IPCC has had no further contact from Mr Huhne about this matter.

It is stated that Tom Watson MP has recently written to the Deputy Prime Minister asking him to confirm that the IPCC will be conducting an investigation into allegations made by the New York Times that suggest a MPS press officer tried to suppress an investigation in order to protect the force's long term relationship with News International. The IPCC is currently liaising with the MPS about whether there are any issues that should be referred. At present, it has not received any complaint or referral.

6.9.10

PHONE HACKING ALLEGATIONS

Top Line

At present this is a matter for the police who have indicated that they are seeking further information to see whether there is any fresh evidence in relation to the allegations.

It would be inappropriate to comment further while these inquiries are underway.

If pressed

The previous investigation has already been reviewed by the Metropolitan Police the Director of public Prosecutions and the CPS who all concluded that the investigation was proper and appropriate.

If any fresh evidence comes to light it will be a matter for the police to decide how to proceed.

Key points

- Any police investigation is an operational matter in which ministers have no role.
- Understand the original investigation was complex and was informed by legal advice.
- As a result of the original investigation two individuals were convicted of unlawful interception of phone messages.
- The original investigation and prosecution decisions were reviewed by the police and CPS who could find no new grounds for considering the decisions flawed.
- Any new evidence emerging would be a matter for the police to consider.

Police investigation was flawed?

Operational decisions are a matter for the police and CPS, not the Government.

[If needed - allegations about police investigation]

Investigations are an operational matter for the police however I understand that the MPS has rejected the suggestion by the New York Times that police "failed to follow-up on clear leads" and "declined to pursue other evidence of criminality by others" in relation to the News of the World phone hacking investigation.

The MPS has made clear that at the time as with other investigations, there was early and regular consultation with the CPS, so that the lines of inquiry followed were likely to produce the best evidence. The CPS had full access to all the evidence gathered and the final indictment appropriately represented the criminality uncovered.

Will the Govt ask for the investigation to be reopened?

Asst Commissioner John Yates has said he will consider any new evidence and would consider whether to reopen the investigation accordingly. That is the right course of action.

The Government will await the outcome of MPS enquiries.

Will the Govt ask the IPCC to review the investigation?

The IPCC is independent – it is therefore for the IPCC to consider whether there are any issues in the case falling within its remit.

Will the Govt ask HMIC to review the investigation [eg as Jacqui Smith asked re the Damian Green issue]?

Police have now said they will consider any new evidence. That is the right course of action. The Government will await the outcome of MPS enquiries.

Will the Govt ask for a judicial review?

That is entirely a matter for the criminal justice system, not for Govt.

Will it ask the CPS to review?

The Government does not tell the CPS what to review. It is an important point that the Govt has no influence on what the CPS decides.

What did Alan Johnson consider when he was HS? Did he consider asking HMIC to investigate?

The former Home Secretary considered this issue and did not take further action or request an investigation.

Issues about how RIPA was applied in this issue?

If the police present the CPS with further evidence this would have to be reviewed in line with the Code for Crown Prosecutors.

The police and CPS would have to examine the merits of the evidence for each case.

The police already have a range of powers available to deal with data theft.

Background

The Guardian newspaper ran a story on Thursday 9 July 2009, with follow-up in subsequent days, alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories – tapping of mobile phone voicemails and blagging of other personal information of thousands of public figures.

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Commenting on the original police investigation, Assistant Commissioner John Yates, said on 9 July 2009 that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved, and that where there was clear evidence that people had been the subject of tapping, they were contacted by the police.

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During the exchanges in the House of Commons following an Urgent Question on 9 July when David Hanson made a short statement, and during exchanges following the repeat statement in the Lords, concern was raised about the role of the Press Complaints Commission.

The latest allegations follow a story in the New York Times which alleges that they have a new witness - a former journalist (Sean Hoare) at the News of the World who alleges that contrary to previous denials Andy Coulson - then editor - knew about phone hacking practices.

The paper also makes allegations about the police investigation alleging a cover up and that evidence was not passed to the CPS. The MPS strongly deny such assertions but have asked the paper for further information so that they can assess whether this amounts to any new evidence which would cause them to review or revisit the case.

On RIPA

The DCMS Select Committee Report on Standard Privacy and Libel was published on 24 February. In reference to the revelations about News of the World staff accessing the voice mail of a number of public figures and the resultant police actions it stated:

"465. The police also told us that under section 1 of the Regulation of Investigatory Powers Act (RIPA) it is only a criminal offence to access someone else's voicemail message if they have not already listened to it themselves. This means that to prove a criminal offence has taken place it has to be proved that the intended recipient had not already listened to the message. This means that the hacking of messages that have already been opened is not a criminal offence and the only action the victim can take is to pursue a breach of privacy, which we find a strange position in law.

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Please see below the MMU summary of John Yates' appearance on the Today programme this morning.

PHONE HACKING

Police are to examine fresh claims about phone hacking by News of the World (Tdy 0800 ld-in). Scotland Yard is to examine new evidence about the extent of phone hacking involving journalists at The News of the World. It said it would examine claims, dismissed by the paper, that Coulson knew about the practice. News of the World has just released a statement saying that the new allegations contain no new credible evidence (R4 0801).

Met stands accused of failing to do its duty. Former News of the World journalist has added to suspicions of widespread abuse (Tdy 0810).

Norman Smith: While not yet promising a new investigation, Scotland Yard have opened the door to one. But Met's role is under scrutiny at Westminster. Calls by Labour MPs for an investigation by Parliamentary Standards Committee and a Govt statement (R4 0802).

James Landale: Labour will keep rubbing away. Namely, less the question about the role of the police but the role of Coulson. We're going to have demands for a statement to Parliament. They'll keep pushing this. Labour leadership contenders are all calling for an inquiry. This will be a continuing, running sore. Politicians could persuade a parliamentary body to do it. Media and Culture Committee looked at this thoroughly last year and parliamentary committees are reluctant to go over familiar territory unless there's new evidence (Tdy 0821).

Tamsin Allen,* *Bindmans: May be the case that there's no clear evidence of hacking but where there's someone who has been committing the offending behaviour and has a list of names and numbers, you'd expect them to be warned (R4 0802 clip).

Sean Hoare, former NotW: I've stood by Andy and been requested to tap phones or hack into them. He was well aware that the practice existed. To deny it is simply a lie (Tdy 0810 clip from PM last week).

John Yates, Metropolitan Police: We've always said that if new evidence was produced then we would consider it. We've heard what Hoare has had to say, we've been in contact with New York Times for months prior to the release asking for new evidence, and they didn't produce any until the article was released. This is the first time we've heard from Hoare. Line of inquiry was narrow? We focused our resources where we thought we could get the best evidence in consultation with CPS. We are surprised that the New York Times did not avail us of this information earlier than it did. There's a number of journalists at News of the World and across News International, we have to focus where we think is best. How many people were potential victims in your view? It's not helpful to get into numbers. We take our obligations regarding telling victims seriously. Those who were hacked, we had an obligation to talk to. There were others who may have been targeted who we discussed with the phone companies. In July of last year I wanted to have a further look at if we'd been as diligent as could have been - we've undergone that process. Vast number of voicemails hacked, and you

didn't tell people? There's a misunderstanding here which suggests just because your name features in a private investigator's files, you have been hacked. It is not an offence to be a private investigator. I told John Prescott that his phone, to the best of our knowledge, had not been hacked. The fact that Prescott's name appeared on an invoice does not mean his phone has been hacked, it means he's of interest to a private investigator. That's what private investigators do. Do you believe his phone was hacked? I believe there's no evidence his phone was hacked. We cannot just supply willy-nilly to people material we've gathered during the course of a criminal investigation for another matter. Was investigation as thorough as it could have been? You have a relationship with News International? Firstly, around the investigation, we'll always focus resources where we believe we can find the best evidence. In relation to the issue of our relationship with News International - we have a relationship with them like any other news outlet. There's no evidence it's improper. The facts are that we investigated, the CPS prosecuted, and leading counsel reviewed. There were many independent people who would quite properly have asked questions. You have senior officers who make money from News of the World? I think you know what you've just said is improper and wrong to suggest. Police stories appear in News of the World? I'm not denying there's a relationship between the entire police service and the media. But to say it's improper, you'd have to provide evidence. Proper, professional briefings are undertaken on a regular basis. There's no evidence to suggest anything else. A senior investigator told the New York Times that a press officer approached him to discuss the case and talked about long-term relationship with News International? It's interesting it's an unnamed source. Press officer denies it ever took place. What would you suggest that those who have spoken to New York Times should do now with their concerns? If any new evidence comes to light, we'll consider it. Risk that motivation of some of those who come forward - what will motivations be? You'd better ask them that. Bandwagon? That's for others to speculate on. When you look at the entire case, do you accept it has been mishandled? I don't accept that. It was a thorough inquiry. It convicted two people and clarified a complex area of law and sent a strong deterrent message. This was a successful investigation. Former DPM feels badly treated? That's for them to say. I've said what I think (Tdy 0810 i/v).

6,9,10 no questions
lines to take

PHONE HACKING ALLEGATIONS

Top Line

At present this is a matter for the police who have indicated that they are seeking further information to see whether there is any fresh evidence in relation to the allegations.

It would be inappropriate to comment further while these inquiries are underway.

Supplementaries

- Any police investigation is an operational matter in which ministers have no role.
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- Any new evidence emerging would be a matter for the police to consider.

21/9/10

HSC + COM MPS bilateral brief

PHONE HACKING ALLEGATIONS

Purpose - To ascertain the latest position on the MPS inquiries into the recent US-led phone hacking media coverage and allegations.

Line to take

- There continues to be considerable parliamentary and media interest in phone hacking. Grateful for an update on progress with further inquiries into phone hacking allegations.
- What is your estimate of timescale within which decision might be reached on need for renewed investigation/no further action?

Background

On Thursday 2 and Friday 3 September 2010, the *Guardian* ran articles reporting a *New York Times* story on phone hacking by *News of the World* journalists. This purported to have new eye witness evidence (from former journalist Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September you answered an urgent question in the House from Tom Watson explaining the (then) position which was that it was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. We understand that they have now spoken to Sean Hoare but do not know where that information may lead at present. Accordingly, as far as we are aware this is not yet a fresh investigation and we await notification of the outcome of the initial enquiries. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with government backing). Chris Bryant has also written to MPs urging them to contact the MPS seeking information as to whether their details may have come up during the original investigation.

Chris Bryant is also party to a judicial review application (lodged 13 September), together with Brian Paddick (formerly of the MPS) and Brendan Montague (writer and journalist), seeking the court's view on whether the MPS "conducted the investigation regarding their violation of privacy properly".

On 21 September the Press Complaints Commission was reported as stating it was prepared to revisit its own investigation into the *News of the World* once current police inquiries and parliamentary investigations are complete.

Alan Johnson recently visited the Home Office to see papers relating to phone hacking during his time as Home Secretary.

13/12/10
phone hacking HASC
HS update
brief

PHONE HACKING

Top lines

- Following allegations made in the media in early September 2010 relating to alleged phone hacking at the News of the World in 2005/6; the Metropolitan police (MPS) carried out a number of inquiries and interviews.
- The MPS submitted a file to the CPS on 12 November seeking advice about the prospects of bringing criminal charges.
- According to the Director of Public Prosecutions those interviewed either refused to co-operate or did not provide any fresh evidence in relation to the allegations.
- The DPP concluded therefore, that there is no admissible evidence upon which the CPS could properly advise the police to bring criminal charges.
- Both the police and CPS have indicated that they remain ready to consider any fresh evidence. However, if individuals are not prepared to provide admissible evidence there is no prospect of criminal prosecution.
- [***If needed*** – The latest allegations have been fully considered by the police and CPS. Any allegations of criminality are properly matters for these organisations. Given that no new evidence has been provided no further action is currently available to the police or courts.
- [***If pressed*** – The allegations are also subject to two Parliamentary committee enquiries. I do not believe that a public enquiry is likely to significantly change the current position.]

Supplementary lines

- Understand the original investigation was complex and was informed by legal advice.
- As a result of the original investigation two individuals were convicted of unlawful interception of phone messages.
- Where information exists to suggest some form of interception was or may have been attempted the MPS states that it has taken steps to inform those concerned.

Background

On Thursday 2 and Friday 3 September 2010, the *Guardian* ran articles reporting a *New York Times* story on phone hacking by *News of the World* journalists. This purported to have new eye witness evidence (from former journalist Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September the Home Secretary answered an urgent question in the House from Tom Watson explaining that any further action was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000. This has not yet started.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with government backing). The Committee is focusing on the implications for Parliamentary business and has in the first instance sought evidence from the Clerk to the House and from legal experts on the circumstances in which hacking would be a contempt of Parliament.

Latest developments

As stipulated by AC John Yates, the MPS conducted further inquiries in the light of the *New York Times* allegations. They submitted a file to the CPS on 12 November seeking advice on the likelihood of being able to pursue prosecutions based on the information gathered. On 10 December the Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided no fresh information. On this basis no charges will be brought and the MPS case on the issue remains closed with no new or ongoing investigation. The DPP's statement included the following:

"It is possible that further allegations will be made and the CPS remains willing to consider any evidence submitted to us by the police. To facilitate this, the CPS and the Metropolitan Police Service intend to convene a panel of police officers and prosecutors to assess those allegations with a view to determining whether or not investigations should take place.

"I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."

24.1.11

Topical Question Briefing

Phone hacking

Will the Secretary of State for the Home Office order an independent into the Metropolitan Police's conduct of its investigation into News of the World phone hacking allegations?

Lines to Take

- I understand that the Metropolitan Police have today announced that they will conduct a fresh investigation into the phone hacking allegations.
- [If pressed on scope of investigation]
- The scope and handling of that new investigation are operational matters entirely for the Metropolitan police. As with any other investigation it would be wholly inappropriate for ministers or the government to seek to interfere in such matters.
- [A statement was made earlier today [by Acting Commissioner Tim Godwin] making clear that the new investigation would be led by the Serious Crime Division.]
- Both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges have announced that they will hold inquiries into aspects of phone hacking.
- The Director of Public Prosecutions made clear in December, that there was no realistic prospect of further criminal charges in relation to allegations of phone hacking at the News of the World reported in American and UK newspapers in September 2010.
- However, he also announced (in January) a review of all material considered as part of the original investigation (including any seen by the police but not the CPS at the time), to ascertain whether there is the basis for any future criminal prosecutions.
- A number of cases are currently before the courts. This provides a proper framework to examine specific facts.
- The most appropriate course appears to be to await the outcome of the various investigations and inquiries now underway.

Background

In September 2010 the Guardian ran articles reporting on a New York Times story which made fresh allegations in relation to the phone hacking by News of the World journalists.

These allegations had been subject to police investigation from December 2005 resulting in the prosecution and conviction in 2007 of two individuals. The allegations were further reviewed in 2009 in the light of further media allegations although both the police and CPS concluded the investigation had been properly handled and there was no fresh evidence to pursue.

However in the light of the fresh allegations the MPS undertook enquiries with individuals linked to the New York Times story to establish whether there was any fresh evidence not previously available and passed a file of their findings to the CPS. On 10 December the DPP announced that there was no new admissible evidence on which to bring charges. However in January the DPP announced that the CPS would review all earlier material (including that not originally passed to the CPS by the police) to ascertain whether there was any evidence for further prosecutions.

Both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges have announced inquiries into aspects of the phone hacking allegations.

In addition a number of cases brought by individuals who believe they may be the victims of phone hacking (including the actress Sienna Miller, and MP Chris Bryant together with former MPS officer Brian Paddick) are before the courts.

On 21 January Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position. This combined with the court cases and assertions that Gordon Brown has also complained about possible tampering with his phones has led to a fresh wave of media interest. There are calls for an independent review of the MPS investigation, including from Chris Huhne who is reported as criticising the original investigation and stating his belief the activity could not possibly be confined to one rogue reporter. The guardian quotes him as saying in relation to the MPS:

"We know the police were not keen on the subject, because when I called for a very clear review of this, the police scurried back into Scotland Yard, spent less than a day reviewing it, and popped out in time for the six o'clock news to say they had discovered no further evidence."

27/01/2011 Phone call with Tim Godwin (Acting Commissioner)

The Home Secretary spoke to Deputy Commissioner Tim Godwin (TG) today to discuss [redacted] and the [redacted] the main points covered were:

- [redacted]

- [redacted]

- TG also commented on the announcement that the MPS had made on 26th January that they would be conducting a new investigation into phone hacking allegations at News of the World Newspaper. He explained that the MPA had given their support to this investigation, that News International were making their systems available, that this would be a robust and vigorous investigation and that it would be led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of DAC Sue Akers. He also noted that they did not feel it was right to ask for another force to look at this as it was important for the Met's reputation for them to do this.

- TG also explained that he had gone to see Alison Levitt QC and the DPP on Monday. They discussed the fact that the previous police investigation had used a very different definition of phone-hacking and the DPP/CPS had now reviewed this. TG reassured the HS that the phone hacking investigation was under control.

27/04/11

Topical Question Briefing

Phone hacking

Will the government order an independent inquiry into the original MPS investigation?

Lines to Take

- The Director of Public announced in January that the CPS are conducting a comprehensive assessment of all material in the possession of the Metropolitan Police Service relating to phone hacking, following developments in the civil courts
- In addition the Director of Public Prosecutions said on Monday 24 that the independent reviewer would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS.
- Alison Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.
- Both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges have announced that they will hold inquiries into aspects of phone hacking.
- There are also individual cases before the courts.
- It is right that we await the outcomes of these various lines of enquiry.

- It is not appropriate for Government to second guess operational policing decisions.

Role of the media

- Phone tapping is illegal.
- The Regulation of Investigatory Powers Act 2000 makes it an offence to intercept a telephone call or other communication without lawful authority.
- Government strongly believes that a press free from state intervention is fundamental to our democracy.
- However, the press must of course abide by the law. In addition they sign up to a Code of Practice which imposes further restrictions on them.

What steps is the government taking to establish if the former PM's phone was hacked?

Any allegations of phone hacking are a serious matter but are also entirely an operational matter for the police in conjunction with the CPS

Background

In September 2010 the Guardian ran articles reporting on a New York Times story which made fresh allegations in relation to the phone hacking by News of the World journalists.

Actions by the police

- Original allegations subject to police investigation from December 2005
- 2007 prosecution and conviction in 2007 of two individuals.
- 2009 police investigation and prosecution decisions reviewed in the light of further media allegations. Both the police and CPS concluded the investigation had been properly handled and there was no fresh evidence to pursue.
- September 2010 MPS undertook to make enquiries regarding New York times allegations
- November 2010 referred file to DPP.
- On 10 December the DPP announced that there was no new admissible evidence on which to bring charges.
- 14 January the DPP announced that the CPS would review all earlier material (including that not originally passed to the CPS by the police) to ascertain whether there was any evidence for further prosecutions.
- 24 January DPP reconfirms role of independent investigator and her role to rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS.

In September 2010 both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges have announced inquiries into aspects of the phone hacking allegations.

In addition a number of cases brought by individuals who believe they may be the victims of phone hacking (including the actress Sienna Miller, and MP Chris Bryant together with former MPS officer Brian Paddick) are before the courts.

On 21 January Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position. This combined with the court cases and assertions that Gordon Brown has also complained about possible tampering with his phones has led to a fresh wave of media interest.

There are calls for an independent review of the MPS investigation, including from Chris Huhne. He is reported as criticising the original MPS investigation and alleging that any phone hacking could not possibly be limited to one rogue reporter. A quote in the Guardian attributed to him says:

"We know the police were not keen on the subject, because when I called for a very clear review of this, the police scurried back into Scotland Yard, spent less than a day reviewing it, and popped out in time for the six o'clock news to say they had discovered no further evidence."

Media

The press must of course abide by the law. The Regulation of Investigatory Powers Act 2000 makes it an offence to intercept a telephone call or other communication without lawful authority.

In addition they sign up to a Code of Practice which imposes further restrictions on them.

THE PRESS COMPLAINTS COMMISSION CODE:

Clause 10 - .

***Clandestine devices and subterfuge**

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

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

It is for the Press Complaints Commission to interpret whether a particular case breaks the code of conduct, or whether it meets the public interest criteria. The Government cannot interfere in its decisions.

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From: [redacted]
PPPU
5th Floor Fry
2 Marsham Street
London SW1P 4DF

[redacted]

28 January 2011

cc Minister of State for Policing and
Criminal Justice
Minister of State for Security and
Counter Terrorism
PUS Crime Prevention
PUS Equalities and Criminal
Information
Helen Ghosh
Charles Farr
Stephen Rimmer
[redacted]
Tyson Hepple
[redacted]
Special Advisers

Home Secretary

PHONE HACKING – NEW INVESTIGATION BY METROPOLITAN POLICE

Issue

This submission updates you on developments since 26 January, following the announcement by the Metropolitan Police Service (MPS) that they are to undertake a fresh investigation into phone hacking allegations.

Timing

2. Urgent – but for information only.

Summary

3. The MPS announced on 26 January, that in the light of significant new information received from the News of the World they have launched a fresh investigation into phone hacking allegations at the newspaper stemming from 2005/2006. The investigation will be led by Deputy Assistant Commissioner Sue Akers of the Specialist Crime Directorate.

4. The prolonged interest in this issue in terms of media coverage, Parliamentary interest and enquiries from individuals who believe they may be victims of hacking, has undoubtedly placed the MPS under sustained pressure over the last six months or so and is beginning to become damaging. There have been persistent calls for the MPS to re-open its original investigation (although there have also been calls for wholly independent scrutiny of both the investigation and the actions of the press either by a different police force or through an independent inquiry).

5. Against this background, there is a strong self-interest for the MPS in ensuring that the new investigation is thorough and robust. We understand that Acting Commissioner Tim Godwin has spoken to you to reaffirm this,

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although we have no reason to suspect that it would be otherwise. The stance consistently taken by the MPS in responding to criticisms has been that, if fresh evidence emerged, they would investigate it. That is what they are now doing. The involvement of another force at this stage would, therefore, be unhelpful as it would be likely to undermine the overall position and reputation of the MPS. Furthermore, such an investigation would be demanding and there would be a genuine question as to which, if any, other force currently had the relevant expertise and resources to take this on.

6. The transfer of the investigation from Specialist Operations to the Specialist Crime Directorate is helpful in terms of establishing a degree of internal independence and marking a fresh start with personnel wholly divorced from the original investigation. DAC Akers is not otherwise associated with any high profile or controversial MPS cases and today's press contains favourable comments as to her reputation and integrity.

7. This announcement has, of course, generated further extensive coverage of the overall story together and fresh allegations have surfaced of more recent phone hacking activity than the original events of 2005/2006. Two other events yesterday have also added impetus.

- Lord Fowler asked an oral PQ on what the government was doing to prevent phone hacking. Although handled in a factual way by Lord Wallace, it provided the opportunity for several peers to make wide-ranging comments about the overall story. While there was criticism of the MPS for perceived delays in dealing effectively with this issue to date, there was also a decided, and well supported, groundswell of opinion that reviews of, and more effective controls on, the activities of the press, were called for (including new legislation on defamation).
- The Metropolitan Police Authority also met on 27 January. We cannot yet access a transcript, but press coverage together with feedback from John Yates's office confirms that there was some pointed questioning of Tim Godwin and John Yates about past performance. Both reaffirmed that yesterday's developments were genuinely the first fresh information in this case. Tim Godwin is widely reported as having given robust assurances that "no stone will be left unturned" in the new investigation.

8. Separately, the DPP's independent reviewer continues her work on assessing evidence from the original investigation. The MPS have advised that the new evidence will be linked back to the original evidence as appropriate, which suggests that no specific limit is being drawn around the new investigation. The reviewer has also been given a remit to assess the new evidence and advise on the prospect of charges and prosecutions, which offers a further independent perspective on the investigation.

9. Despite the views of the Lords, perhaps unsurprisingly, today's press coverage majors on heavy criticism of the MPS, both for past failure and, by extension, scepticism that it will do any better now; allegations that the force has too close a relationship to News International to be neutral in its dealings

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with them and calls for independent and "full scale" inquiries into its handling of the case.

10. Tim Godwin is reported as "promising" an internal probe into its handling of the case - although not until after the current investigation concludes. We believe this reflects a statement he made that he conceded the MPS should properly be held to account and that he was open to its actions being questioned, although without any details on how that might be undertaken.

11. It may prove in due course that, regardless of the outcome to the fresh investigation, the pressure on the MPS can only be relieved by some independent process. In that event a review by another force (which is not unprecedented) or, more probably; by HMIC might be helpful. Such intervention would not be feasible while the current investigation is underway, but we will need to keep a close eye on how this develops - in concert as necessary with the Mayor and MPS where appropriate. The key question for the Government in this context must be the integrity of the senior leadership of the MPS.

Recommendation

12. You are invited to note the latest developments. We will keep you informed of any further significant developments.

Handling

13. Interest in this issue is now very wide ranging and while pressure on the MPS continues largely unabated, there is now more overt criticism of the press in general (and extending beyond the News of the World), raising again the whole issue of press accountability. The latter would be primarily for DCMS to advise on. From a Home Office perspective, in the light of the immediate developments we should continue to resist calls for wider "independent" reviews or third party investigations, pending the conclusion of the new investigation and the accompanying work of the DPP reviewer. We will adhere to the line that investigation and prosecution decisions are solely operational decisions for the police or CPS.

Clearance

14. With Tyson Hepple, Director Civil Liberties and Public Protection and Stephen Rimmer, Director General (CPG).



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7/3/11

real question phone
hacking

PHONE HACKING

Top Lines

- In the light of recent fresh information supplied by the News of the World Newspaper, the Metropolitan police service is conducting a new investigation into phone hacking allegations at the newspaper.
- This investigation is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under command of Deputy Assistant Commissioner Sue Akers.
- It would not be appropriate to speculate or comment on the detail of an ongoing investigation.

Current Activity

- Ongoing police investigation
- Independent review by the CPS of the original police investigation evidence;
- a Home Affairs Select Committee inquiry into phone hacking
- a Parliamentary Committee on Standards and Privileges investigation into possible hacking of MPs phones
- a Press Complaints Commission review of the emerging information and its own conduct in relation to the original allegations; and
- a number of civil court cases against both the MPS and News of the World brought by private individuals who believe they may have been hacked.

From:

PPPU
5th Floor Fry Building
2 Marsham Street
London SW1P 4DF

☎

7 March 2011

cc Home Secretary
Minister for Policing and
Criminal Justice
Minister for Security and
Counter Terrorism
PUS Equalities and
Criminal Information
Helen Ghosh
Stephen Rimmer
Peter Makeham
Tyson Hepple
Peter Edmundson
Peter Hill

Sam Eversden
Special Advisers

Parliamentary Under Secretary for Crime Prevention

ADJOURNMENT DEBATE – PHONE HACKING (Thursday 10 March)

Issue

This submission covers a speaking note and briefing pack for the adjournment debate secured by Chris Bryant on phone hacking on Thursday.

Timing

2. Urgent – the debate will take place on Thursday 10 March (we believe around 6.00pm).

Recommendation

3. That you consider the attached advice and advise whether you require any further briefing material.

Summary/Consideration

4. The News of the World phone hacking story, and the current Metropolitan Police (MPS) investigation into it, continues to command a high degree of interest within Parliament. There have been a number of statements and debates on the matter already and we have recently dealt with two Lords Oral PQs on the subject. MPs also continue to make references to the matter in the context of more wide-ranging debates.

5. Chris Bryant has a personal interest in the hacking story since he is party to a judicial review of the MPS (and its actions in informing individuals who might have been hacked), in concert with Brian Paddick (formerly of the MPS) and Brendan Montagué (a journalist). Other high profile individuals are understood since to have joined that action.

6. Chris Bryant has previously (September 2010) secured a debate on this issue which resulted in the matter being referred the Committee for Standards and Privileges. He mostly recently referred to the matter on 3 March during the announcement by the Secretary of State for Culture on the latest developments on the acquisition of BSkyB by News International.

7. Although the Home Office has led on all of the debates so far – mainly because of the origins of this issue in the police investigation into hacking of the phones of the Royal family – the issue is increasingly ranging outside of the Home Office's direct remit. Whereas earlier debates, for example, focussed on criticism of the MPS, more recent debates have turned increasingly to the behaviour of the press and lack of any effective controls on them.

8. The subject of the debate is nominally "*Interception of Mobile Communications*". Chris Bryant has indicated that he intends to cover the following issues:

- the investigation into phone hacking;
- the Metropolitan Police Service's handling of the investigation and police conduct;
- the severity and level of interception generally;
- report of the Interception of Communications Commissioner;
- technical issues around interception;
- how allegations of phone hacking should be processed through the courts;
- media regulation.

The attached briefing pack seeks to cover off these areas. It is possible however, that the debate may go extremely wide including into some issues which are only peripheral to the stated subject. There may also be comment on the role of Andrew Coulson and his decision to resign from his post at No10.

9. The attached briefing comprises

- a skeleton speaking note for the response to the debate
- briefing pack on anticipated areas with lines to take and Q&A
- pack of recent PQs, and relevant statements (for background)

Clearance

10. With Peter Edmundson – Head of PPPU.



10/03/11

ADJOURNMENT DEBATE – PHONE HACKING

BRIEFING PACK

Contents

Background

1. Phone Hacking General

- (a) The Law on Phone hacking
- (b) What is being done to prevent phone hacking
- (c) The extent of phone hacking

2. Police investigation

3. Media

4. Defamation

5. Prosecutions

6. Technical issues

- (a) RIPA
- (b)
- (c) Intercept as Evidence
- (d) Interception of Communications Commissioner

Background

i. Original investigation

In December 2005 members of the Royal Household at Clarence House reported security concerns to the Royal Protection Department of the MPS. The ensuing Metropolitan Police investigation focused on alleged security breaches within telephone networks over a significant period of time. The investigation initially focused on complaints from three people within the Royal Household.

This eventually led to the prosecution and jailing of the News of the World Royal Editor, Clive Goodman, in 2007 for hacking into the mobile phones of staff in the Royal Household. A private investigator, Glenn Mulcaire, was also jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association. At the time News International said Mr Goodman had been acting without their knowledge.

ii. Ongoing interest 2009

Gordon Taylor subsequently sued the owners of the News of the World on the basis that its senior executives must have been aware of the unlawful activity. It was reported that an out-of-court settlement was reached. The Guardian newspaper ran a story on 10 July 2009 alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories. It also claimed information from the case was then suppressed by the police and the High Court.

Commenting on the original police investigation, Assistant Commissioner John Yates, said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

The Director of Public Prosecutions undertook that the CPS would urgently examine the material supplied to the CPS by the police three years previously. A short statement was also made in the House by then Minister David Hanson.

iii. Ongoing interest 2010

In February 2010 the Select Committee for Culture Media and Sport published a report on press reporting which included examination of the phone hacking episode. They were highly critical of both the News of the World and the police and stated they did not find it credible that such activity was limited to one rogue reporter.

In September 2010 the Guardian reported stories in the New York Times which purported to have new eye witness evidence (from former journalist

Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September the Home Secretary answered an urgent question in the House from Tom Watson explaining that any further action was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with Government backing).

Chris Bryant also lodged a judicial review application (13 September), together with Brian Paddick (formerly of the MPS) and Brendan Montague (writer and journalist), seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy. A number of other individuals have since also commenced legal proceedings.

On 12 November the MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information. On 10 December the Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following:

"I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."

iv. Current developments 2011

In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police. Alison Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.

On 21 January Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.

Finally, on 26 January, the Metropolitan Police announced that in the light of fresh information supplied by the News of the World Newspaper (and following suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper.

This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of Deputy Assistant Commissioner Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team.

v. Activity

Currently therefore there is

- a live police investigation (on which it is not possible to comment in any great detail);
- an independent review by the CPS of the original police investigation evidence on which it would also be inappropriate to comment;
- a Home Affairs Select Committee inquiry into phone hacking
- a Parliamentary Committee on Standards and Privileges investigation into possible hacking of MPs phones
- a Press Complaints Commission review of the emerging information and its own conduct in relation to the original allegations; and
- a number of civil court cases against both the MPS and News of the World brought by private individuals who believe they may have been hacked.

The Government's position has been to resist calls for a further inquiry (either public or judicial) into this matter pending the outcome of the various strands of activity underway. However pressure remains with a range of concerns about wider press activity now being added to criticisms of the original MPS investigation.

1. PHONE HACKING – GENERAL

a) The Law On Phone Hacking

- The intentional interception of communications, or phone tapping, without lawful authority is illegal.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications.
- Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years. ("Hacking" is not defined in RIPA but is understood to mean unauthorised access to communications.)
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. Penalties range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- The DPP has stated that a robust attitude should be taken to unauthorised interception and investigations "should not be inhibited by a narrow approach to the provisions in issue".

IF PRESSED: Doesn't the offence depend on whether the intended recipient has already accessed the voicemail?

- We believe that the Act already covers the unlawful accessing of personal messages whether or not they have already been accessed by the intended recipient. [If needed – do not think changes to the legislation (section 2(7)) are necessary or would have changed the outcome of the original prosecution.]

Background

The DCMS Select Committee Report on press standards, privacy and libel was published on 24 February 2010. It recommended that the offence of unlawful interception in section 1 RIPA be amended to cover all phone hacking.

The Metropolitan Police had advanced an argument before the Committee that once the intended recipient of a voicemail stored on a network has listened to it that message is no longer in transmission and access did not therefore amount to hacking. That argument was subsequently supported by the DPP.

However, having sought Counsel's advice on the issue the DPP believes that a robust attitude needs to be taken to any unauthorised interception and investigations should not be inhibited by a narrow approach to the provisions. In essence that adopts the Home Office's view that accessing voicemail on a network will constitute interception regardless of whether the intended recipient has listened to it.

Ultimately a definitive interpretation of the law is a matter for the court not the DPP. But even if RIPA could not be used, there is other legislation under which a prosecution could be possible. The Computer Misuse Act 1990 creates offences relating to unauthorised access to communications. They carry a penalty of up to 5 years imprisonment and an unlimited fine. And the Data Protection Act s.55 also creates an offence for the unlawful obtaining of personal data.

1. PHONE HACKING – GENERAL

a) The Law On Phone Hacking

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- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications.
- Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years. ("Hacking" is not defined in RIPA but is understood to mean unauthorised access to communications.)
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. Penalties range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- The DPP has stated that a robust attitude should be taken to unauthorised interception and investigations "should not be inhibited by a narrow approach to the provisions in issue".

b) What is actually being done to prevent hacking?

- Hacking is a weakness in voicemail systems but this can be corrected by improved user behaviour derived from better awareness of what to do.
- The Mobile Network Operators already offer ways of protecting access to voicemail.
- Individual network providers are taking action to improve security as reported to HASC.
- On phone hacking the Information Commissioner's Office (ICO) has been in contact with the major mobile network providers to establish the mechanisms they offer by which individuals can protect the information stored in answer phone services.
- The ICO intends to include advice on this in the next iteration of its guidance for individuals.
- Any allegation that a s55 offence under the Data Protection Act (obtaining, disclosing or procuring the disclosure of confidential personal information) has been committed can be investigated by the ICO.

c) How widespread is hacking more generally?

- Responses to the Home Affairs Select Committee by communication service providers do not support the contention that unlawful access to mobile voicemail is widespread.

2. POLICE INVESTIGATION

- In the light of recent fresh information supplied by the News of the World Newspaper, the Metropolitan police service is conducting a new investigation into phone hacking allegations at the newspaper.
- This investigation is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under command of Deputy Assistant Commissioner Sue Akers.
- It would not be appropriate to speculate or comment on the detail of an ongoing investigation.
- In parallel the Director of Public Prosecution has announced a comprehensive assessment of all the material in the possession of the police in relation to phone hacking.
- The Independent reviewer, Alison Levitt QC, will continue with that work, as well as evaluating any new evidence and will advise as to the progress of the investigation.

b) What is actually being done to prevent hacking?

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c) How widespread is hacking more generally?

- Responses to the Home Affairs Select Committee by communication service providers do not support the contention that unlawful access to mobile voicemail is widespread.

How can Parliament and the public be confident that this will be a thorough investigation given police failures to date?

- The investigation in 2006 did lead to the successful prosecution of two individuals in 2007 for unlawful interception.
- The police have worked closely with the Crown Prosecution Service throughout in considering the viability of bringing prosecutions.
- The Metropolitan police have always said that if new information emerged they would consider it – and that is what they are now doing.
- The Metropolitan police have made clear that this will be an extremely robust investigation.
- They have already announced that some new linkages of information have been made enabling them to identify individuals who had previously been advised that there was little or no information held in relation to them.
- They are contacting such individuals to inform them of this.

Won't this new investigation just peter out like the last investigation in September?

- The handling of any investigation is entirely an operational matter and judgement is for the police.
- With regard to previous enquiries - at that time the Director of Public Prosecutions made very clear that there was no new admissible evidence upon which the CPS could properly advise the police to bring criminal charges.
- In the current investigation while it would not be appropriate to offer a running commentary, the police have already announced and acted on some early developments.

Will the government order an independent inquiry into the original MPS investigation?

- The Director of Public Prosecutions (DPP) announced in January that the CPS are conducting a comprehensive assessment of all material in the possession of the Metropolitan Police Service (MPS) relating to phone hacking, following developments in the civil courts.
- The purpose of this assessment is to ascertain whether there is any material which could now form evidence in any future criminal prosecution relating to phone hacking.
- In addition the DPP said on 24 January that his Principal Legal Adviser, Alison Levitt QC, would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS.
- Ms Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.
- The Home Affairs Select Committee is undertaking an inquiry into aspects of phone hacking. This is looking at the definition of offences, the police response and the treatment of those whose communications have been intercepted.
- The Parliamentary Committee on Standards and Privileges is also conducting an inquiry.
- The Press Complaints Commission has also set a working group – the Phone Hacking Review Committee – which will draw together lessons learned as a result of the outcome of the relevant police inquiries, legal actions and internal News of the World inquiry
- There is a good deal of scrutiny of this issue currently underway.

- We do not therefore believe that further action is appropriate at present. The outcome of these latest developments should be awaited and assessed.

Shouldn't there be an independent review of the original MPS investigation by another force?

- The Metropolitan police are currently conducting a new investigation into telephone hacking allegations at the News of the World Newspaper.
- It is appropriate to await the outcome of the latest developments, and not hamper or distract this investigation.

But why have so few people been prosecuted?

- In 2007 there were two successful prosecutions for unlawful interception in relation to the News of the World: Clive Goodman and Glen Mulcaire.
- There have been eight prosecutions for unlawful interception in the last five years.
- The investigations are a matter for the police and prosecutions for the CPS, but both are determined by the available evidence. The approach taken in a particular prosecution is case specific and will depend on the facts in issue.
- As the DPP has previously made clear - a criminal prosecution can only take place if those making the allegations of wrongdoing are prepared to co-operate with a criminal investigation and to provide admissible evidence

What steps is the Government taking to establish whether the former PM's phone was hacked?

- Any allegation of phone hacking is serious. This is, however, an operational matter for the police and it would not be proper to comment or speculate on an ongoing investigation.

Will the Government insist that the police inform MPs whether they are victims of hacking?

- On 9 February the Metropolitan police announced that (linked to newly available evidence) a review of previous evidence had revealed new strands of investigation. This included information about some individuals informed previously that there was little or no information held by the Metropolitan police in relation to them.
- The police have already indicated that steps are being taken to contact all such individuals to advise them of developments.
- At this stage it remains the case that there is no evidence to suggest they were the subject of hacking, but this is now a new line of enquiry (which is not yet complete).

The MPS have too close a relationship with News international to impartially investigate them.

- The original investigation did lead to the prosecution of two individuals. The police worked closely then, and subsequently, with the Crown Prosecution Service in deciding whether it was viable to seek to bring charges.
- In this day and age of extensive media coverage of all issues, it is crucial that the police have a constructive relationship with the media - who can be helpful for example in reporting serious offences and helping to generate witnesses.

- We do not therefore believe that further action is appropriate at present. The outcome of these latest developments should be awaited and assessed.

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- Regular engagement is therefore normal and all police forces have well established links with local media outlets - and with the national media where relevant.
- These operate in accordance with well established national guidelines on the extent of information that can or should be released.

If needed

- Any departure from these procedures including allegations that individual officers had been paid by media outlets or had disclosed information not properly authorised for release would be a disciplinary matter for the force concerned.

3. THE MEDIA

- Government strongly believes that a press free from state intervention is fundamental to our democracy.
- However, the press must of course abide by the law, including those that regulate access to telephone messages. In addition most newspapers choose to sign up to a Code of Practice which imposes further restrictions on them.
- The Code contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails. [Unless it is deemed to be in the public interest.]
- The Code of Practice is enforced by the Press Complaints Commission, which is which is totally independent of Government. Government cannot interfere in its decisions.
- The PCC has recently announced that it has set up a working group to look at new evidence as it becomes known, and also to examine the PCC's own actions as this matter has unfolded.

What constraints are there on the press hacking telephones?

- The same legal constraints apply to the press as apply to everyone else. Additionally, editors of most newspapers (including the News of the World) sign up to a Code of Practice which prohibits telephone hacking unless the editor can demonstrate that it was in the public interest (clearly, the legal sanctions would still apply).

Should the freedom of the press outweigh personal privacy?

- No, but the point at which the right balance lies will not always be the same. The right to freedom of expression and the right to privacy may be conflicting and must, therefore, be weighed up on a case by case basis, initially by the editor. He or she will often do that by referring to the Codebook and by seeking legal advice. That does not mean that the newspaper will necessarily reach the right decision.

What rules or guidance applies to the press in these circumstances?

- Extensive guidance is set out in the Editors' Codebook, a publication that is a companion volume to the Editor's Code of Practice.

What happens if the press breach those rules – what sanction is there?

- Prison is an option of course, as happened with News of the World reporter, Clive Goodman.
- Otherwise, complaints may be made to the PCC. The PCC is primarily a resolution service and it will, initially, seek to broker an agreement between the complainant and the newspaper. Where this cannot be done to the complainant's satisfaction, the PCC will make an adjudication. Where the PCC upholds a complaint, the newspaper must publish this adjudication with due prominence.

The press have shown time and time again that they can't be trusted to regulate themselves – creating an independent statutory regulator is the only answer.

- The Press Complaints Commission is independent from the newspaper industry, with Commission members appointed by an independent Appointments Commission, and an in-built majority of lay members. The Government recognises, that the newspaper industry's system of self regulation is not perfect but the principle of a free but responsible press is, however, paramount. Introducing any type of statutory coverage in this area would destroy this principle.

Press behaviour is appalling, and newspapers have repeatedly taken no notice of the Code or the PCC's rulings – statutory controls are needed.

- We expect the press to abide by the rules and commitments enshrined in the industry's Code of Practice, and believe that, overall, the PCC has shown itself to be an effective regulator in a difficult area. We recognise that, on occasion, the behaviour of certain elements of the press has rightly caused serious concern. On present evidence, however, we do not believe that statutory regulation is warranted. Nonetheless, we continue to monitor closely.

How can you justify statutory regulation for some parts of the media but not for the press?

- Different regimes are appropriate for broadcasters and the press because of different public expectations. Research carried out by the BBC a few years ago showed that 87% of people use television as their main source of news, compared to just 9% who cite newspapers. The public expect broadcasters to be impartial but they do not have the same expectations of the press.
- These expectations are supported by the law and the self-regulatory Code that is in place. Additionally, a self-regulatory mechanism allows for a much more flexible and quick response where circumstances change or new situations arise.

Background

The Editor's Code of Practice consists of a number of clauses which sets limits on how information may be gathered and what information may be published. Clause 10 "Clandestine devices and subterfuge" bans telephone hacking.

"10 * Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means."

The Public Interest

The Press Complaints Commission defines the public interest as follows: "There may be exceptions to the clauses marked where they can be demonstrated to be in the public interest.

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

News Corp/BSkyB Merger

- This is a matter for the Culture Secretary who is exercising his powers under the Enterprise Act 2002.
- He is following a full quasi-judicial process to the letter.
- He is quite rightly consulting on this and all parties can make their views known.
- The process has been as transparent as possible. The Secretary of State has published not just the undertakings but also all the advice he has received from Ofcom and the OFT, together with correspondence between him and News Corporation and details of meetings he has held.

The decision on the merger should be delayed until the results of the phone-hacking inquiries are known?

The merger has been investigated on the basis of the effect it could have on media plurality in accordance with the provision of the Enterprise Act 2002. The phone-hacking allegations are very serious, but they are matters for the criminal courts.

[If pressed: They have no bearing on the separate matter of media plurality and a decision on the merger would be challenged if the Culture Secretary allowed these allegations to colour his view.]

The merger should be looked at in terms of the need for a genuine commitment to the broadcasting standards objectives, as set out in the Communications Act 2003?

The intervention has been made on the basis of plurality concerns. Once an intervention notice has been made on one basis, the legislation does not permit a second intervention on another basis.

Why did the original intervention not look at this as well?

The merger involved two established, reputable media enterprises. Nobody suggested that the need for persons with control of media enterprises to have a genuine commitment to relevant broadcasting standards might be harmed by the proposed merger and we had no reason to consider any such impact was likely.

In the light of more recent developments, would he have reached the same decision if he was looking at this today?

This is a hypothetical question about which it is pointless to speculate.

What meetings/discussions has the Culture Secretary had with the PM/Cabinet colleagues?

The Culture Secretary did not discuss this decision with me or any other Cabinet colleague. It is a quasi-judicial process in which he makes the decision without such consultation.

Background

Jeremy Hunt has announced that, following advice from Ofcom and OFT, he intends to accept undertakings from News Corporation on their proposed merger with BSkyB in lieu of a referral to the Competition Commission.

A notice of consultation on the undertakings has been launched today and expires on 21 March.

NB: The Secretary of State is required to look at the specific issue of media plurality related to the merger (competition issues having already been dealt with at European level) and issues of plurality focus on the provision of news.

The undertakings that News Corporation has offered would involve Sky News being 'spun-off' as an independent public limited company. The shares in that company would be distributed amongst the existing shareholders of BSkyB in line with their existing shareholdings - News Corporation would therefore retain a 39.1 per cent stake in the new company.

To ensure editorial independence and integrity in news reporting, the company would have a board made up of a majority of independent directors, including an independent chair, and a corporate governance and editorial committee made up of independent directors (who would have no other News Corporation interests).

News Corporation would not be allowed to increase its shareholding in the new company without permission from the Secretary of State for 10 years. After 10 years, an acquisition could trigger a further public interest intervention under the Enterprise Act.

4. Defamation

- As the Deputy Prime Minister has recently made clear, we are firmly committed to reform of the law on defamation.
- We will be publishing a draft Defamation Bill for consultation and pre-legislative scrutiny in the Spring, with a view to our introducing a substantive Bill as soon after that as Parliamentary time allows.
- We want to ensure that the right balance is achieved, so that people who have been defamed are able to take action to protect their reputation where appropriate, but so that free speech is not unjustifiably impeded.
- The detailed contents of the draft Bill and the accompanying consultation paper are still being developed and we are unable to comment further on specific proposals at this stage.
- We believe that publication of a draft Bill for full public consultation and pre-legislative scrutiny represents the most effective approach to achieving fully considered legislative proposals which focus on core issues of concern where legislation can make a real difference.

Line on Privacy

- The Government recognises the importance of finding the correct balance between individual rights to privacy on one hand with rights to freedom of expression and transparency of official information on the other. The government's proposed reforms of the law of defamation are one aspect of this balancing process. Another is the Master of the Rolls's Committee to examine the use of super-injunctions and other issues relating to injunctions which bind the press. However, there are no current plans to introduce legislation to codify the law on privacy.

5. PROSECUTIONS

- On the 14th January the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an assessment of all the material in the possession of the Metropolitan Police Service in relation to phone hacking, following developments in the civil courts.
- This exercise involves both an examination of all material considered as part of the original investigation into Clive Goodman and Glenn Mulcaire and an examination of any material that has subsequently come to light. The assessment is being carried out by the Principal Legal Advisor to the DPP, Alison Levitt QC.
- As both the assessment and the new investigation are ongoing, it would not be appropriate to comment further. If a suspect or suspects is or are identified, then the case will be dealt with in the normal fashion and the evidence will be considered in accordance with the Code for Crown Prosecutors, that is that it will be decided whether there is sufficient evidence to provide a realistic prospect of a conviction and if so, whether a prosecution is in the public interest. The DPP has advised the police and CPS prosecutors to proceed on the assumption that a court may adopt a wide interpretation of the relevant legislation.

Why have so few prosecutions been brought?

- The ability of the police to investigate cases of unlawful interception and the Crown Prosecution Service (CPS) to prosecute those cases will be determined by the available evidence in each case. These are decisions for the police and the CPS respectively.
- There have been eight prosecutions in the last five years

6. TECHNICAL AND LEGAL ISSUES

a) The Regulation of Investigatory Powers Act 2000 (RIPA)

- RIPA provides the framework within which covert investigatory techniques can be used compatibly with ECHR, and particularly the right to privacy.
- RIPA requires the use of certain techniques be subject to prior Secretary of State or senior officer authorisation; limits the purposes for which the techniques can be used; ensures detailed records are maintained; establishes independent oversight and an independent appeals mechanism to investigate complaints.

Background

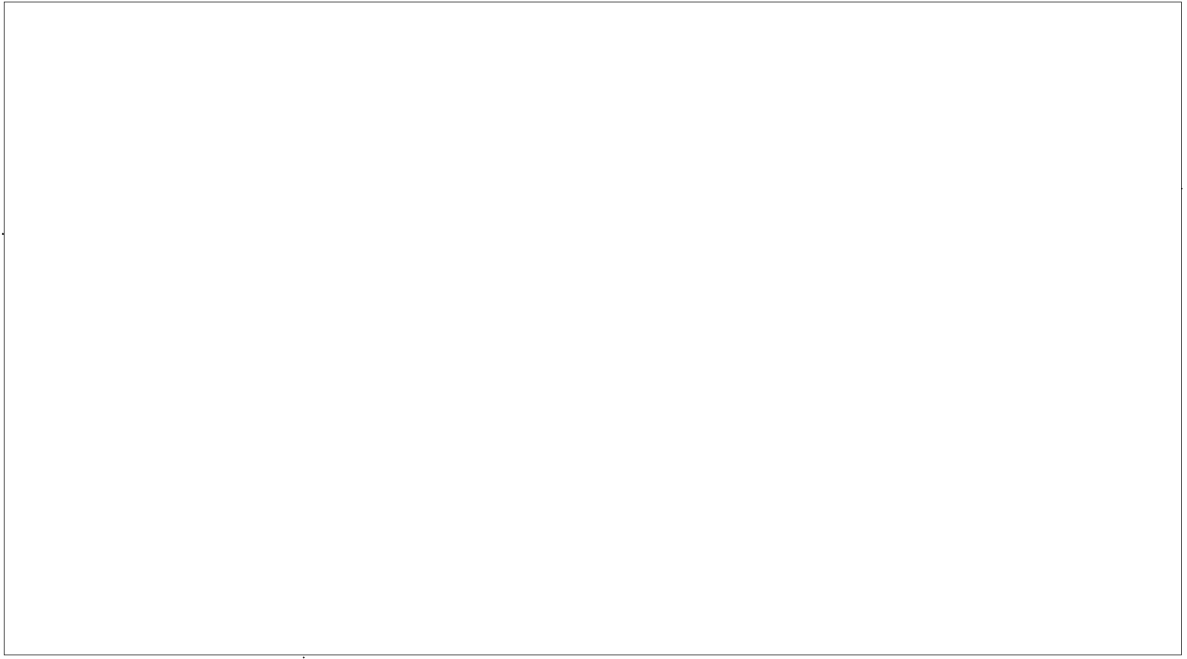
Interception

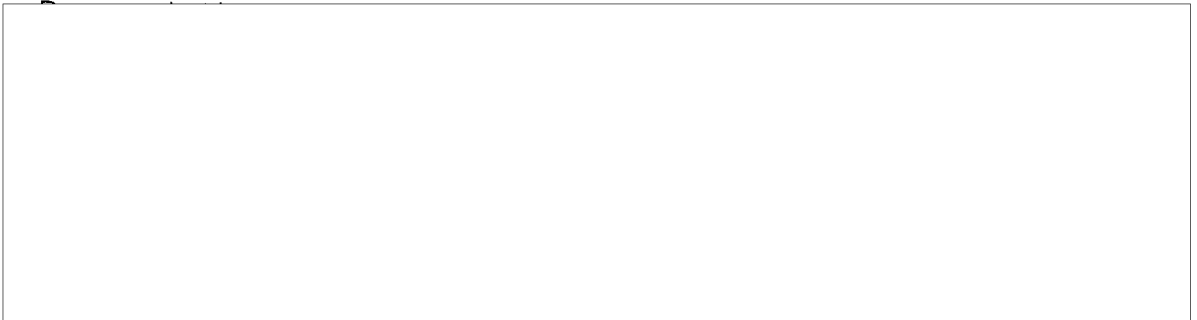
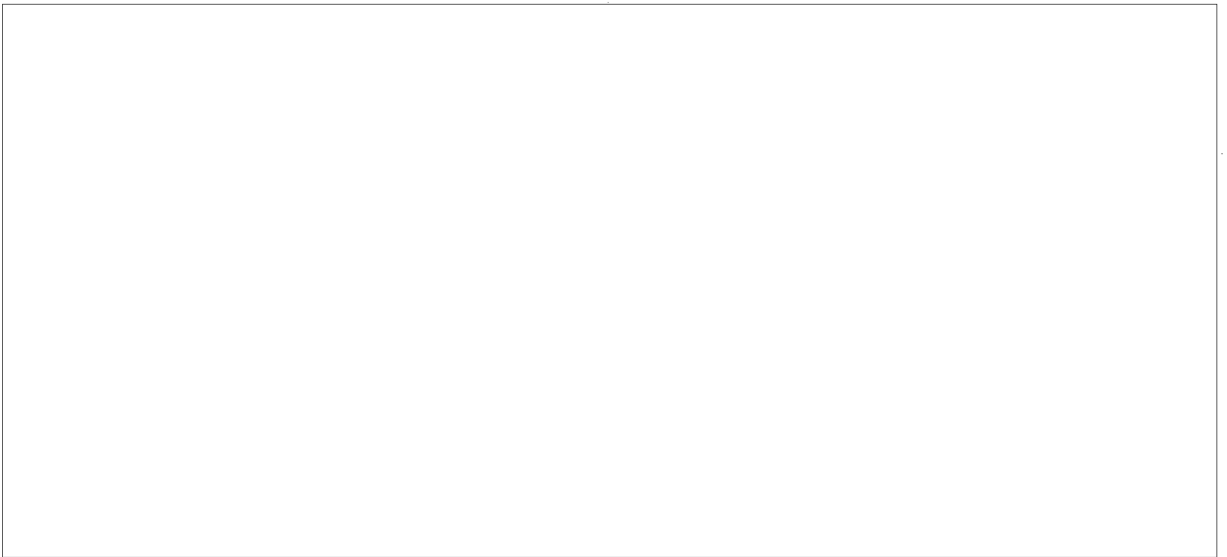
Interception warrants – including ‘telephone taps’ - are issued and renewed by the Secretary of State. Only a small number of state authorities can apply for warrants: some law enforcement agencies together with the intelligence services.

The Serious Organised Crime Agency handles applications on behalf of police forces in England and Wales, except for the Commissioner of the Metropolitan Police who handles applications on behalf of Special Branches. However, lawful interception can also take place without a warrant when the intended recipient and sender of the communication have given permission (section 3(1) of RIPA).

Interception can also take place with the consent of one party under section 3(2) of RIPA. In some circumstances, for example a kidnapping case, the police may wish to record the call to identify or trace the kidnapper – in those circumstances the operation would be authorised as directed surveillance. An interception warrant can only be issued where it is in the interests of national security; for the purpose of preventing or detecting serious crime; or for the purpose of safeguarding the economic well-being of the UK.

The conduct authorised by the warrant must be proportionate to what is sought.





c) Intercept As Evidence (IAE)

- The lawful interception of communications plays a critical role in tackling serious crime and protecting the British public. Almost all of the highest priority counter-terrorist operations and many other serious crime investigations involve use of intercept.
- The Coalition Agreement commits the Government to 'seek to find a practical way to allow the use of intercept evidence in court.'
- We are serious about doing so, and will ensure that all the possible approaches are assessed robustly and fairly. The issues are, nonetheless complex and difficult – since 1993 there have been 7 reviews of the subject.
- The Government has set out next steps in a Written Ministerial Statement, made on 26 January.
- These include the reappointment of the cross Party Advisory Group of Privy Counsellors to oversee the work.
- Our intention is to provide a report back to Parliament during the summer.

d) Interception of Communications Commissioner

- The Interception Commissioner, who must have held high judicial office, is mandated by law, amongst other things, to scrutinise the lawfulness of legal intercept and communications data acquisition and use by public bodies.
- He has a team of inspectors supporting him in his work. He also scrutinises the approvals given for legal intercept activities by Secretaries of State.
- He has no role in relation to alleged phone hacking by non-government public bodies.
- The Commissioner produces a report every year on his activities.

Why have you decided that the Interception Commissioner should administer the sanction for unintentional, unlawful interception?

- The Order dealing with the administration is not yet laid. The Commissioner already has statutory powers in relation to oversight of the existing warranted interception regime. The new role, if approved, would be a discrete addition to his existing function.

How many interception warrants are issued?

- The Commissioner reported that for year end 2009 1514 warrants were issued by the Home Secretary and 192 by the Scottish Government.
- [NB – we do not release any other figures in relation to the number of warrants except those issued by the Home Secretary and the Scottish Government]

What is the scale of interception?

- The size of the UK's interception operation is proportionate to the scale and nature of the threat that we face from serious crime and terrorism.

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- Our intention is to provide a report back to Parliament during the summer.

Handwritten notes at the top of the page.

02/03/11

TM

Transfer of Letters from Private Office

It has been decided by Private Office that the enclosed letter/s from
(name of correspondent) Tom Watson MP
should receive a reply from

- The Minister
- The Home Secretary
- An official (Name & Unit) _____
- Another Minister's Office _____
- Another Government Dept _____

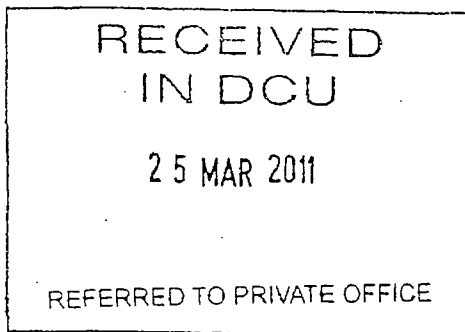
Additional instructions _____

Name _____
Contact No 020 7035 _____



HOUSE OF COMMONS

The Rt Hon Theresa May MP LONDON SW1A 0AA
Secretary of State
Home Office
2 Marsham Street
London
SW1P 4DF



22 March 2011

Dear Theresa

PHONE HACKING INVESTIGATION

Since Monday 7 March a number of extremely serious revelations have emerged in the media in relation to the phone-hacking investigation. As Home Secretary these matters cannot simply be ignored or given the excuse that this is the responsibility for the Metropolitan Police Service. Instead they warrant the launching of an immediate Home Office inquiry.

Firstly it was revealed on Panorama earlier this month in a secretly recorded confession that [redacted]

[redacted] was sent ex-British intelligence officer Ian Hurst's private emails in 2006. Mr Hurst is believed to have been targeted as he had worked in British Army intelligence running IRA informers in Northern Ireland.

While making unauthorised modifications and gaining unauthorised access to someone's computer is illegal under the Computer Misuse Act, I am sure you will want to immediately investigate whether a former serving British intelligence officer illegally had his private emails accessed. The fact that intelligence officers may have been targeted takes this inquiry to a new level knowing that our national security may have been compromised.

The revelations that Mr Hurst was targeted are truly damning. They also show that this investigation is no longer solely about telephones being hacked. For private emails to be obtained and accessed it clearly shows that the Metropolitan Police Service must take the hacking of computers into account as part of their investigations. As Home Secretary you must ensure that the Metropolitan Police is provided with the necessary tools and resources to do so by the Home Office.

Panorama also revealed new evidence that claimed [redacted] while at the paper paid private investigator Jonathan Rees through his firm Southern Investigations £150,000 per annum for a number of exclusive stories based on

confidential police material. Again, this is a staggering revelation and raises questions over whether national security may have been compromised. As Home Secretary, I know you will want to immediately investigate whether police officers have illegally been paid by News International for stories that have appeared in their newspapers.

The naming of [redacted] now brings the total number of News International journalists and executives known to have been named as being associated with the illegal hacking of phones and emails to six. Once again, this completely blows away News International's defence that a "single rogue reporter" (Clive Goodman) was solely responsible for the activities that went on at News of the World. As Home Secretary, I am sure you will want to satisfy yourself that this latest lead will be followed up by the Metropolitan Police Service and that [redacted] will be interviewed.

Finally, you will no doubt be aware of the very public spat that appeared in *The Guardian* newspaper at the weekend between the Metropolitan Police's Assistant Commissioner, Mr John Yates, and the Director of Public Prosecutions, Mr Keir Starmer QC. In a letter to the newspaper on 13 March, in response to a letter from the Assistant Commissioner of 12 March, the Director of Public Prosecutions claims it is "regrettable that John Yates has taken one sentence of my evidence to the culture, media and sport select committee out of context, before detailing his own counter views on the situation." Again, as Home Secretary, I am sure you will agree that is wholly inappropriate for an ongoing police investigation into telephone hacking between two of the most senior people in the justice system to be allowed to spill over into the national press, and trust that you will want to speak to those concerned.

Given the seriousness of the matters that I have outlined to you in this letter, I would be grateful for your early response. Thank you in advance for your assistance and I look forward to hearing from you.

Yours sincerely

[redacted signature box]

Tom Watson
Member of Parliament for West Bromwich East

HOME SECRETARY'S MEETING WITH LORD FOWLER (23 March 2011)

Phone Hacking

Lord Fowler has so far asked three Oral Questions on phone hacking. The first two were answered by Lord Wallace (on behalf of Baroness Neville Jones) – the third is due on 6 April.

1. (27 January) *To ask Her Majesty's Government what action they are taking to prevent telephone hacking.*

First supplementary was (Lord Fowler) My Lords, I thank my noble friend for that reply. Does he remember the Watergate scandal, in which one brave newspaper protected the public interest? Has not exactly the opposite happened in the phone hacking scandal, in which one newspaper-and possibly others-has not exposed injustice but instead directly conspired against the public? Does he agree that after any further criminal proceedings there will be a need for a full-scale inquiry to ascertain what happened and how the public can be protected?

2. (1 March) *To ask Her Majesty's Government whether they will set up an inquiry into telephone hacking in the UK and how it can be combated.*

First supplementary was (Lord Fowler) Obviously, my Lords, any criminal charges must be disposed of first, but is it not the case that we now know that the victims of phone hacking include members of the Royal Family, a former Prime Minister, a former Deputy Prime Minister, several serving Members of Parliament and many others? Is not this kind of organised intrusion entirely indefensible? While it may be true that, for some unaccountable reason, parts of the press do not seem to be very keen on an inquiry, there is in reality no other way of discovering the extent of the abuse or what can be done to prevent it.

3. (6 April) *To ask Her Majesty's Government what assessment they have made of the evidence of telephone hacking by newspapers, and what action they propose to take. (Not yet answered)*

Lord Fowler's main aim seems to be to secure an independent inquiry into the whole phone hacking issue. It is not entirely clear what sort of inquiry he has in mind but other MPs and Peers have suggested both public and "judicial" inquiries. Lord Fowler's main target seems to be the media. Other MPs have commented on the ineffectiveness of the Press Complaints Commission as a body to hold the press to account. Other MPs however have proved inclined to be much more critical of alleged failures in the original police investigation and to seek a review of that.

Lord Fowler seems to accept that the current police investigation must conclude first, but nevertheless has tabled his third question on this issue.

In general we have resisted any calls for further or independent inquiries partly because of the existing strands of ongoing activity (see below), but also because there is no reason to suppose that such an inquiry would be any more successful than any other mechanism for achieving Lord Fowler's aims of establishing the extent of possible media "malpractice" or unlawful activity (it seems unlikely, for example, that any media body would wilfully incriminate itself).

Current activity in this sphere includes:

- a live *police* investigation;
- an independent *review by the CPS* of the original police investigation evidence;
- a *Home Affairs Select Committee* inquiry into phone hacking
- a *Parliamentary Committee on Standards and Privileges* investigation into possible hacking of MPs phones
- a *Press Complaints Commission* review of the emerging information and its own conduct in relation to the original allegations; and
- a number of *civil court cases* against both the MPS and News of the World brought by private individuals who believe they may have been hacked.

Lines to take

- What is your main source of concern about this issue?
- What would you hope an independent inquiry would achieve?
- Not appropriate to do anything while there is an ongoing police investigation.
- Best course seems to be to await conclusion of various current inquiries and review the position then.
- Fundamentally there are already clear laws in place – these should be respected. Where they are not it is for the police to investigate.
- [If needed – whether other prosecutions could have been brought on the basis of the original evidence is one of the aspects already being looked at. Police and CPS make judgements in individual cases independently of Government.]
- [If needed - On balance we value a free press and any further regulation in that sphere would need to be carefully considered.]

Background

i. Original investigation

In December 2005 members of the Royal Household at Clarence House reported security concerns to Royalty Protection Department of the MPS. The ensuing Metropolitan Police investigation focused on alleged security breaches within telephone networks over a significant period of time. The investigation initially focused on complaints from three people within the Royal Household.

This eventually led to the prosecution and jailing of the News of the World Royal Editor, Clive Goodman, in 2007 for hacking into the mobile phones of staff in the Royal Household. A private investigator, Glenn Mulcaire, was also jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association. At the time News International said Mr Goodman had been acting without their knowledge.

ii. Ongoing interest 2009

Gordon Taylor subsequently sued the owners of the News of the World on the basis that its senior executives must have been aware of the unlawful activity. It was reported that an out-of-court settlement was reached. The Guardian newspaper ran a story in July 2009 alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories. It also claimed information from the case was then suppressed by the police and the High Court.

Commenting on the original police investigation, Assistant Commissioner John Yates, said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that phone hacking had actually been achieved.

The Director of Public Prosecutions undertook that the CPS would urgently examine the material supplied to the CPS by the police three years previously. A short statement was also made in the House by then Minister David Hanson.

iii. Ongoing interest 2010

In February 2010 the Select Committee for Culture Media and Sport published a report on press reporting which included examination of the phone hacking episode. They were highly critical of both the News of the World and the police and stated they did not find it credible that such activity was limited to one rogue reporter.

In September 2010 the Guardian reported stories in the New York Times which purported to have new eye witness evidence (from former journalist

Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September the Home Secretary answered an urgent question in the House from Tom Watson explaining that any further action was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with Government backing).

Chris Bryant also lodged a judicial review application (13 September), together with Brian Paddick (formerly of the MPS) and Brendan Montague (writer and journalist), seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy. A number of other individuals have since also commenced legal proceedings.

On 12 November the MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York times information. On 10 December the Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following:

"I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."

iv. Current developments 2011

In the light of ongoing media interest and at the behest of the MPS, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police. Alison Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.

On 21 January Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.

Finally, on 26 January, the Metropolitan Police announced that in the light of fresh information supplied by the News of the World Newspaper (and following suspension of another editor – Ian Edmondson), they would be conducting a new investigation into phone hacking allegations at the newspaper.

This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of Deputy Assistant Commissioner Sue Akers.

On 9 February, the MPS issued an update stating that that the new information had been linked to existing information and enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including those of former DPM Lord Prescott). All such individuals are now being contacted by the new team. The statement makes clear (contrary to some reporting about the implications of this) that at present it remains the case that there is no evidence that such individuals were actively subject to hacking (which is consistent with the conclusions of the original investigation). However this is being pursued as a new line of enquiry.

The new team is proactively showing individuals any information held about them as part of its investigative approach. However, if individuals wish to obtain a copy of the information (for example for private prosecutions) there is a requirement to seek this through the courts. This is a MPS legal requirement.

While the MPS are conscious of the considerable interest in this issue they have made clear that they do not intend to provide a running commentary on the investigation.

6/4/2011

HOUSE OF LORDS ORAL QUESTION FOR ANSWER
Wednesday 6 April 2011

[Lord Wallace of Saltaire]

Lord Fowler (Conservative)

To ask Her Majesty's Government what assessment they have made of the evidence of telephone hacking by newspapers, and what action they propose to take.

SUGGESTED RESPONSE

The task of assessing evidence of potentially unlawful activity is a matter for the police and the Crown Prosecution Service. The Metropolitan Police Service is currently conducting an investigation into allegations of telephone hacking and it would be inappropriate to comment or speculate on any particular aspects of that investigation pending its outcome.

[53 words]

Drafting Official:
Approving HoU: Peter Edmundson
Telephone:
Date last revised: 25 March 2011
Version Number: 1

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TOP LINES

Shouldn't there be a full independent investigation/public enquiry into the issue of hacking by the media?

- A police investigation into allegations of phone hacking is currently underway.
- It is important that that investigation is allowed to proceed without distraction.
- A number of other inquiries are also in hand including :
 - a review by the Crown Prosecution Service of all evidence held by the Metropolitan police in relation to the original and current phone hacking allegations;
 - inquiries by both the Home Affairs Select committee and the Parliamentary Committee for Standards and Privileges;
 - a review by the Press Complaints Commission; and
 - a number of individual cases are before the courts.
- This already represents a broad span of activity across several aspects of this issue.
- The Government believes it most appropriate to await the outcome of these various inquiries and the conclusions they reach.

How can we be sure that the new police investigation will be effective?

- The conduct of investigations is an operational matter for the police.
- However, in relation to the current investigation, the Metropolitan Police have promised a robust investigation.
- They have already announced some early developments and contacted individuals in relation to information relating to them.
- In parallel, Alison Levitt QC has been appointed by the Director of Public Prosecutions to assess existing evidence held by the Metropolitan Police and to evaluate any new evidence and to advise on the scope for prosecutions.

TOP LINES

How can the press be held to account for their actions?

- Phone tapping or hacking is illegal. It is an offence for a person to intentionally intercept, without lawful authority, any communication in the course of its transmission. That applies equally to the media.
- If there were suspicions that a journalist had broken any law then we would expect the police to investigate, as they would for any other offence.
- The Press Complaints Commission Code contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.
- Where unlawful activity is proven there may be a prosecution through the courts in the normal way.
- Otherwise, complaints may be made to the PCC.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Isn't the time now right to further regulate the press?

- We believe that a system of self-regulation that is complementary to the law remains the best way to regulate the press. But we will continue to monitor developments.

What is the Government doing about the phone hacking allegations?

- Phone tapping or hacking are criminal offences which apply equally to the media as they do to everyone else.
- It is for the police to investigate whether an offence has been committed and work with the Crown Prosecution Service to bring a prosecution where appropriate.
- In the light of recent fresh information supplied by the News of the World newspaper, the Metropolitan police service is conducting a new investigation into phone hacking allegations at the newspaper.
- It would not be appropriate to speculate or comment on an ongoing investigation.

TOP LINES

What is being done to combat phone hacking generally?

- Individuals and businesses are responsible for the way in which they protect their own data and communications.
- Mobile Network Operators are already offering ways of protecting access to voicemail.
- The Information Commissioner has been in contact with the major mobile network providers to establish the mechanisms by which individuals can protect their information. He intends to include advice on this in the next iteration of ICO guidance for individuals.

Does the law on phone hacking need changing to make it easier to prove offences and prosecute individuals ?

[If needed:

- No. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.

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- It would not be appropriate to speculate or comment on an ongoing investigation.

CORE BRIEFING

POLICE INVESTIGATIONS INTO THE *News Of The World* CASE

Top Lines

- The investigation in 2006 led to the successful prosecution of two individuals in 2007 for unlawful interception.
- The police have worked closely with the Crown Prosecution Service throughout in considering the viability of bringing prosecutions.
- The Metropolitan police have always said that if new information emerged they would consider it – and that is what they are now doing.
- The latest investigation is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006).
- The Director of Public Prosecution has announced a comprehensive assessment of all the material in the possession of the police in relation to phone hacking.
- The Independent reviewer, Alison Levitt QC, will continue with that work, as well as evaluating any new evidence and will advise as to the progress of the investigation.

Will the Government order an independent inquiry into the original MPS investigation?

- The Metropolitan police are currently conducting a new investigation into telephone hacking allegations at the News of the World Newspaper.
- It is important this is allowed to proceed unhampered.
- In parallel the CPS is conducting a comprehensive assessment of all material in the possession of the Metropolitan Police Service (MPS) relating to phone hacking, following developments in the civil courts.
- Believe these various activities should be allowed to conclude and the results assessed before contemplating any further inquiries.

CORE BRIEFING

Won't this investigation just peter out like the last new investigation in September?

- The handling of any investigation is entirely an operational matter and judgement is for the police.
- However the Police have promised a robust investigation.
- They have also already announced some early developments, and contacted affected individuals about these.

But why have so few people been prosecuted?

- Investigations are a matter for the police and prosecutions for the CPS, but both are determined by the available evidence. The approach taken in a particular prosecution is case-specific and will depend on the facts in issue.

Will the Government insist that the Metropolitan Police inform MPs whether they are victims of hacking?

- On 9 February MPS announced that newly available evidence linked to previous evidence had revealed new strands of investigation, including about some individuals informed previously that there was little or no information held by the Metropolitan Police in relation to them.
- While at this stage there is no evidence to suggest they were the subject of hacking, this remains under investigation and steps are being taken to contact all such individuals to advise them of developments.

Don't recent developments show the police got it wrong in taking a narrow approach to the previous investigation ?

- The conduct of investigations is an operational matter for the police and decisions on prosecution a matter for the Crown Prosecution Service.
- Ministers are not privy to any relevant considerations of such matters (and were not party to any such considerations in this case).
- **[If pressed –** The current difference in interpretation and recollection of events which occurred in 2006 to 2007 is a matter for the parties concerned and not one on which Ministers are therefore able to comment.]

CORE BRIEFING

Background

- The original investigation in 2006 centered on concerns about possible hacking of telephones of members of the Royal household. This led to the prosecution and conviction of two individuals – a reporter and private investigator.
- In September 2010 both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges announced inquiries into aspects of the phone hacking allegations. On 14 January 2011 the DPP announced that the CPS would review all earlier material to ascertain whether there was any evidence to mount further prosecutions.
- On 26 January 2011, the Metropolitan police announced that in the light of fresh information supplied by the News of the World Newspaper (and suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper. That investigation is ongoing.
- On 9 February MPS announced that linked to newly available evidence a review of previous evidence had revealed new strands of investigation including some individuals informed previously that there was little or no information held by the MPS in relation to them. While at this stage there is no evidence to suggest they were the subject of hacking, this remains under investigation and steps are being taken to contact all such individuals to advise them of developments.
- In addition a number of cases brought by individuals who believe they may be the victims of phone hacking (including the actress Sienna Miller, and MP Chris Bryant together with former MPS officer Brian Paddick) are before the courts.
- A public disagreement has recently surfaced between John Yates and the DPP in relation to the extent of advice given on interpretation of RIPA and therefore the thrust of the investigation and prosecutions in 2006/07. This is not something to which the HO is privy.

Key Facts

- In 2007 there were two successful prosecutions for unlawful interception in relation to the News of the World: Clive Goodman and Mulcaire.
- In addition to the police investigation the following lines of inquiry are underway
 - CPS review of all evidence held by the Met Police
 - Inquiry by the Home Affairs select committee
 - Inquiry by the Parliamentary Committee for Standards and Privileges
 - Press Complaints Commission Review
 - Judicial reviews by individuals against NOTW and MPS

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CORE BRIEFING

THE ROLE OF THE MEDIA IN HACKING

Top lines

- A press free from state intervention is a fundamental hallmark of our democracy.
- There is however no place for unlawful activity.
- Phone tapping or hacking is illegal. It is an offence for a person to intentionally intercept, without lawful authority, any communication in the course of its transmission. That applies equally to the media.
- If there were suspicions that a journalist had broken any law then we would expect the police to investigate, as they would for any other offence.
- The Press Complaints Commission Code contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.
- The Code of Practice is enforced by the Press Complaints Commission, which is independent of Government.
- We believe that a system of self-regulation that is complementary to the law remains the best way to regulate the press. But we will continue to monitor developments.

Should the freedom of the press outweigh personal privacy?

- No, but the point at which the right balance lies will not always be the same. The right to freedom of expression and the right to privacy may be conflicting and must, therefore, be weighed up on a case by case basis, initially by the editor.

What happens if the press breach those rules – what sanction is there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

CORE BRIEFING

Background

- The Editor's Code of Practice consists of a number of clauses which sets limits on how information may be gathered and what information may be published. Clause 10 "Clandestine devices and subterfuge" bans telephone hacking. But the media can claim a public interest.
- The Press Complaints Commission defines the public interest as follows:

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

1. The public interest includes, but is not confined to:

i) Detecting or exposing crime or serious impropriety.

ii) Protecting public health and safety.

iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.

4. The PCC will consider the extent to which material is already in the public domain, or will become so."

- On 19 January the Press Complaints Commission discussed the issue of phone hacking at its monthly meeting and undertook to set up a working group, with a lay majority.

Key facts

- The PCC undertook to institute a working group, with a lay majority, to consider new information on hacking that becomes available, and make recommendations to the Commission (which will be published).
- The purpose of this will be to draw together lessons learned as a result of the outcomes of the relevant police inquiries, the legal actions and the recent internal inquiry of the News of the World. It will also review the PCC's own actions in regard to this matter.
- The Phone Hacking Review Committee will comprise the two most recent lay Commissioners (who joined in 2010), both of whom are experts in relevant legal fields: Ian Walden, Professor of Information and Communications Law, Queen Mary University of London and Julie Spence, former Chief Constable, Cambridgeshire Police. There will be one editorial Commissioner: John McLellan, the editor of the Scotsman.
- It is not the role of the PCC (or within its powers) to duplicate the investigations of the police, or to establish criminality. However, its role is to work to raise standards in the industry, and it is committed to take this opportunity (at the conclusion of the relevant processes) to do so in this area."

CORE BRIEFING THE LAW ON PHONE HACKING

Top lines

- The intentional interception of communications, or phone tapping, without lawful authority is illegal.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

So why have so few prosecutions been brought?

- The ability of the police to investigate cases of unlawful interception and the Crown Prosecution Service (CPS) to prosecute those cases will be determined by the available evidence in each case. These are decisions for the police and the CPS respectively.
- There have been eight prosecutions in the last five years.
- The DPP has stated that a robust attitude should be taken to unauthorised interception and investigations "should not be inhibited by a narrow approach to the provisions in issue".

IF PRESSED: Doesn't the offence depend on whether the intended recipient has already accessed the voicemail?

- No. We do not believe that changes to the offence in relation to stored communications (section 2(7)) are necessary or would have changed the outcome of the prosecution.

CORE BRIEFING

IF PRESSED: Doesn't the disagreement between AC Yates and the DPP demonstrate that the law needs clarification?

- The conduct of investigations is an operational matter for the police and decisions on prosecution a matter for the Crown Prosecution Service.
- What appears to be clear is that decisions in relation to the approach to the investigation and prosecution were case specific.
- Such decisions were a matter for those involved at the time.
- **[If pressed** – The current difference in interpretation and recollection of events which occurred in 2006 to 2007 is a matter for the parties concerned and not one on which Ministers are therefore able to comment.]
- **If pressed** – But neither is it clear that a different approach would necessarily have yielded a different outcome.

Background

- The DCMS Select Committee Report on press standards, privacy and libel was published on 24 February 2010. It recommended that the offence of unlawful interception in section 1 RIPA be amended to cover all phone hacking.
- The Metropolitan Police had advanced an argument before the Committee that once the intended recipient of a voicemail stored on a network has listened to it that message is no longer in transmission.
- That argument was subsequently supported by the DPP. However, having sought Counsel's advice on the issue the DPP believes that a robust attitude needs to be taken to any unauthorised interception and investigations should not be inhibited by a narrow approach to the provisions.
- In essence that adopts the Home Office's view that accessing voicemail on a network will constitute interception regardless of whether the intended recipient has listened to it.
- Ultimately a definitive interpretation of the law is a matter for the court not the DPP.
- But even if RIPA could not be used, there is other legislation under which a prosecution could be possible. The Computer Misuse Act 1990 creates offences relating to unauthorised access to communications. They carry a penalty of up to 5 years imprisonment and an unlimited fine. And the Data Protection Act s.55 also creates an offence for the unlawful obtaining of personal data.

CORE BRIEFING

WHAT IS BEING DONE TO COMBAT HACKING

Top Lines

- Individuals and businesses are responsible for the way in which they protect their own data and communications but where there is unlawful activity, such as hacking, the police will investigate those cases and work with the CPS to bring a prosecution where appropriate.
- Hacking is a weakness in voicemail systems but this can be corrected by improved user behaviour derived from better awareness of what to do.
- On phone hacking the Information Commissioner's Office (ICO) has been in contact with the major mobile network providers to establish the mechanisms they offer by which individuals can protect the information stored in answer phone services.
- The ICO intends to include advice on this in the next iteration of its guidance for individuals.
- Any allegation that a s55 offence under the Data Protection Act (obtaining, disclosing or procuring the disclosure of confidential personal information) can be investigated by the ICO.

How widespread is hacking more generally?

- It is difficult to give absolute assurance about the levels of hacking, but responses to the Home Affairs Select Committee by communication service providers does not support the contention that unlawful access to mobile voicemail is widespread.

Background

- Although individuals and businesses have a responsibility to keep their data secure both public bodies and the private sector are taking action to address hacking.
- Hacking is a weakness in voicemail systems but this can be corrected by improved user behaviour derived from better awareness of what to do.
- Individual network providers are taking action to improve security as reported to HASC.
- The Information Commissioner's Office is in contact with mobile phone network operators to establish what mechanisms they offer so that individuals can protect themselves. The ICO found that there are easy ways to guard against unauthorised access.

RELEVANT BACKGROUND PREVIOUS PARLIAMENTARY QUESTIONS

Oral Questions

Lord Fowler – 27 January 2011

To ask Her Majesty's Government what action they are taking to prevent telephone hacking

Lord Wallace of Saltaire: My Lords, the intentional, unauthorised interception of communications in the course of their transmission is illegal under the Regulation of Investigatory Powers Act 2000. The police are responsible for the investigation of unlawful interception, including telephone hacking, and the Crown Prosecution Service is responsible for the prosecution of such cases.

Lord Fowler: My Lords, I thank my noble friend for that reply. Does he remember the Watergate scandal, in which one brave newspaper protected the public interest? Has not exactly the opposite happened in the phone hacking scandal, in which one newspaper-and possibly others-has not exposed injustice but instead directly conspired against the public? Does he agree that after any further criminal proceedings there will be a need for a full-scale inquiry to ascertain what happened and how the public can be protected?

Lord Wallace of Saltaire: My Lords, the House will appreciate that this is a topical Question that is almost too topical for me to be able to answer-I am up to date with the "Today" programme but not entirely up to date with what may or may not have happened since. Noble Lords will be aware that the Metropolitan Police announced yesterday that, in light of the fresh information supplied by the *News of the World*, the police will conduct a new investigation into phone hacking allegations. The investigation will be led by the specialist crime directorate, which is a different unit within the Metropolitan Police from that which carried out the original investigation. The investigation will be led by Deputy Assistant Commissioner Sue Akers. In addition, the Director of Public Prosecutions announced earlier this month that a comprehensive assessment of all the material in the possession of the police in relation to phone hacking would be carried out by an independent reviewer, Alison Levitt QC.

Lord Soley: Given that, as the Minister says, telephone hacking is unlawful and always has been, does he accept that there is an underlying problem here within the culture of journalism? This started with fishing expeditions to see whether any interesting stories could be pulled up, but these expeditions are also carried out in other ways, as was the case in the incident concerning Vince Cable MP. Bizarrely, the editor of that newspaper then tried to hush up the story because it was not its policy to draw attention to Rupert Murdoch's takeover of BSkyB. Will a major effort be made at some stage to get journalism to recognise that it has a cultural problem here, which the PCC is not addressing in the way that it should?

Lord Wallace of Saltaire: My Lords, I think that we all understand that the press as a whole now faces a crisis of trust that is at least as great as the crisis of trust in politics, which we need to address. We look to the press to act up to its own responsibilities, which it is very clear many of its members have failed to do.

Lord Dholakia: My Lords, will the Minister have a word with the chairman of the Press Complaints Commission on how it has addressed this issue? Will he further inquire how it intends to deal with such matters so that in future people's privacy is not breached?

Lord Wallace of Saltaire: My Lords, it is evident that the role of the Press Complaints Commission and the extent to which its code of practice is observed and enforced are questions that we will have to address. While the Government believe that a press free of state intervention is fundamental to our democracy, there is no place for illegal activity.

Lord Hunt of Kings Heath: My Lords, it has taken the police five years to take this matter seriously. Is the noble Lord aware of the comments today from the former assistant commissioner Brian Paddick, who said that the reason for police inaction was fear of upsetting newspaper editors?

RELEVANT BACKGROUND

Does that not argue for greater media plurality in this country? Why are the Government so reluctant to refer the proposed takeover by News Corporation of BSkyB to the Competition Commission?

Lord Wallace of Saltaire: My Lords, we are all aware that this raises large questions about the future of the press, the relationship between the press and the police and the role of a plural press in our democracy. We will return to these issues on a number of occasions. We will certainly return to the question of police accountability when we debate the Police Reform and Social Responsibility Bill.

Lord Prescott: My Lords, now that the Government accept that this was a criminal act, do they also accept the excuse that was given that it was the work of a single rogue operator? That proposal was put forward by the Metropolitan Police, the newspaper editors, the Press Complaints Commission and the Crown Prosecution Service. After a number of inquiries, they still came to that conclusion. That is unacceptable. I ask the honourable, I mean noble, Lord—I knew that I would fall over—whether he accepts that these acts were commissioned to undermine the human rights of the individuals? In a debate in this House in July last year on the Defamation Bill introduced by the noble Lord, Lord Lester, the Government promised that they would investigate and bring in legislation to deal with defamation. Are they now prepared to consider how the conflict between Article 8 and Article 10 of the European Convention on Human Rights works against the individual's rights? Will the Government put that in their promised consultation document or in a future Bill?

Lord Wallace of Saltaire: My Lords, we all recognise that this goes very wide. I say to noble Lords opposite who tend to slip into saying "honourable Member" that one member of staff said to me the other day that they feared that the Benches in this Chamber were about to be reupholstered in green rather than red. We all understand why that is being said. The serious questions of defamation and who should have been informed are very important. My understanding is that the police have informed all those about whom they have evidence that their phones were hacked. In addition, they have found a great many other names of people who were clearly targets of inquiry, but they do not have information on whether their phones were hacked. This is part of the ongoing and widening inquiry in which the police now have to be engaged.

Asked By Lord Fowler 1 March 2011

To ask Her Majesty's Government whether they will set up an inquiry into telephone hacking in the United Kingdom and how it can be combated.

Lord Wallace of Saltaire: My Lords, individuals and businesses are responsible for protecting their own data and communications. Mobile phone operators already offer ways of protecting access to voicemail. In addition, the police will investigate unlawful activity and work with the CPS to bring prosecutions where appropriate. The Metropolitan Police are conducting a new investigation of evidence relating to the *News of the World* and the CPS is conducting a comprehensive assessment of all material in the possession of the MPS. A number of inquiries are, therefore, under way.

Lord Fowler: Obviously, my Lords, any criminal charges must be disposed of first, but is it not the case that we now know that the victims of phone hacking include members of the Royal Family, a former Prime Minister, a former Deputy Prime Minister, several serving Members of Parliament and many others? Is not this kind of organised intrusion entirely indefensible? While it may be true that, for some unaccountable reason, parts of the press do not seem to be very keen on an inquiry, there is in reality no other way of discovering the extent of the abuse or what can be done to prevent it.

Lord Wallace of Saltaire: My Lords, Deputy Assistant Commissioner Akers announced on 9 February that she recognises that she faces,

RELEVANT BACKGROUND

"clearly a major task with a considerable amount of work to be done which will take a significant amount of time and resources".

I understand that she has met a number of those whose names have appeared in the investigation, including Members of this House, and that she will continue to work on that. Perhaps I should also mention that the Press Complaints Commission has set up its own phone-hacking inquiry.

Lord Prescott: Does the noble Lord recognise that this phone hacking—a criminal act—has undermined the public's trust not only in the Murdoch press but in the Metropolitan Police? Senior officers and the commissioner attended private social functions given by Murdoch at the time of the investigation. Is that not unacceptable? Is he aware that the Murdoch defence of a rogue reporter was exposed by the production of e-mails by the Murdoch press that were not made available to the original inquiry, causing further inquiries by the Metropolitan Police, the Crown Prosecution Service and, my God, now even the Press Complaints Commission? God knows what will happen to that one. Therefore, can the Minister assure this House that no consideration will be given to the BSkyB application by the Murdoch press until the results of these inquiries are known?

Lord Wallace of Saltaire: My Lords, I am answering this Question for the Home Office; that question strays rather a long way towards the Department for Culture, Media and Sport. I stress simply that the specialist crimes unit of the Metropolitan Police, which is conducting the new inquiry, is a different unit from the previous one. I understand that Deputy Assistant Commissioner Akers has met the noble Lord, Lord Prescott. This is intended to be a very thorough inquiry, which will also include relations between the Metropolitan Police and the press.

Baroness Bonham-Carter of Yarnbury: My Lords, my first question for the Minister is more of a riddle than a question, so I do not expect him to answer: which came first, the scoop or the journalist? Speaking as someone who has been a journalist, trained by the BBC, I know that the means are as important as the ends. Is my noble friend not very concerned that it has taken five years for this fact to be properly recognised by both proprietors and the police? I hope that I am not being too clever by half, but I end by citing Evelyn Waugh. Has there not been too much of:

"Up to a point, Lord Copper"?

Lord Wallace of Saltaire: My Lords, this is one of a number of questionable practices used by members of the press in obtaining information. When I spoke to the Information Office yesterday, the information officer told me that blagging is as important a problem as hacking. "Blagging" means receiving information through deception but not necessarily by hacking phones. I will read the relevant clause 10 of the Press Complaints Commission's *Editors' Code of Practice*:

"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".

That is very much what the current Press Complaints Commission inquiry, which has a majority of lay members, intends to look at.

Baroness Farrington of Ribblesdale: My Lords, will the Minister accept it from me that, when I occupied the Benches on which he now sits, what I dreaded most were Starred Questions? That is because one is answerable for the whole Government, not merely the brief on which the Question rests. Will he give me an assurance that in future all Members on the government Front Bench will abide by that convention?

RELEVANT BACKGROUND

Lord Wallace of Saltaire: I stand corrected. I had a member of the DCMS brief me on this Question yesterday. However, moving over to the B Sky B issue is a little wide, even for this Question.

Lord Rosser: My Lords, with one honourable exception, there is no prospect of our national newspapers investigating the issue of phone hacking. The growing evidence of their own considerable involvement in the practice means that their interest lies not in exposing it but in covering it up. Do the Government believe that the hidden and murky world of private investigators and their techniques—and that of those who employ them and why—now needs further investigation? Would the proposal, which we support, of the noble Lord, Lord Fowler, on phone hacking not be a useful contribution, in addition to what should be current thorough and comprehensive police investigations?

Lord Wallace of Saltaire: My Lords, I must remind the noble Lord that the murky relationship between government and the media and between the police and the media is not a new issue that has arisen with this new Government; it has been with us for some years. We all need to look at this. A large number of inquiries and a number of civil actions are under way with regard to the responsibility of the press. This issue will not go away.

Lord Pannick: My Lords, does not this whole episode demonstrate the need to replace the PCC with a statutory body with effective powers of enforcement against the press?

Lord Wallace of Saltaire: My Lords, this morning I read the report issued in February of last year by the Culture, Media and Sport Committee of another place on exactly this point, in which it makes a number of criticisms of the current situation. However, as I understood the report, it did not go so far as to propose a statutory replacement.

Lord West of Spithead: My Lords, have the Government got any further with the investigation of deep packet inspection of all our nation's e-mails by private firms, which read those e-mails and pull out key words for advertising? The previous Government were investigating this. Have the present Government got any further with that because it is very worrying that all these e-mails are being exposed to that sort of scrutiny?

Lord Wallace of Saltaire: My Lords, I have not been briefed on that matter, which takes us into some very large issues about the whole question of privacy of e-mails. However, I asked a number of questions about privacy settings on Facebook, YouTube and Twitter. The technology is taking us further forward in a whole range of areas where questions of privacy and unauthorised access to information continue to move forward. In time we may well need to adjust the law to cope with what technology is providing.

RELEVANT BACKGROUND

Lord Fowler— Media: Ownership - 11 November 2010

- *To ask Her Majesty's Government what safeguards exist to prevent too great a concentration of media power in the United Kingdom.*
- **Baroness Rawlings:** My Lords, the Government believe that it is important for the media to reflect different viewpoints so as to safeguard democratic debate. In order to have a level playing field, undue concentration of media power is prevented in three main ways: first, there are statutory media ownership rules, which are enforced by Ofcom and provide absolute restrictions of ownership; secondly, mergers involving newspapers and media enterprises, like all other mergers, are subject to competition-based regulation by independent competition authorities; and, thirdly, the Secretary of State has an exceptional power to intervene in media mergers if necessary.
- **Lord Fowler:** My Lords, I thank the Minister for that reply. In last week's debate on media power, all 20 speakers on the list supported the decision to refer the News Corp attempt to take full control of BSkyB to Ofcom. Does the Minister agree that this shows the great concern that there is on this issue? Does she also agree that, in safeguarding the media in this country, it is absolutely essential to retain a strong and independent BBC?

Written Questions

Mr Watson – 27 July 2010 (Hansard Column 1126W) – Telephone Tapping

- *To ask the Secretary of State for the Home Department what recent steps her Department has taken to (a) detect and (b) prevent the incidence of telephone (i) hacking and (ii) blagging. [6336]*
- **Nick Herbert:** Section 1 of the Regulation of Investigatory Powers Act 2000 provides an offence of unlawful interception. The police and Crown Prosecution Service are independently responsible for investigating and prosecuting such cases of unlawful interception. In some circumstances, 'blagging' or making false representations, whereby an individual pretends to be another person, could be a constituent element of a dishonesty offence.

RELEVANT BACKGROUND MEDIA COVERAGE

Guardian 25 March 2011

The extraordinary public clash between the Metropolitan police and the director of public prosecutions during which each side has implied that the other has misled parliament continued with controversial claims before a Commons committee.

The quarrel continued as new claims were made that private investigators working for newspapers may have targeted the families of Milly Dowler, the Surrey schoolgirl who was abducted and murdered in March 2002, and of Jessica Chapman, one of the two 10-year-old girls murdered by Ian Huntley in Soham in August 2002.

The Met-DPP clash continued at a special session of the Commons culture, media and sport committee, where Scotland Yard's acting deputy commissioner, John Yates, conceded for the first time that the original 2006 inquiry into phone hacking at the News of the World should have done more, and that police had failed to do enough for victims of hacking.

Asked if he accepted that the affair had seriously damaged the reputation of the Metropolitan police, he said: "I would certainly say that it has been very challenging for us. We are working extremely hard to put that right."

But it was his evidence on the legal advice provided by the director of public prosecutions, Keir Starmer QC, that was most controversial. The immediate focus of the dispute is an arcane point of law.

Its underlying significance is the light it may shed on the question of whether Scotland Yard has tried to hide the truth about the number of people whose phones were hacked by journalists and private investigators working for the News of the World.

In his evidence, Yates listed a series of occasions on which prosecutors had advised police that the Regulation of Investigatory Powers Act 2000 (Ripa) made it an offence to intercept voicemail only if the message had not already been heard by its intended recipient.

He said this advice had been given repeatedly during the original inquiry in 2006: "It permeated every aspect of the investigative strategy." It was on this basis, Yates added, that he had previously told parliament that police had found only 10 to 12 victims of the hacking, even though the emerging evidence now suggests there were many more.

Yates's evidence directly clashes with a written submission from Starmer last October to the home affairs select committee. Starmer said the question of how to interpret Ripa had not arisen during the original inquiry.

Prosecutors had attached no significance to the point in preparing charges or presenting the facts, he said. "It is evident that the prosecution's approach to Ripa had no bearing on the charges brought against the defendants or the legal proceedings generally," he wrote.

Yates was responding to claims in the Commons this month by Chris Bryant, the Labour MP for Rhondda, that he had misled parliament with his account of the law and his claims about the number of victims in the affair. Yates then defended himself in a letter to the

RELEVANT BACKGROUND

Guardian, quoting an earlier written submission from the DPP to the culture, media and sport committee. Starmer replied with a further letter to the Guardian saying it was "regrettable" that Yates had quoted a single sentence out of context. Yates said: "It's difficult to see how it could be taken out of context."

Yates agreed that on 1 October last year the Crown Prosecution Service had told Scotland Yard that Ripa made it an offence to intercept voicemail regardless of whether the message had already been heard by its intended recipient. "They have refreshed their view ... He has changed his mind," Yates said.

"During the Mulcaire and Goodman case and throughout the ensuing period until October 2010, the legal advice on this matter was unequivocal and very prescriptive. The significance of this point is very clear. While suspects may have targeted many people, we could only actually prove the offence of voicemail interception in a very small number of cases."

The culture, media and sport committee is understood to have asked the DPP to send it written evidence on the dispute, and is considering producing a supplementary report, which would be its third on the affair. Both Yates and Bryant are expected to give evidence to the home affairs select committee on Tuesday.

The DPP declined on Thursday to respond to Yates's evidence.

The possible targeting of the families of Dowler and Chapman emerged in questioning from the Labour MP Tom Watson who suggested the Dowlers had been a victim of Steve Whittamore, a private investigator who worked for numerous Fleet Street newspapers and specialised in "blagging" confidential data from phone companies and government databases.

Watson also suggested the Chapmans had been a victim of Glenn Mulcaire, who worked for the NoW and specialised in hacking voicemail. Yates said this was the first he had heard of either claim.

The committee spent nearly an hour and a half closely questioning Yates. Paul Farrelly asked him to comment on the claim by former assistant commissioner Andy Hayman, who led the original inquiry, that they had left no stone unturned. Yates said: "It's a fairly bold statement ... The experience of the last three years would suggest that in some areas perhaps more could have been done."

PEER BIOGRAPHY LORD FOWLER



Current position held

- Lord Fowler is a Conservative peer. He was made a Life peer in 2001.
- Chairman Thomson Foundation (media services)
- Author of "A Political Suicide" (2008; Politico's), based on his political diaries from the 1980s and 90s
- Trustee, Rose Theatre, Kingston-upon-Thames


Biography

Norman Fowler, Baron Fowler PC (Born 2 February 1938) is a British Conservative politician and has been a Life Peer since 2001.

Lord Fowler has served as a Conservative Member of Parliament for Nottingham South 1970-74 and for Sutton Coldfield 1974-75. He has performed a variety of Ministerial posts including Secretary of State for: Transport 1979-81; Social Services 1981-87 and Employment 1987-90. He has also served as Shadow Secretary of State for: Environment, Transport and the Regions 1997-98 and for the Home Department 1998-99.

Past Interest

Lord Fowler has spoken in debates on media ownership; the Digital Economy Bill and the Parliamentary Voting System and Constituencies Bill. His parliamentary profile lists his political interests as the Media, Home Office, Pensions and Health. This is his third oral question on the phone hacking allegations.

<p>From: <input type="text"/></p> <p>PPPU 5th. Floor Fry 2 Marsham Street London SW1P 4DF</p> <p> <input type="text"/></p> <p>11 April 2011</p>	<p>cc</p> <p>Home Secretary Minister of State for Security and Counter Terrorism PUS Crime Prevention PUS Equalities and Criminal Information Helen Ghosh Stephen Rimmer Charles Farr Tyson Hepple Peter Edmundson</p> <p><input type="text"/></p> <p>Special Advisers</p>
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Minister of State for Policing and Criminal Justice

PHONE HACKING INVESTIGATION – LETTER FROM TOM WATSON MP

Issue

Terms of a response to a letter from Tom Watson MP (dated 22 March) urging a widening of the current police investigation into phone hacking allegations.

Timing

2. Routine.

Summary/Consideration

3. Tom Watson has a long standing interest in the News of the World phone hacking allegations. In addition to a number of written parliamentary questions, he tabled an urgent question to the Home Secretary on the matter in September 2010, wrote to the Deputy Prime Minister in the same month, and has raised the issue in numerous other debates including on civil liberties and in the context of the Protection of Freedoms Bill.

4. His latest letter asks the Home Office to intervene directly, in the light of the latest developments. Amongst these he cites allegations from a BBC Panorama Programme that the News of the World was also involved in hacking into the personal computer of a former British army intelligence officer; that a private investigator employed by the paper obtain confidential police information (including by payments to officers); and highlights the public disagreement between Assistant Commissioner John Yates and the Director of Public Prosecutions regarding the nature of legal advice provided to the police by the CPS during the original investigation in 2006. Mr Watson's contention is that the matter cannot be left to the police alone and requires ministerial intervention and a Home Office "inquiry" into the various elements.

5. With regard to the Panorama allegations, interference with a computer is as Mr Watson states, an offence under the Computer Misuse Act. We are not aware of any formal complaint that a crime has been committed although it would be open to the individual who was allegedly a victim of this to report this directly to the police (or if he preferred, to his former employees). In any event it would be inappropriate for such a complaint to come to the Home Office since there is a clear distinction between Ministerial strategic and policy responsibilities, and day to day operational policing matters.

6. The allegations that police officers may have been paid by newspapers or investigators for information, are recurring ones. The police service is clear that such behaviour is unacceptable and any officer found to have done so would be likely to face disciplinary charges at the least. It is open to anyone with evidence of such behaviour to bring it to the attention of the police or the IPCC. Finally, the current public disagreement between AC John Yates and the DPP is not a matter on which HO Ministers can comment since they were not party to the discussions at the time, and have no direct responsibility for either party.

7. It would be inappropriate to be drawn into a discussion on the details of these allegations (about which in any event we have no independent information). In keeping with earlier Ministerial statements on this issue, we recommend that the reply reaffirms that these are purely matters for the police and in which Ministers should not intervene.

Recommendation

8. That you reply as drafted at **Annex A**.

Handling

9. The phone hacking story continues to command a very high degree of media attention and Parliamentary interest. There have been a series of recent developments including the arrest of two further journalists and the announcement by the News of the World on Friday that they were to offer apologies and damages to some of the high profile complainants against them. Early indications are that this is unlikely to draw a line under the story, and in the meantime the new MPS investigation continues.

10. It is possible that Mr Watson will seek to publicise any Home Office reply either by posting it directly on his own website or referring to it in Parliament, and to be highly critical of what he perceives as a failure by Ministers to deal with the issue. This further argues for keeping the answer short and avoiding speculation on details.

Clearance

11. With Peter Edmundson, Head of PPPU.

ANNEX A

Tom Watson MP
House of Commons
London SW1A 0AA

April 2011

PHONE HACKING INVESTIGATION

Thank you for your letter of 22 March to the Home Secretary regarding recent developments in relation to the phone hacking investigation. I am replying as the Minister responsible for Policing and Criminal Justice.

The Government does of course maintain a close interest in the very serious allegations, and associated developments, relating to the hacking of personal communications. However, the investigation of the various allegations is an operational matter for the police. It would be inappropriate to comment on the detail of ongoing investigations, and neither should Ministers seek to influence whether, and how, any allegations or complaints are pursued.

A number of strands of investigation and inquiry remain underway. While the Parliamentary Committee on Standards and Privileges has recently reported on its assessment of the question of potential breach of Parliamentary privilege, the matters raised by the case remains under active consideration in the current police investigation; in various civil actions before the courts; by the Home Affairs Select Committee and by the Press Complaints Commission. The Government continues to believe that the correct course is to await the outcome of these various inquiries.

NICK HERBERT

9/5/11

TOP LINES

Briefing for Parliamentary Debates – Regulation of Investigatory Powers (Monetary Penalty Notices and Consents for Interceptions) Regulations 2011**Phone Hacking****Shouldn't there be a full independent investigation/public enquiry into the issue of hacking by the media?**

- A police investigation into allegations of phone hacking is currently underway.
- It is important that that investigation is allowed to proceed without distraction.
- A number of other inquiries are also in hand including :
 - a review by the Crown Prosecution Service of all evidence held by the Metropolitan police in relation to the original and current phone hacking allegations;
 - inquiries by both the Home Affairs Select committee and the Parliamentary Committee for Standards and Privileges;
 - a review by the Press Complaints Commission; and
 - a number of individual cases are before the courts.
- The Government believes it most appropriate to await the outcome of these various inquiries and the conclusions they reach.

How can we be sure that the new police investigation will be effective?

- The conduct of investigations is an operational matter for the police.
- However, in relation to the current investigation, the Metropolitan Police have promised a robust investigation.
- In parallel, Alison Levitt QC has been appointed by the Director of Public Prosecutions to assess existing evidence held by the Metropolitan Police and to evaluate any new evidence and to advise on the scope for prosecutions.

How can the press be held to account for their actions?

- Phone tapping or hacking is illegal. It is an offence for a person to intentionally intercept, without lawful authority, any communication in the course of its transmission. That applies equally to the media.
- The Press Complaints Commission Code contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

TOP LINES

- Where unlawful activity is proven there may be a prosecution through the courts in the normal way.
- Otherwise, complaints may be made to the PCC.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

What is the Government doing about the phone hacking allegations?

- Phone tapping or hacking are criminal offences which apply equally to the media as they do to everyone else.
- It is for the police to investigate whether an offence has been committed and work with the Crown Prosecution Service to bring a prosecution where appropriate.
- In the light of recent fresh information supplied by the News of the World Newspaper, the Metropolitan police service is conducting a new investigation into phone hacking allegations at the newspaper.
- It would not be appropriate to speculate or comment on an ongoing investigation.

What is being done to combat phone hacking generally?

- Individuals and businesses are responsible for the way in which they protect their own data and communications.
- Mobile Network Operators are already offering ways of protecting access to voicemail.
- The Information Commissioner has been in contact with the major mobile network providers to establish the mechanisms by which individuals can protect their information.

Does the law on phone hacking need changing to make it easier to prove offences and prosecute individuals?

- No. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.

TOP LINES

POLICE INVESTIGATIONS INTO THE *News Of The World* CASE

Top Lines

- The investigation in 2006 led to the successful prosecution of two individuals in 2007 for unlawful interception.
- The police have worked closely with the Crown Prosecution Service throughout in considering the viability of bringing prosecutions.
- The Metropolitan police have always said that if new information emerged they would consider it – and that is what they are now doing.
- The latest investigation is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006).
- The Director of Public Prosecution has announced a comprehensive assessment of all the material in the possession of the police in relation to phone hacking.
- The Independent reviewer, Alison Levitt QC, will continue with that work, as well as evaluating any new evidence and will advise as to the progress of the investigation.

Background

- The original investigation in 2006 centered on concerns about possible hacking of telephones of members of the Royal household. This led to the prosecution and conviction of two individuals – a reporter and private investigator.
- In September 2010 both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges announced inquiries into aspects of the phone hacking allegations. On 14 January 2011 the DPP announced that the CPS would review all earlier material to ascertain whether there was any evidence to mount further prosecutions.
- On 26 January 2011, the Metropolitan police announced that in the light of fresh information supplied by the News of the World Newspaper (and suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper. That investigation is ongoing.
- On 9 February MPS announced that linked to newly available evidence a review of previous evidence had revealed new strands of investigation including some individuals informed previously that there was little or no information held by the MPS in relation to them. While at this stage there is no evidence to suggest they were the subject of

TOP LINES

hacking, this remains under investigation and steps are being taken to contact all such individuals to advise them of developments.

- In addition a number of cases brought by individuals who believe they may be the victims of phone hacking (including the actress Sienna Miller, and MP Chris Bryant together with former MPS officer Brian Paddick) are before the courts.

Key Facts

- In 2007 there were two successful prosecutions for unlawful interception in relation to the News of the World: Clive Goodman and Mulcaire.
- In addition to the police investigation the following lines of inquiry are underway
 - CPS review of all evidence held by the Met Police
 - Inquiry by the Home Affairs select committee
 - Inquiry by the Parliamentary Committee for Standards and Privileges
 - Press Complaints Commission Review
 - Judicial reviews by individuals against NOTW and MPS

TOP LINES

THE ROLE OF THE MEDIA IN HACKING

Top lines

- A press free from state intervention is a fundamental hallmark of our democracy. There is however no place for unlawful activity.
- Phone tapping or hacking is illegal. It is an offence for a person to intentionally intercept, without lawful authority, any communication in the course of its transmission. That applies equally to the media.
- If there were suspicions that a journalist had broken any law then we would expect the police to investigate, as they would for any other offence.
- The Press Complaints Commission Code contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.
- The Code of Practice is enforced by the Press Complaints Commission, which is independent of Government.
- We believe that a system of self-regulation that is complementary to the law remains the best way to regulate the press. But we will continue to monitor developments.

Should the freedom of the press outweigh personal privacy?

- No, but the point at which the right balance lies will not always be the same. The right to freedom of expression and the right to privacy may be conflicting and must, therefore, be weighed up on a case by case basis, initially by the editor.

What happens if the press breach those rules – what sanction is there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Background

- The Editor's Code of Practice consists of a number of clauses which sets limits on how information may be gathered and what information may be published. Clause 10 "Clandestine devices and subterfuge" bans telephone hacking. But the media can claim a public interest.

TOP LINES

- On 19 January the Press Complaints Commission discussed the issue of phone hacking at its monthly meeting and undertook to set up a working group, with a lay majority.

Key facts

- The PCC undertook to institute a working group, with a lay majority, to consider new information on hacking that becomes available, and make recommendations to the Commission (which will be published).
- The purpose of this will be to draw together lessons learned as a result of the outcomes of the relevant police inquiries, the legal actions and the recent internal inquiry of the News of the World. It will also review the PCC's own actions in regard to this matter.
- The Phone Hacking Review Committee will comprise the two most recent lay Commissioners (who joined in 2010), both of whom are experts in relevant legal fields: Ian Walden, Professor of Information and Communications Law, Queen Mary University of London and Julie Spence, former Chief Constable, Cambridgeshire Police. There will be one editorial Commissioner: John McLellan, the editor of the Scotsman.
- It is not the role of the PCC (or within its powers) to duplicate the investigations of the police, or to establish criminality. However, its role is to work to raise standards in the industry, and it is committed to take this opportunity (at the conclusion of the relevant processes) to do so in this area."

TOP LINES

THE LAW ON PHONE HACKING

Top lines

- The intentional interception of communications, or phone tapping, without lawful authority is illegal.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

So why have so few prosecutions been brought?

- The ability of the police to investigate cases of unlawful interception and the Crown Prosecution Service (CPS) to prosecute those cases will be determined by the available evidence in each case. These are decisions for the police and the CPS respectively.
- There have been eight prosecutions in the last five years.
- The DPP has stated that a robust attitude should be taken to unauthorised interception and investigations "should not be inhibited by a narrow approach to the provisions in issue".

IF PRESSED: Doesn't the offence depend on whether the intended recipient has already accessed the voicemail?

- No. We do not believe that changes to the offence in relation to stored communications (section 2(7)) are necessary or would have changed the outcome of the prosecution.

But hasn't there been disagreement between John Yates and the DPP on this issue?

TOP LINES

- Yes, but they have both acknowledged that they were not in their respective posts at the relevant time. Furthermore the DPP has been very clear about the robust approach that needs to be taken in these cases.

But isn't the law unclear?

- First, the Government takes protection of personal information seriously.
- As far as the law goes, we don't believe so. However, the definitive interpretation is a matter for the courts.
- There are a number of offences that cover phone hacking activity including unlawful interception under RIPA.

But the Information Commissioner has suggested that the law [RIPA] lacks clarity and that it was drawn up for another age.

- The Information Commissioner is not responsible for offences under RIPA.
- RIPA was deliberately drawn up as 'technologically neutral' legislation to address exactly the kind of advances that have been made in recent years. To that extent it keeps pace with technology.
- We do not believe that changes to RIPA are necessary to address specific technological developments. Phone hacking in the form of interception, for example, is already an offence under RIPA.

Background

- The DCMS Select Committee Report on press standards, privacy and libel was published on 24 February 2010. It recommended that the offence of unlawful interception in section 1 RIPA be amended to cover all phone hacking.
- The Metropolitan Police had advanced an argument before the Committee that once the intended recipient of a voicemail stored on a network has listened to it that message is no longer in transmission.
- That argument was subsequently supported by the DPP. However, having sought Counsel's advice on the issue the DPP believes that a robust attitude needs to be taken to any unauthorised interception and investigations should not be inhibited by a narrow approach to the provisions.
- In essence that adopts the Home Office's view that accessing voicemail on a network will constitute interception regardless of whether the intended recipient has listened to it.

TOP LINES

- Ultimately a definitive interpretation of the law is a matter for the court not the DPP.
- But even if RIPA could not be used, there is other legislation under which a prosecution could be possible. The Computer Misuse Act 1990 creates offences relating to unauthorised access to communications. They carry a penalty of up to 5 years imprisonment and an unlimited fine. And the Data Protection Act s.55 also creates an offence for the unlawful obtaining of personal data.

TOP LINES

WHAT IS BEING DONE TO COMBAT HACKING

Top Lines

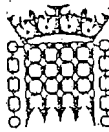
- Individuals and businesses are responsible for the way in which they protect their own data and communications but where there is unlawful activity, such as hacking, the police will investigate those cases and work with the CPS to bring a prosecution where appropriate.
- Hacking is a weakness in voicemail systems but this can be corrected by improved user behaviour derived from better awareness of what to do.
- On phone hacking the Information Commissioner's Office (ICO) has been in contact with the major mobile network providers to establish the mechanisms they offer by which individuals can protect the information stored in answer phone services.
- The ICO intends to include advice on this in the next iteration of its guidance for individuals.
- Any allegation that a s55 offence under the Data Protection Act (obtaining, disclosing or procuring the disclosure of confidential personal information) can be investigated by the ICO.

How widespread is hacking more generally?

- It is difficult to give absolute assurance about the levels of hacking, but responses to the Home Affairs Select Committee by communication service providers does not support the contention that unlawful access to mobile voicemail is widespread.

Background

- Although individuals and businesses have a responsibility to keep their data secure both public bodies and the private sector are taking action to address hacking.
- Hacking is a weakness in voicemail systems but this can be corrected by improved user behaviour derived from better awareness of what to do.
- Individual network providers are taking action to improve security as reported to HASC.
- The Information Commissioner's Office is in contact with mobile phone network operators to establish what mechanisms they offer so that individuals can protect themselves. The ICO found that there are easy ways to guard against unauthorised access.



HOUSE OF COMMONS

Ms Sue Akers
Deputy Assistant Commissioner
Metropolitan Police Service
New Scotland Yard
Broadway
London
SW1H 0BG

LONDON SW1A 0AA

REFERRED TO PRIVATE OFFICE

RECEIVED BY
15 JUN 2011
HOME SECRETARY

RECEIVED
IN DCU
15 JUN 2011

14 June 2011

Dear Sue,

I am sorry to write to you again regarding the conduct of the investigation into hacking at News International.

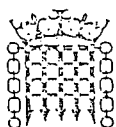
Not knowing the finer details of the investigation, it may be that what I tell you is in hand. However, it would be negligent of me not to pass on what one of the News International insiders has recently told me.

I have been informed that News International employees are sifting through their data and sharing what they see as relevant information with an independent third party who, in turn, is sharing information with investigating officers. This is because the MPS have accepted an argument that a form of journalistic privilege exists. If this is indeed the system you have agreed I cannot help thinking it is flawed. My concerns were exacerbated when the insider told me that there is a second, covert operation underway at the company.

They have alleged that a "cleaner" has been brought in to eradicate evidence that may help you bring criminal charges. They say this is with particular regard to financial payments that may have been made to journalists who were then paying informants for information. They believe that the evidence shows that officers of the Metropolitan Police were paid for information. They say that the work to destroy evidence is happening now and that if urgent action is not taken it will be successful.

To repeat: this is an allegation and not based on hard evidence but in light of its seriousness, I feel duty bound to copy this letter to the Home Secretary.

I will, of course, keep the contents of this letter confidential.




Thank you in advance for your assistance with this matter. I look forward to hearing from you.

Yours sincerely



Tom Watson
Member of Parliament for West Bromwich East

Cc The Rt Hon. Theresa May MP, Home Secretary

<p>From: <input type="text"/></p> <p>PPPU 5th Floor Fry 2 Marsham Street London SW1P 4DF</p> <p> <input type="text"/></p> <p>23rd June 2011</p>	<p>cc</p> <p>Minister of State for Policing and Criminal Justice Minister of State for Crime Prevention PUS Crime and Security PUS Equalities and Criminal Information Helen Ghosh Stephen Rimmer Charles Farr Tyson Hepple Peter Edmundson</p> <p><input type="text"/></p> <p>Special Advisers</p>
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Home Secretary

PHONE HACKING INVESTIGATION – LETTER TO DAC SUE AKERS FROM TOM WATSON MP OF 15TH JUNE 2011

Issue

Whether or not you should respond to Tom Watson's letter to which you have been copied.

Timing

2. Routine.

Recommendation

3. That you note this advice and agree not to respond to Mr. Watson.

Summary/Consideration

4. Tom Watson MP continues to show close interest in the News of the World International (NOTWI) phone hacking investigation. In addition to a number of written parliamentary questions, he tabled an urgent question to the Home Secretary on the matter in September 2010, written to the Deputy Prime Minister in the same month, and has raised the issue in numerous other debates including on civil liberties and in the context of the Protection of Freedoms Bill. He also wrote to you on 22nd March asking you to intervene directly in the MPS's investigation, contending that the matter cannot be left to the police alone and requires ministerial intervention and a Home Office "inquiry" into the various elements. Your response of 24th May, reaffirms that these are primarily matters for the police and in which Ministers should not intervene.

5. This letter of 15th June to DAC Sue Akers (copied to you) who is leading Op. Weeting, the Metropolitan Police Service's investigation into the unlawful access to voice mailboxes in relation to the NOTWI, follows Mr Watson's exchange at PMQs of 7th June, when he alleged that "*powerful forces are involved in a cover-up*", referring to previous correspondence between him and DAC Sue Akers. In response, the Prime Minister, made clear that this was a police inquiry, in other words an operational matter, and so not a matter for the government, and that the MPS were "*free to investigate the evidence and take that wherever it leads them, and then mount a prosecution with the Crown Prosecution Service if the evidence supports that*".

6. This letter confirms that Mr. Watson clearly has a well informed source close to NOTWI and in light of this and his comments, we understand DAC Akers will be meeting him today (23rd June) to listen to what he has to say and give him some reassurances around his concerns about NOTWI actions and MPS's investigation.

7. Given that the letter is written to DAC Akers and copied to you (Mr. Watson does not appear to be seeking a response from you), that it explicitly refers to "allegations not hard evidence", which we have no means of independently corroborating or otherwise, and that it relates to matters in the ongoing investigation by the MPS, we believe it would be inappropriate for you to write to Mr. Watson on the issue. Were you to respond it would not only cut across the Mayor/Metropolitan Police Authority who have oversight of the MPS, but who are not party to Mr. Watson's letter, but it might also lend an air of legitimacy to Mr. Watson's allegations, which he could use in further debates in Parliament, on his website and in the press.

Handling

8. Mr. Watson makes clear in his letter that he intends to keep the contents of his letter confidential. Nevertheless were the letter to appear in the press we suggest we continue to reaffirm that these are primarily matters for the Metropolitan Police Service in their ongoing investigation in which Ministers should not intervene and so it would be inappropriate for us to comment.

Clearance

9. By Peter Edmundson, Head of PPPU.



27/06/11

Topical Question Briefing

Tom Watson (West Bromwich; Labour)

What can the Home Secretary say about the cover up currently taking place in the News of the World about the activities of Jonathan Rees?

Line to take

- There is a police investigation currently underway. Ministers have no role in that investigation and it would be inappropriate to comment on it.
- I understand that the Hon member met last week with DAC Sue Akers who is leading Operation Weeting for the MPS, and that they were able to have useful discussion on the matter.
- I would reiterate what the Prime Minister said to the Honourable member from West Bromwich on 7th June: The Metropolitan Police Service are *“free to investigate the evidence and take that wherever it leads them, and then mount a prosecution with the Crown Prosecution Service if the evidence supports that”*

Background

i) Timeline

- The original investigation in 2006 by the MPS, centered on concerns about possible hacking of telephones of members of the Royal household. In 2007 there were two successful prosecutions for unlawful interception in relation to the News of the World: Clive Goodman (private investigator) and Glenn Mulcaire (reporter).
- In September 2010 both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges announced inquiries into aspects of the phone hacking allegations.
- On 26 January 2011, the Metropolitan police announced that in the light of fresh information supplied by the News of the World Newspaper (and suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper. That investigation (Op Weeting) which is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under DAC Sue Akers, is ongoing.
- On 9 February MPS announced that linked to newly available evidence a review of previous evidence had revealed new strands of investigation including some individuals informed previously that there was little or no information held by the MPS in relation to them.

- On 23rd May the courts granted a number of individuals who believe they may be the victims of phone hacking (including Lord Prescott) the right to have the MPS's handling of the case judicially reviewed. (There are currently a number of civil actions against NOTWI)

In addition to the MPS investigation the following lines of inquiry are underway or have reported:

- CPS review of all evidence held by the Met Police to ascertain whether there was any evidence to mount further prosecutions
- Inquiry by the Home Affairs Select Committee – due to report in July
- Inquiry by the Parliamentary Committee for Standards and Privileges – now reported
- Press Complaints Commission Review

ii) Tom Watson and phone hacking

Tom Watson has a long standing interest in the News of the World phone hacking allegations. In addition to a number of written parliamentary questions, he has tabled an urgent question to the Home Secretary on the matter in September 2010, wrote to the Deputy Prime Minister in the same month, and has raised the issue in numerous other debates including on civil liberties and in the context of the Protection of Freedoms Bill. He also wrote on 22nd March asking the Home Office to intervene directly – he contends that the matter cannot be left to the police alone and requires ministerial intervention and a Home Office "inquiry" into the various elements. The Home Secretary responded on 14th May reaffirming that these are primarily matters for the police and in which Ministers should not intervene.

More recently at PM Questions of 7th June there was an exchange between Tom Watson MP and the Prime Minister where Mr. Watson alleged that "*powerful forces are involved in a cover-up*", referring to alleged correspondence between him and the head of Operation Weeting (DAC Sue Akers) which indicated to him that papers relating to dealings between News of The World International (NOTWI) and the criminal private investigator Jonathan Rees were outwith the terms of reference for Op. Weeting. In response, the Prime Minister, by making clear that the MPS were "*free to investigate the evidence and take that wherever it leads them, and then mount a prosecution with the Crown Prosecution Service if the evidence supports that*" and that therefore as far as he was concerned, "*there are no terms of reference*", made clear that this was a police inquiry, in other words an operational matter, and so not a matter for the government to set terms of reference. He followed this up with a written PQ seeking to further probe the PM's response to ask to see papers relating to terms of reference for Op. Weeting, and by implication seeking acknowledgement, or otherwise, from the government that there are indeed any terms of reference for Op. Weeting. Our response to the written PQ was that "The terms of reference and the conduct of Operation Weeting are operational matters for the Metropolitan Police Service and the Home Office does not hold the information requested."

Since then Mr Watson has again written to DAC Sue Akers (copied to the Home Secretary) in confidence on 14th June, about allegations (based on an insider source that Mr Watson claims to have) of attempts of a cover up taking place in the NOTWI. Adnan Obaidullah's advice of 23rd June recommends that Ministers should not get drawn into this and the Home Secretary should not write to Mr. Watson in response.

iii) Op Weeting and other investigations

Op. Weeting has been initiated and is being conducted by the Metropolitan Police and as such is an operational matter. Any, terms of reference relating to Op. Weeting would also entirely therefore be an operational matter for the MPS. And how Op. Weeting relates to the separate investigations being overseen by ACC Cressida Dick into the dealings of the NOTWI and Jonathan Rees, is also a matter for the MPS. In light of further media interest following the PMQ exchange, ACC Cressida Dick, referring to her correspondence with Tom Watson, has written and published on the MPS website a letter on 9th June to the Independent and Guardian editors, reiterating that the allegations around Jonathan Rees are indeed outwith Op. Weeting as the terms of reference for Op. Weeting are to specifically investigate unlawful access to voice mailboxes, and that *“officers from within the Specialist Crime Directorate have been conducting a formal assessment process of the considerable information in their possession, to assess whether the available evidence would support further criminal investigations”*.

iv) Victims of phone hacking

Op. Weeting has adopted a fresh approach towards informing victims and potential victims in this case. This will build on the previous MPS commitment to all those victims whose phones MPS already had reasonable evidence to believe may have been hacked by establishing or renewing contact with them. And MPS have publicly committed to be as open as they can be and to show them all the information they hold about them, while giving them the opportunity to tell the MPS anything that may be of concern to them. In time, this will go beyond this group of individuals and make contact with everyone who had some of their personal contact details found in the documents seized in 2006. This will ensure all of those who have been affected in some way are made aware of the information MPS have found relating to them.

James Bresman

From: [redacted]@ [redacted]
Sent: 28 June 2011 09:59
To: Rimmer Stephen
Cc: Home Secretary (Submissions); Nick Herbert (Submissions); James Brokenshire (Submissions); [redacted] Hammond Katharine; [redacted] CPG HOU's and Directors; [redacted] DG OSCT; Raine Robert (OSCT Net); Sedgwick Jonathan; Clark Brodie; Peach Martin; [redacted] Westlake Richard (OSCT Net); Gibby Stuart (OSCT Net); Clarke Richard (OSCT); [redacted]; Riley Richard
Subject: Meeting Note: HS and Sir Paul Stephenson Bilateral on Monday 27th June

RESTRICTED

Stephen,

You met with the Home Secretary (HS) and Sir Paul Stephenson (SPS) yesterday, Monday 27th June, for their bilateral. Caroline Murdoch and I were also in attendance. The main points were as follows:

Main Agenda:

[redacted]

[redacted]

[redacted]

[Redacted]

- [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[Redacted]

- Phone Hacking
 - SPS and the HS agreed that it was important that the investigation goes wherever it leads.

Many thanks,

[Redacted]

PS to the Home Secretary | 3rd Floor Peel Building | 2 Marsham Street | SW1P 4DF

 [Redacted]  [Redacted] [@homeoffice.gsi.gov.uk](mailto:[Redacted]@homeoffice.gsi.gov.uk)

tl's HASC phone hacking
5/7/11

HASC Briefing – Phone Hacking

Top lines

On the Milly Dowler Story and the Police investigation

- Our thoughts are again with Milly Dowler's family at this very difficult time.
- The Metropolitan Police Service is currently conducting an investigation into allegations of telephone hacking and it would be inappropriate to comment on any aspects of that investigation pending its outcome.
- If the Guardian newspaper has any information that might be relevant to these investigations they should pass it on DAC Sue Akers in the Metropolitan Police Service.

On regulating the media

- A press free from state intervention is a fundamental hallmark of our democracy but there is however no place for unlawful activity.
- Phone tapping or hacking is illegal. It is an offence for a person to intentionally intercept, without lawful authority, any communication in the course of its transmission. That applies equally to the media.
- If there were suspicions that a journalist had broken any law then we would expect the police to investigate, as they would for any other offence.
- The Press Complaints Commission Code, which is independently enforced from government, contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.
- We believe that a system of self-regulation that is complementary to the law remains the best way to regulate the press. But we will continue to monitor developments.

On changing the law relating to phone hacking

- The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.

- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

On dealing with phone hacking generally

- Unclear how widespread the practice of phone hacking is, but responses to this Committee by communication service providers does not support the contention that unlawful access to mobile voicemail is widespread.
- Individuals and businesses are responsible for the way in which they protect their own data and communications but where there is unlawful activity, such as hacking, the police will investigate those cases and work with the CPS to bring a prosecution where appropriate.
- Hacking is a weakness in voicemail systems but this can be corrected by improved user behaviour derived from better awareness of what to do.
- On phone hacking the Information Commissioner's Office (ICO) has been in contact with the major mobile network providers to establish the mechanisms they offer by which individuals can protect the information stored in answer phone services.
- Any allegation that a s55 offence under the Data Protection Act (obtaining, disclosing or procuring the disclosure of confidential personal information) can be investigated by the ICO.

Supplementary Q and A

Shouldn't there now be a public enquiry into the issue of hacking by the media?

- A police investigation into allegations of phone hacking is currently underway, and it is important that that investigation is allowed to proceed without distraction.
- A number of other inquiries are also underway or have already reported including a review by the Crown Prosecution Service, an inquiry by this Select committee the report of which I look forward to seeing later this month, an inquiry by the Press Complaints Commission which has reported, a review by the Press Complaints Commission; and a number of individual cases are before the courts.
- This already represents a broad span of activity across several aspects of this issue.
- The Government believes it most appropriate to await the outcome of these various inquiries and the conclusions they reach.

Isn't the time now right to further regulate the press?

- We believe that a system of self-regulation that is complementary to the law remains the best way to regulate the press. But we will continue to monitor developments

What happens if the press breach the Press Complaints Commissions rules – what sanction is there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Background

i) Timeline

- The original investigation into alleged phone hacking practices at the News of the World International in 2006 centered on concerns about possible hacking of telephones of members of the Royal household.
- This led to the successful prosecution and conviction in 2007 of two individuals – a reporter (Glenn Mulcaire) employed by the NOTWI and private investigator (Clive Goodman) - for unlawful interception in relation to the News of the World.
- In September 2010 both the Home Affairs Select Committee and the Parliamentary Committee on Standards and Privileges announced inquiries into aspects of the phone hacking allegations
- On 26 January 2011, the Metropolitan police announced that in the light of fresh information supplied by the News of the World Newspaper (and suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper. That investigation, called Operation Weeting, which is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) is ongoing.
- On 9 February MPS announced that linked to newly available evidence a review of previous evidence had revealed new strands of investigation including some individuals informed previously that there was little or no information held by the MPS in relation to them.
- On 23rd May the courts granted a number of individuals who believe they may be the victims of phone hacking (including Lord Prescott) the right to have the MPS's handling of the case judicially reviewed.

ii) Operation Weeting and victims of phone hacking

Operation Weeting has adopted a fresh approach towards informing victims and potential victims in this case. This will build on the previous MPS commitment to all those victims whose phones MPS already had reasonable evidence to believe may have been hacked by establishing or renewing contact with them. And MPS have publicly committed to be as open as they can be and to show them all the information they hold about them, while giving them the opportunity to tell the MPS anything that may be of concern to them. In time, This will go beyond this group of individuals and make contact with everyone who had some of their personal contact details found in the documents seized in 2006. This will ensure all of those who have been affected in some way are made aware of the information MPS have found relating to them.

iii) The Guardian article of 4th July

The Guardian article alleges that the News of the World hired private investigators to illegally "blag" and identify ex-directory phone numbers of Milly Dowler's mobile and listen in to messages being left there, to delete messages to free up space for further messages thereby giving Milly's family false hope that she was alive and interfering with ongoing investigation by Surrey police, and subsequently interview Milly's family who were unaware of the newspapers activities. The article follows an update on investigations (Op. Weeting) provided by the MPS on 3rd July. We have no means to independently corroborate or otherwise the facts as represented in the Guardian article. Both the Metropolitan Police and Surrey Police have so far not commented on the article. We understand that the lawyers representing Millie Dowler's family have also indicated that they will be bringing a civil claim against the News of the World.

06/07/2011 Phone call with SPS (Commissioner).

The Home Secretary outlined that the PM would be making an announcement at PMQs that there would be an inquiry into whether the original police investigation went far enough and into the ethics of the press.

SPS commented that he would be taking a consistent line at HASC – that it was right to have a public, judge-led inquiry. He also commented that in his view it was right for the police to be held to account over the original investigation but it would be odd to see the two issues as a separate and that they should not be weighted equally as the most important issue is to examine what the press have been doing.

SPS also explained to the Home Secretary that he was about to put out a public statement explaining that on the 20th June 2011 the MPS was handed a number of documents by News International, through their barrister, Lord Macdonald QC. He explained that the MPS initial assessment shows that these documents include information relating to alleged inappropriate payments to a small number of MPS officers. After discussions with the IPCC they are content that this matter should continue to be investigated through Operation Elveden under the direction of DAC Sue Akers, and that they do not have any evidence at this time for a referral for senior officers.

The HS commented that this was significant as this disclosure would be seen as corruption of the police. The HS asked whether this statement would be made public before PMQs at 12pm. SPS confirmed it would be released at 11.50am.

<p>From: [Redacted]</p> <p>PPPU 5th Floor Fry 2 Marsham Street London SW1P 4DF</p> <p>[Phone icon] [Redacted]</p> <p>6th July 2011</p>	<p>cc</p> <p>Minister of State for Policing and Criminal Justice Minister of State for Crime Prevention PUS Crime and Security PUS Equalities and Criminal Information Helen Ghosh Stephen Rimmer Charles Farr Stephen Kershaw Tyson Hepple Peter Edmundson [Redacted] Lucan Herberg [Redacted] Special Advisers</p>
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Home Secretary

PHONE HACKING.- PAYMENTS TO POLICE

Issue

You asked for urgent advice on the legislation/rules/guidance relating to payments to the police, and details of any investigations by IPCC/HMIC relating to payments to the police from the News of the World in comparison with any previous or similar such investigations.

Timing

2. Urgent.

Recommendation

3. That you note this advice.

Consideration

Payments to the Police in general

4. There are a number of criminal offences that might apply in relation to person making payments to, and/or police officers accepting payments for, services or privileges, depending on the circumstances of the case. (It would be for the CPS to select the appropriate charge).

i) **Common law offence of misfeasance in a public office** (sometimes known as **misconduct in a public office**). This is committed by a public officer, including police officers, acting as such, who wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to an abuse of the public's trust in the office holder, without reasonable excuse or justification. Maximum sentence is unlimited imprisonment (as is the case with all common law offences). This offence is sometimes used, for example, to charge police officers who misuse the PNC to receive payments. A person (eg. journalist) who makes such payments to a police officer could be guilty of the secondary offence of conspiracy to misfeasance in a public office, or assisting and encouraging misfeasance in a public office. The House of Commons has also produced a briefing paper in relation to this offence which we can make available on request.

ii) **Common law offence of bribery**. Where a person in the position of trustee to perform a public duty takes a bribe to act corruptly in discharging that duty, it is an offence in both parties (ie. the payee and recipient). This can cover, for example, jurors, magistrates and coroners, and may cover police officers. There is considerable overlap with the offence of misfeasance.

iii) **Public Bodies Corrupt Practices Act 1889, section 1**. The offence covers corruptly soliciting or receiving any gift, loan, fee, reward or advantage as an inducement to or reward for any member, officer or servant of a public body doing or forbearing to do anything. It also covers the corresponding offence of corruptly giving or promising or offering such gifts etc. It is triable either way. The maximum sentence is 7 years imprisonment and/or an unlimited fine.

iv) **Prevention of Corruption Act 1906, section 1: corruption of agents**. The offence is committed if any agent accepts or obtains any gift or consideration as an inducement or reward for doing any act in relation to his principal's business. It is likely, however, that this offence is unlikely to be engaged in this case, as there are other offences which apply specifically to public office which seem better suited. It is triable either way. The maximum sentence is 7 years imprisonment and/or an unlimited fine.

v) **Prevention of Corruption Act 1916**. This establishes a presumption of corruption under the 1889 and 1906 Acts if it is proved that any money, gift or other consideration has been paid or given to or received by a person in any public body in some circumstances.

NB. The common law offence of bribery and the following 3 statutory offences above, were available prior to 2011. At that point the Bribery Act 2010 came into force on 1 July 2011 and repealed the common law offence and the three statutes mentioned at iii) to v) above.

5. Police officers are subject to the Standards of Professional Behaviour which are set out in the Police (Conduct) Regulations 2008: The standards set out the expectations that the police service and the public have of how police officers should behave, and this would include in relation to payments accepted by the police for information.

6. For example, one of the standards deals with the issue of confidentiality in stating that '*Police officers treat information with respect and access or disclose it only in the proper course of police duties*'. The Home Office statutory guidance also states that '*Police officers do not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media*'.

7. Any breach of the standards, which is assessed on a case by case basis, in the first instance by the Professional Standards Departments that exist in each force, can result in disciplinary proceedings being taken. Were there a serious breach of the standards, where dismissal from the police service would be justified, this would be assessed as amounting to gross misconduct where the maximum outcome at a misconduct hearing would be dismissal without notice. In less serious cases, misconduct could be dealt with at a misconduct meeting where the outcomes would range from advice to a maximum of a final written warning.

Payments to the police in the NOTW phone hacking case

8. There have been several allegations in the press very recently, about payments (allegedly amounting to thousands of pounds) being authorised by senior staff (including Andy Coulson) in NOTW to the police. We have no means of independently corroborating these allegations. We understand that the possibility of journalists paying police officers is continuing to be investigated independently, in liaison (at this stage) with IPCC, under Op. ELVEDEN under the direction of DAC Sue Akers and in partnership with the MPS's Professional Standards Directorate.

9. We also understand from the IPCC that they have not now, or previously, carried out any investigations into payments to the police by journalists. To date there have been no recorded complaints made regarding the previous investigation(s) by the MPS into allegations of phone hacking by NOTW. The IPCC have made it clear to the MPS that if they record any complaints or identify any misconduct or criminal behaviour by police officers in these investigations, they should refer this to the IPCC. No such referrals have yet been made. The IPCC met the MPS on 22nd June, when the MPS made the IPCC aware of potential conduct matters involving alleged illegal payments to officers from the News of the World in 2003. At this stage these officers are unidentified. It was agreed that the MPS would continue its investigation and make a formal referral to the IPCC if/ when any of the officers are identified.

10. And we understand from the IPCC, that they have not undertaken any comparable investigations i.e. payments to criminals related to phone hacking. However, they have managed or supervised covert investigations where it has been alleged that police are in the pay of criminals (ie. corruption).

11. Attached at Annex A are our current proposed lines on this particular aspect

Clearance

12. By Peter Edmundson, Head of PPPU.



ANNEX A

Isn't the current Police investigation taking too long/ is a shambles

- No. Strongly disagree.
- The Metropolitan Police have promised a robust investigation. And the DPP has said on 24 January that his Principal Legal Adviser, Alison Levitt QC, would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS
- So far 5 individuals have been arrested in the current investigation; the previous investigation yielded 2 successful prosecutions
- The Met's approach to contacting victims of phone hacking and where relevant their solicitors as quickly as possible, is also very welcome.
- The Met have a significant number of police officers and staff dedicated to this investigation – 45 in total

Brian Paddick, formerly of Met and who together with Chris Bryant MP is understood to have brought a judicial review seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy, has also said: *"I have full confidence in the current police investigation – the person in charge is doing a very thorough job on a painstaking task."*

The Met have too close a relationship with the media to lead this investigation?

- No. We think the MPS has both the experience and expertise to lead a large national criminal investigation like this.
- Their investigations have already led to 2 successful prosecution previously and 5 arrests so far in the current investigation
- In this day and age of extensive media coverage of all issues, it is crucial that the police have a constructive relationship with the media - who can be helpful for example in reporting serious offences and helping to generate witnesses.
- Regular engagement is therefore normal and all police forces have well established links with local and national media outlets where relevant. These operate in accordance with well established national guidelines on the extent of information that can or should be released.

If the Met have received payments should they be leading the investigation at all. Shouldn't it be another force?

- No. We think the MPS has both the experience and expertise to lead a national investigation like this
- Their investigations have already led to 2 successful prosecution previously and 5 arrests so far in the current investigation

Are the police allowed to receive payments for passing on information?

- Police officers are subject to the Standards of Professional Behaviour which are set out in the Police (Conduct) Regulations 2008. The standards set out the expectations that the police service and the public have of how police officers should behave.
- One of the standards deals with the issue of confidentiality in stating that *'Police officers treat information with respect and access or disclose it only in the proper course of police duties'*. The Home Office statutory guidance also states that *'Police officers do not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media'*.
- Any breach of the standards can result in disciplinary proceedings being taken. A serious breach of the standards, where dismissal from the police service would be justified, would be assessed as amounting to gross misconduct where the maximum outcome at a misconduct hearing would be dismissal without notice. In less serious cases, misconduct could be dealt with at a misconduct meeting where the outcomes would range from advice to a maximum of a final written warning.
- Prior to the 2008 Regulations, The Police (Conduct) Regulations 1999 regulations were less precise but the passing of information as alleged would likely have been a disciplinary matter. The earlier relevant regulation stated that:

"Information which comes into possession of the police should be treated as confidential. It should not be used for personal benefit and nor should it be divulged to other parties except in the proper course of police duty. Similarly, officers should respect, as confidential, information about force policy and operations unless authorised to disclose it in the course of their duties."

Is the IPCC investigating allegations that payments were made to the police officers?

- To date there have been no recorded complaints made regarding the previous investigation(s) by the MPS into allegations of phone hacking.
- The IPCC have made it clear to the MPS that if they record any complaints or identify any misconduct or criminal behaviour by police officers they should refer this to the IPCC. No such referrals have yet been made.
- On 22nd June the IPCC met the MPS. They have made the IPCC aware of potential conduct matters involving alleged illegal payments to officers from the News of the World in 2003. At this stage these officers are unidentified. It was agreed that the MPS would continue its investigation and make a formal referral to the IPCC if/ when any of the officers are identified.

07/07/2011

PHONE HACKING

BACKGROUND AND REVIEW OF ORIGINAL (ANDY HAYMAN) INVESTIGATION BY AC JOHN YATES

Timeline

In short, John Yates undertook a review of the original MPS investigation on 9 July 2009 and subsequently concluded that there was no new evidence that would justify the re-opening of the inquiry. Sue Akers' investigation Operation Weeting was set up earlier this year when new evidence came to light of wider phone hacking.

i. Original investigation

In December 2005 members of the Royal Household at Clarence House reported security concerns to Royalty Protection Department of the MPS. The ensuing Metropolitan Police investigation focused on alleged security breaches within telephone networks over a significant period of time. The investigation initially focused on complaints from three people within the Royal Household.

This eventually led to the prosecution and jailing of the News of the World Royal Editor, Clive Goodman, in 2007 for hacking into the mobile phones of staff in the Royal Household. A private investigator, Glenn Mulcaire, was also jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association. At the time News International said Mr Goodman had been acting without their knowledge.

ii. Ongoing interest 2009

Gordon Taylor subsequently sued the owners of the News of the World on the basis that its senior executives must have been aware of the unlawful activity. It was reported that an out-of-court settlement was reached. The Guardian newspaper ran a story on in July 2009 alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories. It also claimed information from the case was then suppressed by the police and the High Court.

Commenting on the original police investigation, Assistant Commissioner John Yates, said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

The Director of Public Prosecutions undertook that the CPS would urgently examine the material supplied to the CPS by the police three years previously. A short statement was also made in the House by then Minister David Hanson.

iii. Ongoing interest 2010

In February 2010 the Select Committee for Culture Media and Sport published a report on press reporting which included examination of the phone hacking episode. They were highly critical of both the News of the World and the police and stated they did not find it credible that such activity was limited to one rogue reporter.

In September 2010 the Guardian reported stories in the New York Times which purported to have new eye witness evidence (from former journalist Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September the Home Secretary answered an urgent question in the House from Tom Watson explaining that any further action was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with Government backing).

Chris Bryant also lodged a judicial review application (13 September), together with Brian Paddick (formerly of the MPS) and Brendan Montague (writer and journalist), seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy. A number of other individuals have since also commenced legal proceedings.

On 12 November the MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information. On 10 December the Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following:

"I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."

iv. Current developments 2011

In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police. Alison Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.

On 21 January Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.

On 26 January, the Metropolitan Police announced that in the light of fresh information supplied by the News of the World Newspaper (and following suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper.

This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of Deputy Assistant Commissioner Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team.

On 6 July 2011, the Prime Minister announced a public inquiry (or inquiries).

John Yates and others are due to appear before HASC on Tuesday 12 July.

John Yates Statement 9 July 2009

I have been asked by the Commissioner today to establish the facts around our inquiry into the alleged unlawful tapping of mobile phones by Clive Goodman and Glen Mulcaire. I was not involved in the original case and clearly come at this with an independent mind.

Just by way of background. In December 2005, the MPS received complaints that mobile phones had been illegally tapped.

We identified that Goodman and Mulcaire were engaged in a sophisticated and wide ranging conspiracy to gather private and personal data, principally about high profile public figures. Clearly they benefited financially from these matters.

Our inquiries found that these two men had the ability to illegally intercept mobile phone voice mails. This is commonly known as phone tapping.

Their potential targets may have run into hundreds of people, but our inquiries showed that they only used the tactic against a far smaller number of individuals.

In January 2007, Goodman and Mulcaire were jailed for four and six months. They pleaded guilty to conspiring to unlawfully intercept communications.

Mulcaire also pleaded guilty to an additional five charges relating to similar matters.

Sentencing the two men, Mr Justice Gross at the Old Bailey said the case was "not about press freedom, it was about a grave, inexcusable and illegal invasion of privacy."

The police investigation was complex and was carried out in close liaison with the Crown Prosecution Service, Senior Counsel and the telephone companies concerned.

The technical challenges posed to the service providers to establish that there had in fact been interception were significant.

It is important to recognise that our enquiries showed that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

Where there was clear evidence that people had potentially been the subject of tapping, they were all contacted by the police.

These people were made aware of the potential compromise to their phones and were offered preventative advice.

However, after extensive consultation with the CPS and Counsel, only a few were subsequently identified as witnesses in the proceedings that followed.

I said earlier in this statement that these two men were engaged in a sophisticated and wide ranging conspiracy to gather personal data about high profile figures. One was a private detective and one was a journalist. It is reasonable therefore to expect them to be in possession of data about such matters as this is part and parcel of their job.

I emphasise that our enquiries were solely concerned with phone tapping. This, as far as we are aware, affected a much smaller pool of people.

There has been a lot of media comment today about the then Deputy Prime Minister John Prescott. This investigation has not uncovered any evidence to suggest that John Prescott's phone had been tapped.

This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate.

No additional evidence has come to light since this case has concluded.

I therefore consider that no further investigation is required.

However, I recognise the very real concerns, expressed today by a number of people, who believe that their privacy may have been intruded upon.

I therefore need to ensure that we have been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, that they have been informed.

John Yates' letter to HASC 17 July 2009



**METROPOLITAN
POLICE**

Working together for a safer London

SPECIALIST OPERATIONS

17th July 2009

The Rt Hon Keith Vaz MP
Home Affairs Committee
Committee Office
House of Commons
7 Millbank
London
SW1P 3JA

John Yates QPM
Assistant Commissioner
Specialist Operations

New Scotland Yard
10 Broadway
London
SW1H 0BG

Tel:
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Dear Rt Hon Keith Vaz

I acknowledge receipt of your letter sent to Sir Paul Stephenson on 15th July 2009 regarding News International and the tapping of telephones. This letter has been passed to me and I respond on behalf of the Metropolitan Police Service (MPS.)

Due to renewed publicity in this case in the Guardian newspaper, Sir Paul Stephenson asked me to establish the facts around the original investigation into the unlawful tapping of telephones by Clive Goodman and Glen Mulcaire and any wider issues being reported by the Guardian. This is a historical case dating back to 2005 and was led by the MPS. I was not involved in the original case and clearly came at this with an independent mind.

As you will be aware from my press statement on 9th July 2009, I considered that no further investigation was required as from the publicity, no new evidence had come to light. However, I do recognise the very real concerns, expressed by a number of people, who believe that their privacy may have been intruded upon. In addition to those who had been informed as part of the original investigation, I therefore committed to ensuring that the MPS has been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, they were informed.

In relation to the allegation that Police Officers have received illegal payments by News International and that this may have influenced my decision to not re-open the original investigation, I must say that I am surprised and disappointed at these allegations. I believe this refers to Rebekah Wade's historical comments to the House of Commons Select Committee in March 2003, when she stated her newspaper had paid Police Officers for information. There is absolutely no

suggestion that these allegations are relevant in any way to the Clive Goodman and Glen Mulcaire case.

In answer to the bullet point questions and for ease of reference I shall respond in the same order in your letter:-

1(a) 8 individuals were identified for the purposes of the prosecution case as having had their telephones illegally intercepted.

1(b) From the material seized police were able to establish that Mulcaire had varying levels of personal details on numerous individuals.

2) Anyone who had been approached as a potential witness for the criminal prosecution was advised and informed that they had been the subject of illegal interception. Thereafter, during the course of the investigation, police led on informing anyone who they believed fell into the category of Government, Military, Royal Household and MPS, if police had reason to believe that the suspects had attempted to ring their voicemail. This was done on the basis of National Security.

In addition, appropriate Government agencies were briefed as to the general security risk that police had identified and advised that if they had any further concerns they should contact their own service provider.

For anybody else that may have been affected, police provided the individual phone companies with the details of the telephone numbers (various) of the suspects and it was agreed that they (the service provider) would individually research, assess and address whether or not, and to what degree, their customers had been the subject of contact by the suspects. It was thereafter a matter for the telephone companies to take appropriate action to reassure their customers and introduce preventative measures to ensure this type of interception did not re-occur.

3) In addition to Glen Mulcaire's contract with News International we are aware that Clive Goodman submitted ad-hoc expense claims on behalf of Mulcaire.

4) Both Mulcaire and Goodman made no comment to all the questions put to them in their police interviews.

5) There has been much speculation about potential criminal involvement of other journalists in this case. Whilst it is true to say that other journalists' names appeared in the material seized by Police, there was insufficient evidence to support any criminal conspiracy on their part.

6) Not as far as we are aware.

I wish you to be aware that I have also been asked to provide written evidence to the Culture, Media and Sports Committee, which I have done today. This report covers a wide range of issues and also explains in more detail some of the same issues you have raised. Therefore, I attach to this letter a copy of that report to advise you and the Home Affairs Committee on some of the wider issues in connection with this case.

Yours sincerely



John Yates
Assistant Commissioner
Specialist Operations

Metropolitan Police Service's response to the Culture, Media and Sports
Committee

1. In December 2005, concerns were reported to the Metropolitan Police Service (MPS) by members of the Royal household at Clarence House, relating to the illegal tapping of mobile phones. As a result, the MPS launched a criminal investigation and this identified the involvement of two men, namely Clive Goodman (The Royal Editor of the News of the World newspaper) and Glen Mulcaire (A Security Consultant).
2. The two men were engaged in a sophisticated and wide ranging conspiracy to gather private and personal data, principally about high profile figures, for financial gain. This involved publishing material in the News of the World newspaper.
3. The MPS investigation found that these two men had the ability to illegally intercept mobile phone voice mails. They obtained private voicemail numbers and security codes and used that information to gain access to voicemail messages left on a number of mobile phones. It is important to note that this is a difficult offence to prove evidentially and for an illegal interception to take place, access must be gained to a person's telephone and their voicemails listened too, prior to the owner of the phone doing so. There will be other occasions where the two men accessed voicemails but due to the technology available at the time, it was not possible to prove via the telephone companies if they had accessed the voicemails prior to or after the owner of the mobile phone had done so. Hence, it was not possible to prove if an illegal interception had taken place.
4. Their potential targets may have run into hundreds of people, but the investigation showed from an evidential viewpoint, that they only used the tactic against a far smaller number of individuals.
5. The MPS first contacted the Crown Prosecution Service (CPS) on 20th April 2006 seeking guidance about this investigation, where an investigation strategy was agreed.
6. On 8th August 2006 both Clive Goodman and Glen Mulcaire were arrested and both made no comment interviews. On 9th August 2006 Goodman and Mulcaire were charged with conspiracy to intercept communications, contrary to section 1 (1) of the Criminal Law Act 1977, and eight substantive offences of unlawful interception of communications, contrary to section 1 (1) of the Regulation of Investigatory Powers Act 2000. The charges related to accessing voice

- messages left on the mobile phones of members of the Royal Household. The two were bailed to appear at the City of London Magistrates' Court on 16th August 2006 when they were sent to the Central Criminal Court for trial.
7. During searches, Police seized vast amounts of material, some of which was used in evidence. It is reasonable to expect some of the material, although classed as personal data, was in their legitimate possession, due to their respective jobs. It is not necessarily correct to assume that their possession of all this material was for the purposes of interception alone and it is not known what their intentions was or how they intended to use it.
 8. When Mulcaire's business premises were searched on 8th August, in addition to finding evidence that supported the conspiracy between him and Goodman regarding the Royal Household allegations, the MPS also uncovered further evidence of interception and found a number of invoices. At that stage, it appeared these invoices were for payments that Mulcaire had received from the News of the World newspaper related to research that he had conducted in respect of a number of individuals, none of whom had any connection with the Royal Household. They included politicians, sports personalities and other well known individuals.
 9. The prosecution team (CPS and MPS) therefore had to decide how to address this aspect of the case against Mulcaire. At a case conference in August 2006, attended by the reviewing lawyer, the police and leading counsel, decisions were made in this respect and a prosecution approach devised.
 10. From a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select five or six potential victims would allow the prosecution properly to present the case to the court and in the event of convictions, ensure that the court had adequate sentencing powers.
 11. To that end there was a focus on the potential victims where the evidence was strongest, where there was integrity in the data, corroboration was available and where any charges would be representative of the potential pool of victims. The willingness of the victims to give evidence was also taken into account. Any other approach would have made the case unmanageable and potentially much more difficult to prove. This is an approach that is adopted routinely in cases where there are a large number of potential offences.
 12. Adopting this approach, five further counts were added to the indictment against Mulcaire alone based on his unlawful interception of voicemail messages left for Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson.
 13. In addition to obtaining evidence from these persons, the MPS also asked the reviewing lawyer to take a charging decision against one other suspect. On analysis, there was insufficient evidence to prosecute that suspect and a decision was made in November 2006 not to charge.
 14. This progress in the case meant that its preparation was completed by the time Goodman and Mulcaire appeared at the Central Criminal Court on 29th November 2006 before Mr Justice Gross. When they did appear at court, Goodman and Mulcaire both pleaded guilty to one count of conspiracy to

intercept communications – the voicemail messages left for members of the Royal Household. Mulcaire alone pleaded guilty to the five further substantive counts in respect of Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson. Hence, in total 8 individuals were identified as having had their telephones illegally intercepted.

15. Anyone who had been approached as a potential witness for the criminal prosecution was advised and informed that they had been the subject of illegal interception. Thereafter during the course of the investigation police led on informing anyone who they believed fell into the category of Government, Military, Police or Royal Household, if we had reason to believe that the suspects had attempted to ring their voicemail. This was done on the basis of National Security. In addition, appropriate Government agencies were briefed as to the general security risk that police had identified and advised that if they had any further concerns they should contact their own service provider.
16. For anybody else that may have been affected, police provided the individual phone companies the details of the telephone numbers (various) of the suspects and it was agreed that they (the service provider) would individually research, assess and address whether or not, and to what degree their customers had been the subject of contact by the suspects. It was thereafter a matter for the telephone companies to take appropriate action to reassure their customers and introduce preventative measures to ensure this type of interception did not recur.
17. On 26th January 2007 sentencing took place. Goodman was sentenced to four months' imprisonment and Mulcaire to a total of six months' imprisonment, with a confiscation order made against him in the sum of £12,300. On sentencing the two men, Mr Justice Gross at the Old Bailey said the case was "*not about press freedom, it was about a grave, inexcusable and illegal invasion of privacy.*"
18. This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate. No additional evidence has come to light since this case has concluded.
19. There has been much speculation about potential criminal involvement of other journalists in this case. Whilst it is true to say that other journalists names appeared in the material seized by Police, there was insufficient evidence to support any criminal conspiracy on their part.
20. Due to renewed publicity in this case in the Guardian newspaper, the MPS Commissioner asked Assistant Commissioner John Yates to establish the facts around the original investigation into the unlawful tapping of mobile phones by Clive Goodman and Glen Mulcaire and any wider issues in the reporting by the Guardian. Assistant Commissioner Yates was not involved in the original case and clearly came at this with an independent mind. He released a press statement on 9th July 2009 and considered that no further investigation was required as from the publicity, no new evidence had come to light.
21. The MPS does recognise the very real concerns, expressed by a number of people, who believe that their privacy may have been intruded upon. In addition to those who had already been informed in line with the aforementioned strategy (i.e. those fitting into the category of Government, Military, Police or Royal Household and the remainder being informed by the telephone companies),

Assistant Commissioner Yates committed to ensuring that the MPS has been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, that they were informed.

22. As a result, on 10th July 2009, the MPS released a further press statement stating *'The process of contacting people is currently underway and we expect this to take some time to complete.'*
23. It is also important to note that if new evidence came to light then the MPS would consider it. Nothing to date has been produced.
24. Following the CPS review of this case, the Director of Public Prosecutions, Keir Starmer QC confirmed the following;

'As a result of what I have been told I am satisfied that in the cases of Goodman and Mulcaire, the CPS was properly involved in providing advice both before and after charge; that the Metropolitan Police provided the CPS with all the relevant information and evidence upon which the charges were based; and that the prosecution approach in charging and prosecuting was proper and appropriate. In light of my findings, it would not be appropriate to re-open the cases against Goodman or Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them.'

DPP's findings in relation to 'phone hacking' – July 2009

A statement by Keir Starmer QC, Director of Public Prosecutions

On 9 July 2009 I issued a statement indicating that I had asked for an urgent examination of the material that was supplied to the Crown Prosecution Service (CPS) by the police in this case.

I made this statement not because I had any reason to consider that there was anything inappropriate in the prosecutions that were undertaken, but to satisfy myself and assure the public that the appropriate actions were taken in relation to that material.

That examination has now been completed by the Special Crime Division of CPS Headquarters (SCD).

Background

Following a complaint by the Royal Household, the Metropolitan Police Service first contacted the CPS on 20 April 2006 seeking guidance about the alleged interception of mobile telephone voicemail messages. The potential victims were members of the Royal Household.

During April and May 2006 there followed a series of case conferences and exchanges between the CPS reviewing lawyer dealing with the case and the police in relation to these alleged interceptions. Advice was given about the nature of evidence to be obtained so that the police could make policy decisions about who ought to be treated as victims. Advice was also given about how to identify the individual(s) responsible for these alleged interceptions.

During June and July 2006 there were further discussions and conferences between the reviewing lawyer, the police and leading counsel instructed by the CPS. On 8 August 2006 the reviewing lawyer made a charging decision in respect of Clive Goodman and Glen Mulcaire. They were arrested the same day.

On 9 August 2006 Goodman and Mulcaire were charged with conspiracy to intercept communications, contrary to section 1 (1) of the Criminal Law Act 1977, and eight substantive offences of unlawful interception of communications, contrary to section 1 (1) of the Regulation of Investigatory Powers Act 2000. The charges related to accessing voice messages left on the mobile phones of members of the Royal Household.

The two were bailed to appear at the City of London Magistrates' Court on 16 August 2006 when they were sent to the Central Criminal Court for trial.

When Mulcaire's business premises were searched on 8 August, in addition to finding evidence that supported the conspiracy between him and Goodman regarding the Royal Household allegations, the police also uncovered further evidence of interception and found a number of invoices. At that stage, it appeared these invoices were for payments that Mulcaire had received from the News of the World newspaper related to research that he had conducted in respect of a number of individuals, none of whom had any connection with the Royal Household. They included politicians, sports personalities and other well known individuals.

The prosecution team (CPS and Metropolitan Police Service) therefore had to decide how to address this aspect of the case against Mulcaire. At a case conference in August 2006, attended by the reviewing lawyer, the police and leading counsel, decisions were made in this respect and a prosecution approach devised.

From a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select five or six potential victims would allow the prosecution properly to present the case to the court and in the event of convictions, ensure that the court had adequate sentencing powers.

To that end there was a focus on the potential victims where the evidence was strongest, where there was integrity in the data, corroboration was available and where any charges would be representative of the potential pool of victims. The willingness of the victims to give evidence was also taken into account. Any other approach would have made the case unmanageable and potentially much more difficult to prove.

This is an approach that is adopted routinely in cases where there is a large number of potential offences. For any potential victim not reflected in the charges actually brought, it was agreed that the police would inform them of the situation.

Adopting this approach, five further counts were added to the indictment against Mulcaire alone based on his unlawful interception of voicemail messages left for Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson.

In addition to obtaining evidence from these persons, the police also asked the reviewing lawyer to take a charging decision against one other suspect. On analysis, there was insufficient evidence to prosecute that suspect and a decision was made in November 2006 not to charge. So far as I am aware, this individual was neither a journalist on, nor an executive of, any national newspaper.

This progress in the case meant that its preparation was completed by the time Goodman and Mulcaire appeared at the Central Criminal Court on 29 November 2006 before Mr Justice Gross. When they did appear at court, Goodman and Mulcaire both pleaded guilty to one count of conspiracy to intercept communications – the voicemail messages left for members of the Royal Household. Mulcaire alone pleaded guilty to the five further substantive counts in respect of Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson. The case was then adjourned to obtain probation reports on the defendants.

On 26 January 2007 sentencing took place. Goodman was sentenced to four months' imprisonment and Mulcaire to a total of six months' imprisonment, with a confiscation order made against him in the sum of £12,300.

As part of my examination of the case, I have spoken to the then DPP Sir Ken Macdonald QC as he and the Attorney General at the time, Lord Goldsmith, were both regularly briefed – as would be expected with such a high profile case.

Findings

As a result of what I have been told I am satisfied that in the cases of Goodman and Mulcaire, the CPS was properly involved in providing advice both before and after charge; that the Metropolitan Police provided the CPS with all the relevant information and evidence upon which the charges were based; and that the prosecution approach in charging and prosecuting was proper and appropriate.

There has been much speculation about whether or not persons other than those identified above were the victims of unlawful interception of their mobile telephones. There has also been much speculation about whether other suspects were identified or investigated at the time. Having examined the material that was supplied to the CPS by the police in this case, I can confirm that no victims or suspects other than those referred to above were identified to the CPS at the time. I am not in a position to say whether the police had any information on any other victims or suspects that was not passed to the CPS.

In light of my findings, it would not be appropriate to re-open the cases against Goodman or Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them.

However, if and insofar as there may now be further information relating to other possible victims and suspects, that should be reported to the police who have responsibility for deciding whether or not to conduct a criminal investigation. I have no power to direct the police to conduct any such investigation.

In conducting this review I have put a good deal of detailed information in the public domain. This demonstrates my commitment that the CPS should be visible, transparent and accountable. It should also assure the public about the integrity of the exercise I have undertaken.

Keir Starmer QC
Director of Public Prosecutions

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Peter Edmundson
Head of Unit
Policing, Powers and Protection Unit

7th July 2011

PHONE HACKING

The attached note seeks to set out the immediately apparent issues following the Prime Minister's announcement of an inquiry (or inquiries) into the phone hacking scandal.

Although the Parliamentary, media and public focus has been on phone hacking, it is likely that any inquiries will need to look at **media intrusion more generally**, eg. interception of e-mails etc.

On the policing angle, as the original investigation was led by the MPS (the material from which is being reviewed by leading Counsel for the CPS), and the current investigation is being led by the MPS, **the Mayor of London and the Metropolitan Police Authority** (to whom the MPS is accountable) will have an interest. (The Mayor's strong comments this week on the need for action show a different public stance from that previously held.)

Until and **unless individual police wrongdoing is uncovered**, the IPCC has no remit in Op. Weeting.

On Op. Weeting reporting to another force, there are lines of accountability issues. We could also expect the Commissioner to have views (and he may feel that given his acquiescence in the Madeleine McCann review, if the MPS is trusted to lead that work, it should be trusted to see through Op. Weeting).

Perhaps the most comparable case of **another force's involvement** in a major case was Kent's review of the MPS investigation of the Stephen Lawrence case, which is not an encouraging example, and similarly the various force reviews of the Deepcut deaths.

PETER EDMUNDSON

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Inquiry into journalistic practices, ethics and regulation

- Could go beyond phone hacking into wider issues of intrusion of privacy
- Key issue for HO is the interdependency of this inquiry and ongoing police and IPCC investigation (formal rules around securing and preserving evidence as criminal evidence maybe compromised; witnesses may not cooperate with inquiry in any event; the head of the inquiry may end up being called to give evidence in ongoing criminal investigations on the basis of what they may or not have heard during their inquiry or indeed if it transpired their own phone had been hacked, which may effect their impartiality etc.)
- But recognise need to start quickly (notwithstanding decision on BSkyB and News Corp merger).
- Therefore, suggest this inquiry is in 2 phases - that are explicitly recognised in TOR for this inquiry.

Phase 1

- To start now/as soon as practicable.
- Cover broad questions eg around media ethics, norms and behaviours (with NOTW as the starting point but covering all published media (and broadcast?)).
- Could take account of ICO 2006 report "What Price Privacy Now"; and reports of Select Committee of Culture Media and Sport on Press Standards, Privacy and Libel (Feb2010)
- Witnesses (including those directly related to phone hacking eg NOTW senior executives now and in past) could be called as long as questions did not go into actual practices on phone hacking specifically).

Phase 2

- To begin after the criminal investigation and IPCC investigation are concluded and after any prosecutions and/or any misconduct proceedings (to avoid interviewees refusing to answer on grounds it might prejudice their misconduct proceedings).
- Could ask specific questions in relation to police practices and journalists in relation to phone hacking.

Conclusion

For this inquiry

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- 1) On composition/lead - HO would have limited interest in who led this inquiry although someone familiar with police and media relations would be preferable; there should be someone senior who was knowledgeable about police practices on the panel.
- 2) On scope – HO might suggest that the broad issues around police press relations interface could usefully be covered in this inquiry rather than in the police inquiry)
- 3) On timing - The inquiry could start very quickly albeit there is the risk that Phase 2 would be subject to criminal and IPCC investigations running their course (which may take years)

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Inquiry into police investigations, related journalistic practice and police/press relationship

Current position

- 1) Met has referred to IPCC to investigate the possibility that MPS police officers received payments by NOTW (we understand this is specifically in relation to phone hacking but the IPCC investigation is being kept flexible at this stage to go wider to cover payments to MPS officers by NOTW per se).
- 2) IPCC has determined (as it is required under regulations) how it will investigate. In this instance it has decided it will conduct a supervised investigation - ie agree TOR with the MPS; leave MPS to direct and conduct actual investigations but IPCC will supervise the investigation closely – but once officers have been identified it will review its level of involvement. Met will provide officers to carry out the IPCC supervised investigation, probably from the MPS's Professional Standards Directorate, who are separate to Sue Akers' ongoing investigation.
- 3) So far no officer has been identified as being paid in relation to phone hacking. Under a supervised investigation MPS would be required to notify IPCC if an officer was identified as having received payment in relation to phone hacking when the IPCC would likely launch an independent inquiry.
- 4) The Met investigation focussing on possible criminality of NOTW journalists and related person on illegal phone hacking will run in parallel to IPCC investigation. Both the force and IPCC have considerable experience of running investigations in parallel.

Investigations going forward

- i) were an officer identified as having received payment in relation to phone hacking
 - The IPCC, through their powers in legislation, could ratchet up the investigation. The IPCC can decide to make it a "managed investigation", ask another force to come in and conduct the investigation or likely an conduct an "independent" investigation" (see Annex A).
 - In this case the IPCC and Sue Akers's investigation would continue to proceed in parallel and be managed accordingly. For example, IPCC could interview someone alleged to have paid a police officer jointly with Met if that person was relevant to the Met investigation; Met would be obliged to share forensic, exhibits etc.
- ii) were no officer identified as having received payment in relation to phone hacking

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- the IPCC and the Met investigations would continue in parallel (as now). IPCC could still ratchet up the investigation depending on the circumstances as above.

iii) the IPCC investigation could broaden into MPS officers receiving payments from any journalists (this might happen naturally, or upon referral by the MPS, or were the IPCC to exercise its "call in power"¹).

- as above the IPCC and the Met investigations would continue in parallel (as now). IPCC could still ratchet up the investigation depending on the circumstances as above.
- were the IPCC investigation to broaden to this extent, even though the IPCC would normally publish their reports, it might be useful for HSec to ask (as she is empowered in statute) for the IPCC report to be laid before Parliament;
- would fit neatly with IPCC's other statutory functions, - eg if the investigation revealed possible criminality or misconduct the IPCC could take forward further action themselves with the CPS (and MPA) rather than needing to have it referred to them

In effect, therefore, whilst the ongoing Met investigation is not "reporting" to the IPCC, the trajectory of how the Met investigation unfolds is now in the hands of whether or not officers are identified as having received payments in relation to phone hacking and what IPCC independently determines is the best way forward. It is for the IPCC to determine how much or how little it may wish to "take control" of the investigations and whether or not an outside force should be called in (which would increase the cost burden on MPS).

Implications for an inquiry into police investigations, related journalistic practice (and police/press relationship)

i) In order to ensure proper securing and preservation of evidence for investigation and evidential purposes, a judicial/statutory inquiry must not start probing actual activity in relation to phone hacking by NOTW (and other media) and the role, if any, of the police until both the MPS and any criminal prosecution are complete and the IPCC investigation and any criminal proceedings or misconduct proceedings arising

¹ Where there is no public complaint and it appears to the IPCC that a matter has come to its attention which may amount to a case where a person serving with the police may have committed a criminal offence or behaved in a manner justifying disciplinary proceedings then the IPCC has the power to require that matter to be recorded and referred to it. Once a complaint has been referred to the IPCC, it is entirely a matter for the IPCC to determine whether the matter will be independently investigated by the IPCC or will be subject of a managed or supervised investigation by the police. The Home Secretary has no role in the police complaints process but can pass to the IPCC any information which may have an impact on the decision of the IPCC whether to call a matter in.

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are also complete. This is likely to take at least several months and may take years, particularly as more cases are uncovered.

ii) The benefit of this inquiry may be marginal and the scope of what could be usefully unearthed, considered and used to formulate recommendations might be fairly limited beyond what would already have been investigated by the IPCC and the Met above, particularly if the eventual scope of the IPCC investigation broadens to cover payments to MPS police officers from all journalists.

iii) Nevertheless this inquiry might include:

- looking at this episode in the wider context of police corruption in relation to the press (eg. taking evidence from ACPO counter corruption group)
- what the police can do to prevent such practices.
- cover relations between press and police (eg ACPO guidances, how effective they are; interviewing Mike Cunningham ACPO lead Professional Standards)

It is not inconceivable this wider aspect of the inquiry's work may begin even whilst the IPCC and Met investigations are ongoing. However, there is a real risk of a prolonged hiatus (as with the Gibson inquiry) before this inquiry can start addressing the heart of the allegations, namely police corruption in relation to NOTW and phone hacking.

Public and parliamentary expectations may need to be carefully managed and vfm considerations for the additional costs incurred may need to be assessed.

Other issues

- Costs – who will pay for the inquiries?
- Role of HMIC – in the past they have investigated and reported on potential “failings” in a force, but only once related investigations and convictions are secured. More proactive role in new policing landscape?
- Scope – the wider the scope for either inquiry (eg. all police forces practices for police inquiry; all journalists not just NOTW) the likely higher cost, and the longer it will take.
- Role of Mayor – both during inquiries and in terms of taking forward findings of inquiry to engender change in MPS practices as appropriate.

[Redacted]

PPPU

7th July 2011

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Annex A – types of IPCC investigations

IPCC supervised investigation

This is an investigation conducted by, and under the direction and control of the police, but supervised by the IPCC. Supervised investigations are carried out when the IPCC decides that a complaint is of considerable significance and probable public concern. The complainant has a right to appeal to the IPCC.

IPCC managed investigation

A managed investigation is conducted by the police but under the direction and control of the IPCC. Usually, managed investigations take place when the allegations are of such significance and probable public concern that their investigation needs an independent element.

IPCC independent investigation

An independent investigation is conducted by IPCC staff into incidents that cause the greatest level of public concern, have the greatest potential to impact on communities or have serious implications for the reputation of the police service.

FOR PD - ~~SECRET~~ 11/07/11

Briefing Pack on PHONE HACKING

Top lines

Q and A

Top lines

On the Inquiries

- Cannot say more than what the Prime Minister has already said at this stage, namely:
 - First that there will be 2 inquiries in relation to this matter, one on the police investigations and the activities of the News of the World newspaper and a second into the media's behaviours and ethics;
 - Second that the inquiry into police investigations and activities of the News of the World newspaper will get to the bottom of the specific revelations and allegations in relation to the police investigations of phone hacking by the News of the World newspaper, including why **the police investigation that started in 2006 failed so abysmally; what was going on in the News of the World; and what was going on in other newspapers** and allegations that police officers received payments by the media.
 - Third that this inquiry will be a full public inquiry led by a judge with powers to call and question witnesses under oath;
 - Fourth that the bulk of the work of this inquiry can only happen after the police investigation has finished;
 - And fifth, **in view of the anger and concern felt across the political parties in both Houses of Parliament, as well as in the country generally**, the Government will consult now with Select Committees and others on the terms of reference, remit and powers of this inquiry.
- But can reassure you that urgent work is underway, including at the highest levels in Whitehall, to appoint the judge, and firm up and consult on the details of the terms of reference and the nature, powers and remit of this inquiry as quickly as it is possible.
- The Judge also has to be involved in finalisation of the terms of Reference under the Enquiries Act 2005
- Government plans to make a formal announcement shortly

On the current Police investigation

- The ongoing police investigations led by Deputy Assistant Commissioner Sue Akers are making good progress and are through and well resourced.
- There have been 8 arrests, including 3 very recently. We must let those investigations, which may lead to criminal charges, run their course.

- That has implications for the timing of the judicial inquiry, but we will want to consider what might be done in the meantime which would not prejudice the investigation **and any criminal proceedings.**

On allegations of payments to the police (including to a member of Protective services assigned to Royal household

- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.

On regulating the Press

- Clearly there are wider issues about the culture, behaviour and ethics of the media raised by the phone hacking scandal.
- That's why the PM has announced the setting up of a second inquiry which can start even while the police investigation is continuing.
- It should be truly independent, probably conducted by a credible panel of figures with different backgrounds.
- The government strongly believes in a free press as a bedrock of our democracy, we do need to look at how it is regulated. That's what the inquiry will do, and make recommendations for the future.
- **We must not pre-judge the outcome of the inquiry's work, but the PM has made his views clear on the inadequacy of current arrangements.**

On victims

The government is committed to improving support for victims of crime, including families bereaved by murder and manslaughter. We recognise that families bereaved by homicide require the most intensive support of all.

- The Government is spending £2.25 million in 2011/12 to support individuals bereaved by murder and manslaughter. £2m will be provided to Victim Support to maintain and develop the National Homicide Service, including £600k to commission specialist services. In addition, £250k has been allocated through the Homicide Fund to smaller organisations delivering specialist support for those bereaved by murder and manslaughter, beyond those provided by the Homicide Service.

- The National Homicide Service provides tailored and intensive one-to-one support to bereaved families for as long as they need it. The allocation of a professional caseworker to each murder or manslaughter case ensures comprehensive, effective and consistent support to the bereaved family, including through commissioning a range of specialist services. The Service supported 1,130 bereaved people in its first year of operation.
- The Dowler family and other families bereaved by homicide which predates the introduction of the National Homicide Service are still able to access support from Victim Support.
- Victim Support takes self-referrals into their mainstream service from relatives bereaved prior to April 2010. A trained volunteer will be allocated and, following an assessment, bereaved individuals can be referred to specialist organisations funded by the Ministry of Justice to support pre-2010 cases.
- The Ministry of Justice will shortly announce a review of all victim support arrangements, so that in future we will be able to provide victims and witnesses with the most effective support. We will prioritise victims of serious crime, including those bereaved by murder and manslaughter; the most vulnerable; and the most persistently targeted.
- On 6 July the Victims' Commissioner published a report on support and services for the families bereaved by murder and manslaughter. We will carefully consider her recommendations on how the CJS and support providers can improve care for this particularly vulnerable group.
- We will shortly begin work with Victim's Commissioner, CJS agencies and victims' organisations to review the Victims' Code and the Witness Charter. These provide for the levels of service victims and witnesses can expect from the Criminal Justice System and we are determined to improve them so that they focus support on those in greatest need.
- The Ministry of Justice shortly intends to put forward proposals for consultation on how victim and support services are delivered and funded. This will ensure that resources and support are targeted towards the most vulnerable and those who have suffered the greatest impact from crime.
- The Government is also working with support providers to develop an outcomes-based framework for ensuring that the services government funds result in real improvements and benefits for victims, rather than measuring the volume of work undertaken.

On the law relating to phone hacking

- The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and

under which prosecutions may be brought where unlawful activity is found to have occurred.

- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Q and A

Police investigation

Do you have confidence in John Yates

- Yes

Isn't the current Police investigation taking too long/ is a shambles

- No.
- The Metropolitan Police have promised a robust investigation. And the DPP has said on 24 January that his Principal Legal Adviser, Alison Levitt QC, would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS
- So far 8 individuals, 3 recently, have been arrested in the current investigation; the previous investigation yielded 2 successful prosecutions
- The Met's approach to contacting victims of phone hacking and where relevant their solicitors as quickly as possible, is also very welcome.
- The Met are conducting a thorough and well resourced investigation – currently with 45 police officers and staff involved
- Commentators generally agree that the current investigations are proceeding well and is well run. For example, Brian Paddick, formerly of Met and who together with Chris Bryant MP is understood to have brought a judicial review seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy, has said: **"I have full confidence in the current police investigation – the person in charge is doing a very thorough job on a painstaking task."**

What has been the role of the Home Office in the new investigation?

- The investigation is an operational matter for the police and the Home Office has not been involved in it nor sought to influence or direct it.

When will the police investigation be completed?

- That is a matter for the police and how the investigation develops. We have already seen some arrests but the investigation must go where the various leads take it.
- The Met have already announced some early developments and contacted individuals in relation to information relating to them.
- In parallel, Alison Levitt QC has been appointed by the Director of Public Prosecutions to assess existing evidence held by the Metropolitan Police

and to evaluate any new evidence and to advise on the scope for prosecutions.

The Met have too close a relationship with the media to lead the current investigation; it should be led by another force?

- No. We think the MPS has both the experience and expertise to lead a large national criminal investigation like this.
- Their investigations have already led to 2 successful prosecution previously and 8 arrests so far in the current investigation
- In this day and age of extensive media coverage of all issues, it is crucial that the police have a constructive relationship with the media - who can be helpful for example in reporting serious offences and helping to generate witnesses.
- Regular engagement is therefore normal and all police forces have well established links with local and national media outlets where relevant. These operate in accordance with well established national guidelines on the extent of information that can or should be released.

Don't recent developments show the police got it wrong in taking a narrow approach to the previous investigation?

- The Prime Minister has announced that there will be an inquiry which will look at amongst other things why the first police investigation fail so abysmally. John Yates has also recently commented that he regretted his decision not to re-open the investigations into the allegations against News of the World in 2009
- It will be for the independent judge led inquiry to reach the bottom of why this happened

Doesn't the law relating to phone hacking need changing

- We remain satisfied that the law itself does not need changing. The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.

- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Victims

Are we going to create a victims' law?

- The statutory Code of Practice for Victims of Crime sets out the services victims can expect from the criminal justice system, including the right to information and support. In particular, victims are entitled to know if the suspect is being released on police bail before conviction, or if the offender is being released on license after conviction.
- But we recognise the Code needs to be reviewed. We plan to work with the Commissioner for Victims and Witnesses to revise both this and the Witness Charter so that they provide a clearer and simpler set of services and entitlements which genuinely help victims and witnesses navigate the criminal justice system.

The average cost of homicide to each family is £37,000. How are you helping?

- The government recognises the emotional and financial costs to families bereaved by homicide, which is why we are working with Victim Support to develop the national Homicide Service to help victims of these violent crimes.
- We have invested £2million in the Homicide Service and a further £250,000 in other specialist, voluntary organisations this year which will go towards providing bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements. This funding will also help with the costs of attending trials, access to legal advice, trauma counselling, support for murders abroad and respite care.

What do we plan to do to make it easier for the bereaved? The current system, "can leave families trembling in its wake".

- The government recognises the trauma suffered by families bereaved by murder and manslaughter. This is why we are developing the Homicide Service in which we have invested £2million this year, as well as a further £250,000 for specialist, voluntary organisations to provide bereaved

families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements.

- In response to the Victims Commissioners report we will be providing an additional £500,000 this year to increase the number of professional caseworkers in the Homicide Service, to support other organisations providing valuable help to bereaved families and to provide better training for those working with people bereaved by homicide.
- We will shortly announce our review of all victim support arrangements - this will include consideration of victims' services, entitlements and redress. As part of this review, we have been in constant dialogue with the Victims' Commissioner, victims and victim support organisations.

Families ought to be able to choose how and by whom the VPS is delivered.

- We plan to clarify the role of the Victim Personal Statement in informing sentencing and work with criminal justice agencies to ensure that all victims who wish to make one are given the opportunity.
- We are also looking at ways these can be used more widely throughout the criminal justice system, not just to inform a court of the impact a crime has had on a victim's life, but to ensure every victim gets the support they need, when they need it.

Bereaved families should be provided with written copies of the judge's sentencing remarks at the sentencing hearing so that they have access to accurate information and are not reliant on other parts of the criminal justice system to inform them.

- We have already brought forward proposals in the Legal Aid, Sentencing and Punishment of Offenders Bill to clarify the duties courts have to explain the sentence, and to ensure they provide the information that victims and the public need most.
- Subject to judicial approval, a copy of the sentencing remarks will be made available free of charge.

Bereaved families should be informed by the court that they are entitled to request transcripts of the trial and a request for a transcript should be looked on favourably by the judge.

- The provision of trial transcripts will be considered further. Any future provisions would need to be explored on a case-by-case basis in conjunction with the trial judge and an extract, rather than the whole transcript of the trial, may be the most appropriate requirement for the bereaved family.

- There also needs to be consideration given to how the transcript of evidence will be heard by the bereaved family so appropriate support is available at that time. Any transcripts supplied would need to be supplied on a proportionate and affordable basis.

Why did the judge allow the very hostile line of questioning adopted by Levi Bellfield's defence team?

- Whether to allow a line of questioning is a matter for the judge, who will be mindful of the need to ensure a fair trial. Whether to restrict reporting of any elements of a trial, or whether to hear any evidence in private is also a matter for the judge.

Why does a defendant not have to be present in the court when a sentence is handed down?

- Defendants are not obliged to be present in court for sentencing. Physically forcing an unwilling defendant to be present in court risks causing disruption to the hearing.

Press regulation

What restrictions currently apply on press practices?

- The Law - The press must abide by the law just as we all do. Of particular note are laws on defamation, data protection and phone hacking.
- The Code of Practice - Additionally, the press sign up to a Code of Practice. This is a self-regulatory Code drawn up by the Committee of Editors. It does not intend to duplicate the law, but is complementary to it. For instance, it includes specific provisions on privacy which are not found in the law. Adherence to the Code is then overseen by the Press Complaints Commission (PCC). The PCC is made up of a mixture of press and lay members, but lay members form a two thirds majority, and the Chairman is always someone with no connection with the press.
- The Editor's Codebook - The editor's Codebook is a handbook which provides a body of 'case law' on previous adjudications made by the PCC, and offers additional guidance to help editors ensure that they are working within the terms of the Code.

What rules or guidance applies to the press in these circumstances?

- Extensive guidance is set out in the Editors' Codebook, a publication that is a companion volume to the Editor's Code of Practice. And of course, like the rest of us, the press must abide by the law.

What happens if the press breach these rules – what sanctions are there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Surely these revelations show once and for all that the press can't be trusted to regulate themselves – creating an independent statutory regulator is the only answer? Aren't statutory controls now needed to regulate the press -

- The Press Complaints Commission is independent from the newspaper industry, with Commission members appointed by an independent Appointments Commission, and an in-built majority of lay members.
- The Government recognises, that the newspaper industry's system of self regulation is not perfect but the principle of a free but responsible press is, however, paramount. Introducing any type of statutory coverage in this area would destroy this principle.
- But as the Prime Minister has announced, the second inquiry will look into the wider press practices and behaviours and the ethics of the press, which may clearly lead to new conclusions being drawn about how they are regulated
- None of this changes the fact that the press, like anyone else, must comply with the law.

BACKGROUND INFORMATION with briefing pack 11/07/11

1. Timeline for the MPS's phone hacking investigations (including expected events this week)
2. Timeline for advice to MPS advice on use of RIPA
3. HASC Press statement 11th July 2011 on John Yates appearance before the Committee, including RECENT correspondence from AC Yates to the Committee
4. Key MPS and DPP statements from the time of the review of the original MPS investigation
5. Current IPCC investigation
6. Current legislation
7. Transcript of PM's statement to the press on 8th July

Timeline for the MPS phone hacking investigations

In short, Assistant Commissioner John Yates on 9 July 2009 started a review of the original MPS investigation from 2005 by AC Andy Hayman with originally related to the possible hacking of the voice messages of members of the Royal family and was therefore apparently seen solely in terms of royal security. Jon Yates subsequently concluded that there was no new evidence that would justify the re-opening of the inquiry. Sue Akers' investigation Operation Weeting was set up earlier this year when new evidence came to light of wider phone hacking.

i. Original investigation

In December 2005 members of the Royal Household at Clarence House reported security concerns to Royalty Protection Department of the MPS. The ensuing Metropolitan Police investigation focused on alleged security breaches within telephone networks over a significant period of time. The investigation initially focused on complaints from three people within the Royal Household.

This eventually led to the prosecution and jailing of the News of the World Royal Editor, Clive Goodman, in 2007 for hacking into the mobile phones of staff in the Royal Household. A private investigator, Glenn Mulcaire, was also jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association. At the time News International said Mr Goodman had been acting without their knowledge.

ii. Ongoing interest 2009

Gordon Taylor subsequently sued the owners of the New of the World on the basis that its senior executives must have been aware of the unlawful activity. It was reported that an out-of-court settlement was reached. The Guardian newspaper ran a story on in July 2009 alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories. It also claimed information from the case was then suppressed by the police and the High Court.

Commenting on the original police investigation, Assistant Commissioner John Yates, said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

The Director of Public Prosecutions undertook that the CPS would urgently examine the material supplied to the CPS by the police three years previously. A short statement was also made in the House by then Minister David Hanson.

iii. Ongoing interest 2010

In February 2010 the Select Committee for Culture Media and Sport published a report on press reporting which included examination of the phone hacking episode. They were highly critical of both the News of the World and the police and stated they did not find it credible that such activity was limited to one rogue reporter.

In September 2010 the Guardian reported stories in the New York Times which purported to have new eye witness evidence (from former journalist Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September the Home Secretary answered an urgent question in the House from Tom Watson explaining that any further action was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with Government backing).

Chris Bryant also lodged a judicial review application (13 September), together with Brian Paddick (formerly of the MPS) and Brendan Montague (writer and journalist), seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy. A number of other individuals have since also commenced legal proceedings.

On 12 November the MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information. On 10 December the Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following:

"I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."

iv. Current developments 2011

In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police. Alison Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.

On 21 January Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.

On 26 January, the Metropolitan Police announced that in the light of fresh information supplied by the News of the World Newspaper (and following suspension of another editor), they would be conducting a new investigation into phone hacking allegations at the newspaper.

This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of Deputy Assistant Commissioner Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team. To date 8 people have been arrested as part of the new police investigation.

On 6 July 2011, the Prime Minister announced the establishment of 2 public inquiries.

On 7 July there was an so24 emergency debate on phone hacking.

On 8th July the PM held a press conference clarifying that there would be 2 inquiries and gave a few more details on what he expected those inquiries to cover.

On 10 July an interview with John Yates is reported in the Sunday Telegraph as saying that his decision not to reopen an investigation into News International in 2009 had been 'a pretty crap one', which he now regretted. He refers to Scotland Yard's reputation being 'very damaged' by its failures and accuses News International executives of failing to cooperate with the original 2005 enquiry. He describes mistakes as 'cock-up, not conspiracy'.

On 11th July the DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on NSkyB merger

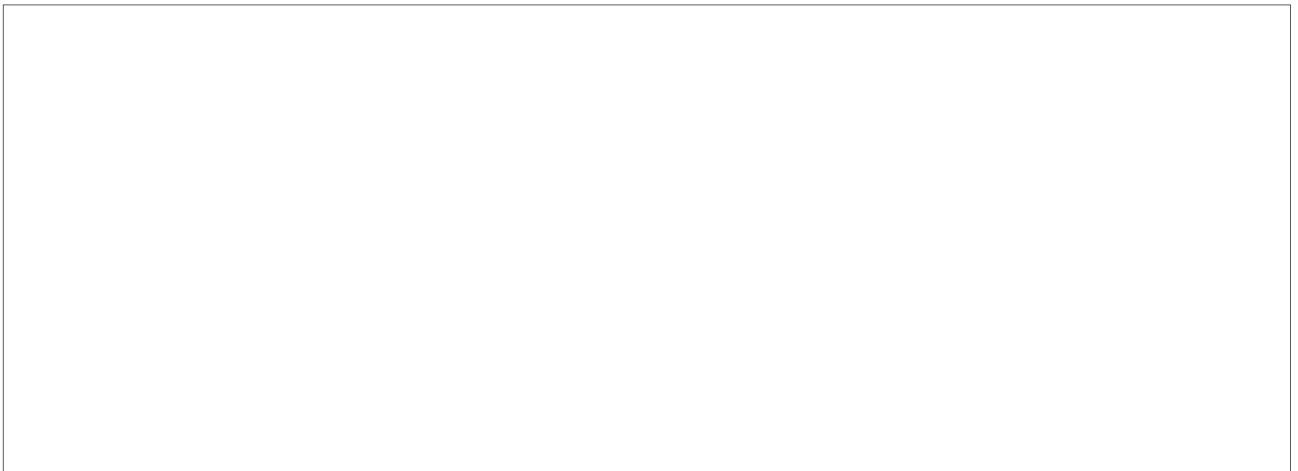
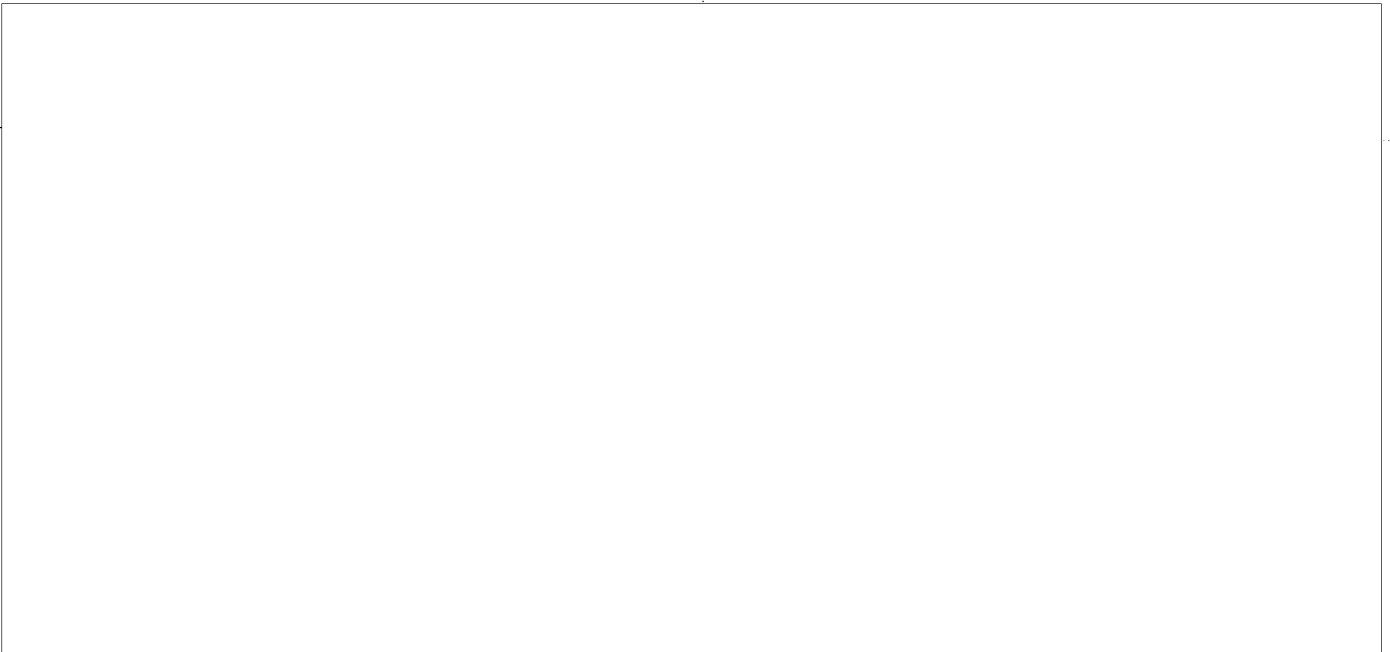
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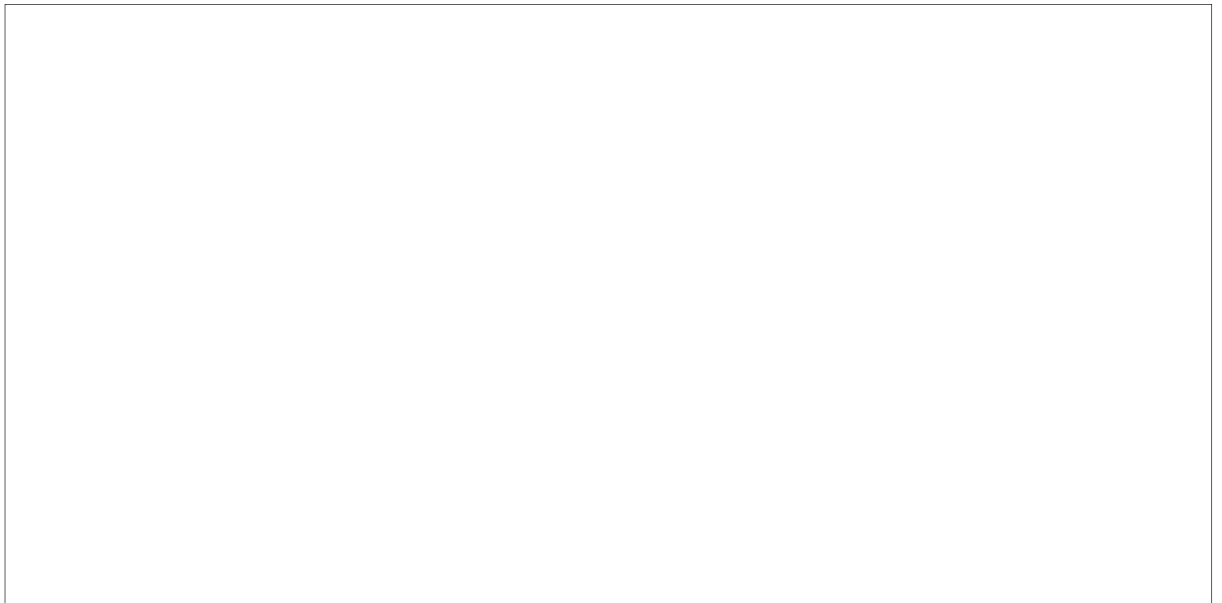
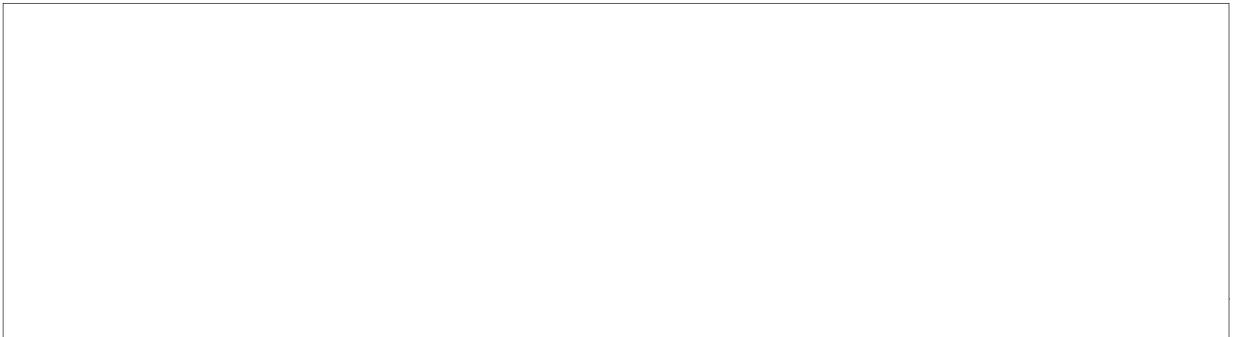
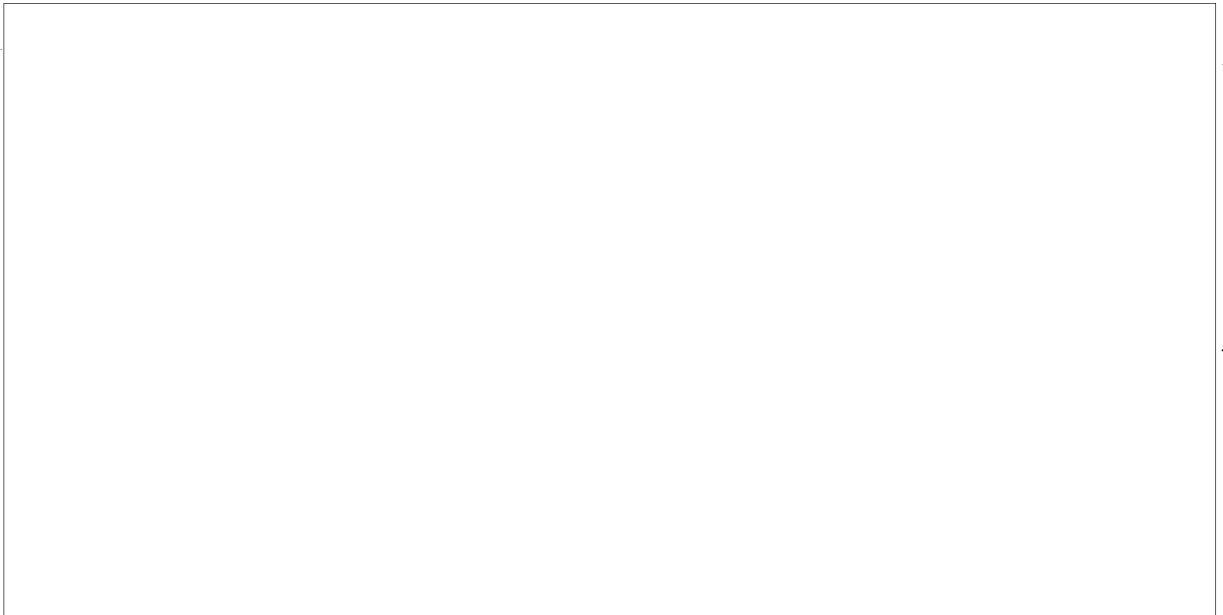
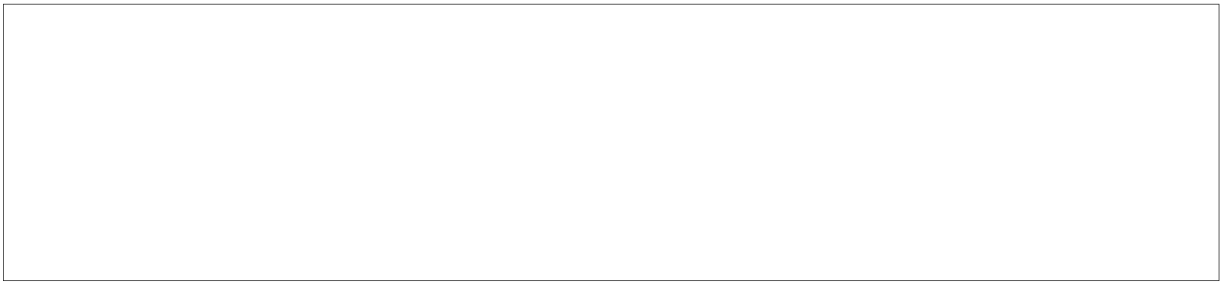
We expect there will be a formal announcement of the Judge to lead the policing enquiry this week

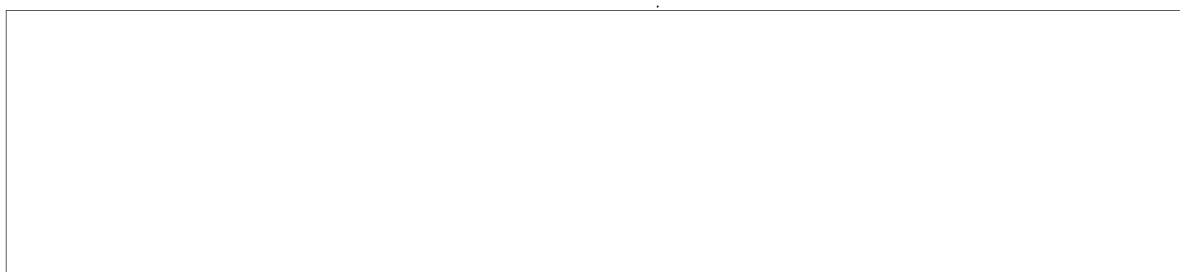
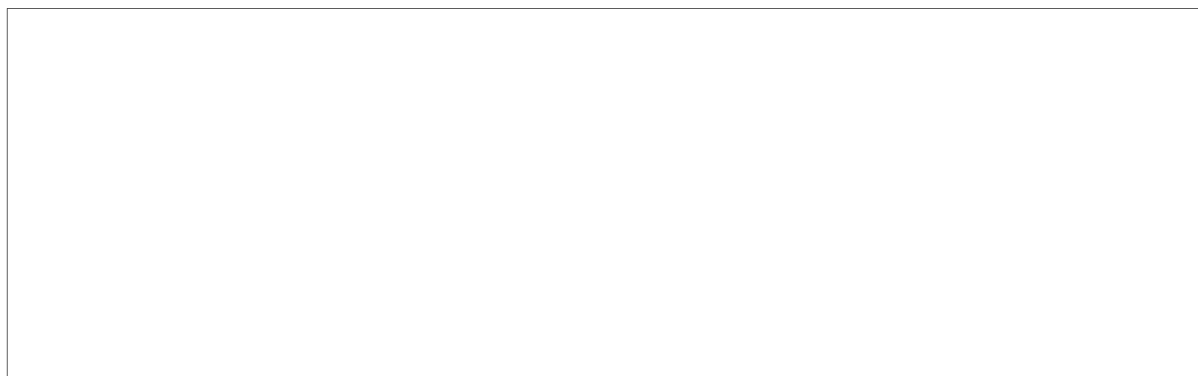
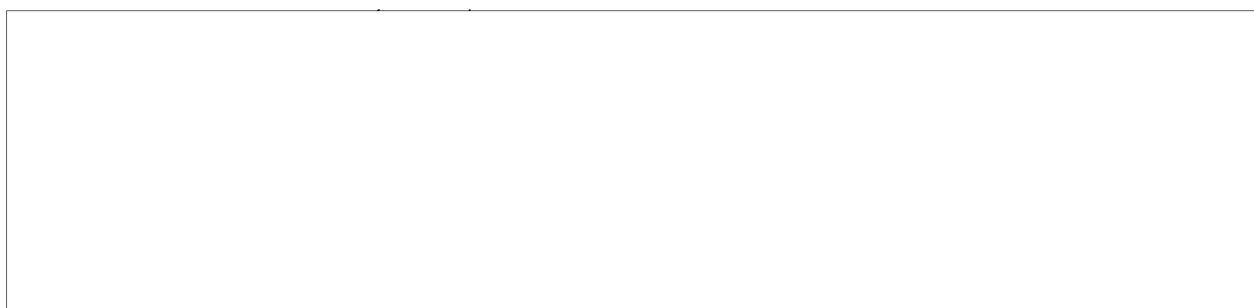
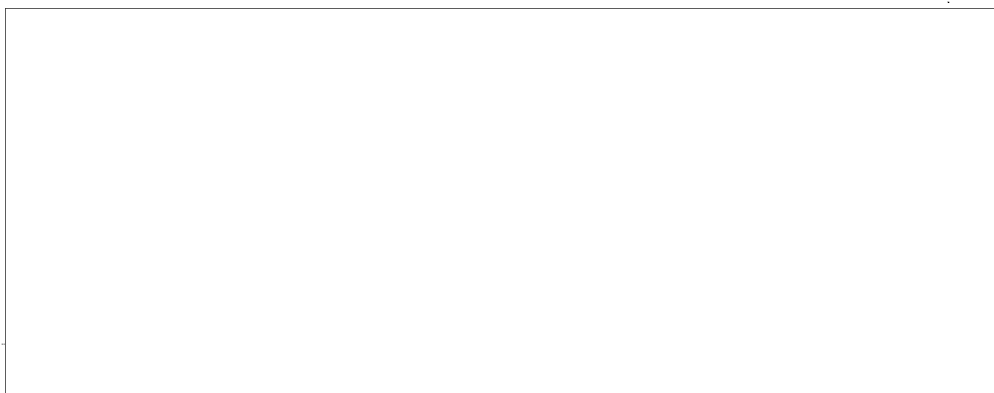
12th July- HASC are seeking evidence from Andy Hayman, Peter Clark, John Yates and Sue Akers tomorrow

13th July - The PM is likely to meet with the Dowlers and Hugh Grant; and the PM is expected to meet with the Select Committees and Opposition

14th July - We also understand that the MPA have also called Sir Paul Stephens to a meeting. The MPS are considering who it is most appropriate to send







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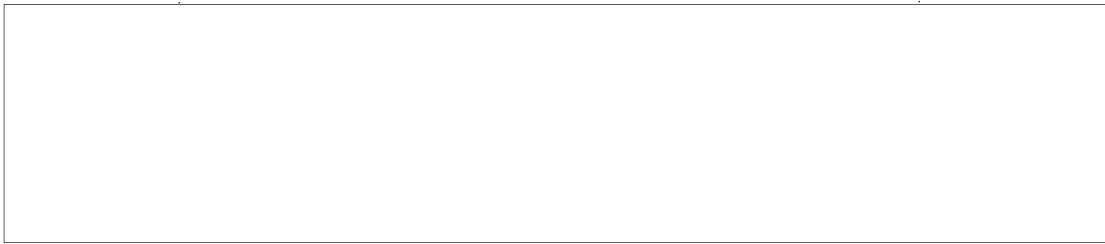
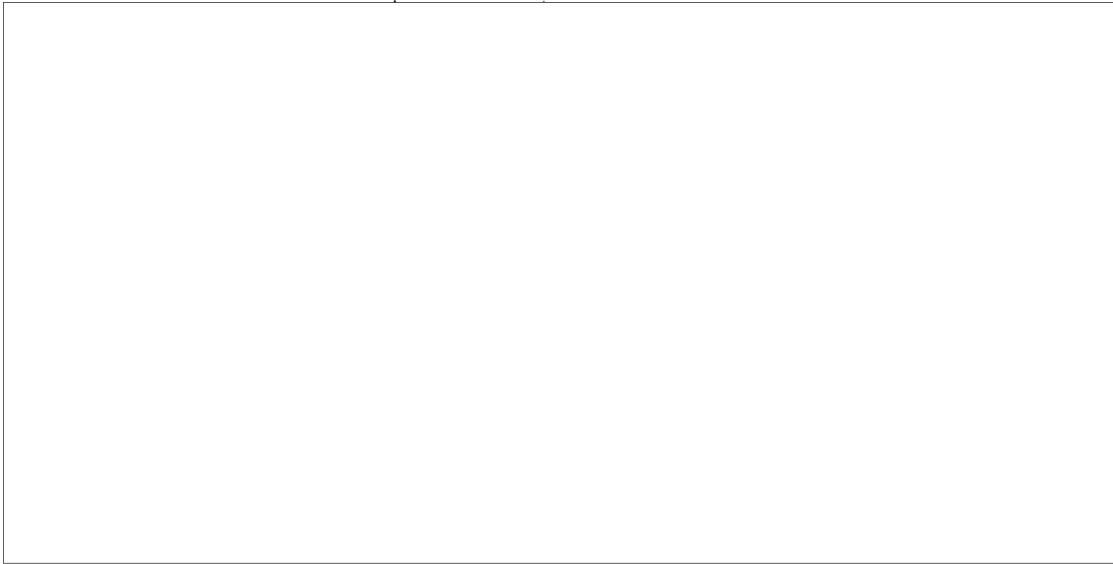
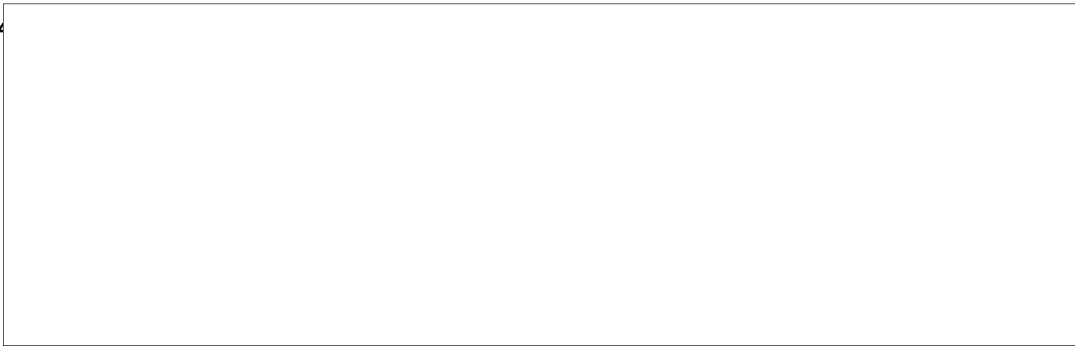
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Home Affairs Committee seek further evidence from Yates

The Chairman of the Home Affairs Committee Rt. Hon Keith Vaz MP. has received a reply from Assistant Commissioner John Yates QPM concerning his review of the 2006 police investigation into phone hacking and allegations over the Milly Dowler case.

The Committee is due to receive evidence on the previous and current phone hacking inquiries from John Yates QPM, Assistant Commissioner at the Metropolitan Police, Andy Hayman CBE QPM, Assistant Commissioner for Specialist Operations at the Metropolitan Police at the time of the first investigation, Peter Clarke, former Assistant Commissioner Specialist Operations at the Metropolitan Police and Deputy Assistant Commissioner Sue Akers QPM who is leading Operation Weeting on Tuesday 12th July.

Ends

For further information please contact Alex Paterson on 020 7219 1589

(1) Letter from John Yates QPM Assistant Commissioner of the Metropolitan Police to Chairman:

Re: Phone Hacking Inquiry

I write in response to your letter dated 5th July 2011 and in which you refer to a 'review of the 2006 investigation...conducted last autumn' and any awareness or knowledge that I may have had of Milly Dowler being amongst those potentially affected.

As you know, I am not sighted on the progress of the new investigation. However, the recent revelations about Milly, her family and indeed anyone who has suffered a family tragedy potentially being affected are obviously a matter of huge concern and it is a source of great regret that these matters were not uncovered earlier. To answer your specific question though, the first time I became personally aware that Milly Dowler may have been affected was when the news emerged in the public domain this week.

You also refer in your letter to the question of a review and suggest that I have informed your Committee that I 'had thoroughly reviewed all the evidence from 2006'. This is not the case and I do not believe that I have ever given the impression to either your Committee or your fellow Committee - Culture, Media & Sport (CMSC) - that I had carried out such an exercise. For clarity, a review, in police parlance, involves considerable resources and can either be thematic in approach - such as a forensic review in an unsolved murder investigation - or involves a review of all relevant material. The specific question was raised by the CMSC at my appearance before them on 2nd September 2009 and I have enclosed the extract for your attention.

I appreciate that events have moved on considerably but it should not be forgotten that the catalyst for the new investigation (and the levels of

resources now applied) was solely the result of new evidence being produced by the News International in January of this year. From the beginning of my involvement in this matter in 2009, I have never conducted a 'review' of the original investigation and nor have I ever been asked to do so. If I may, I think it useful to set out the sequence of events that has taken place and the levels of assurance that were evident at that time which led to the judgement that a full-scale review was not necessary.

The facts are that following reporting in The Guardian in July 2009, as the then newly appointed Assistant Commissioner in charge of Specialist Operations, I was asked by the Commissioner to '*establish the facts around the case and to consider whether there (was) anything new arising in the Guardian article*'. This was specifically not a review.

At this time (July 2009), the case had remained closed for over 2 years since the sentencing of Mulcaire and Goodman in January 2007. Following detailed briefings from the Senior Investigating Officer it was apparent that there was no new material in the Guardian article that would justify either re-opening or reviewing the investigation.

A short while later, this view was endorsed independently by the Director of Public Prosecutions, Keir Starmer QC, who had simultaneously '*ordered an urgent examination of the material supplied to the CPS*'. The Crown Prosecution Service acknowledged that Prosecution Counsel had seen all the unused material during the original investigation in addition to the actual evidence utilised in the case itself. It is appreciated that such a review is always undertaken in relation to relevance in respect of the indictment. However, in a written memorandum, dated 14th July 2009, Counsel stated: (the underlined aspects are my emphasis)

...we did enquire of the police at a conference whether there was any evidence that the Editor of the News of the World was involved in the Goodman-Mulcaire offences. We were told that there was not (and we never saw such evidence). We also enquired whether there was any evidence connecting Mulcaire to other News of the World journalists. Again, we were told that there was not (and we never saw such evidence).'

In other words, in whatever guise - relevance to the indictment or otherwise - that Counsel considered the unused material, they stated then in unequivocal terms that they were neither told about nor did they see any matters that appeared to merit further investigation.

On 16th July 2009, in his own statement on the matter, the DPP stated '*it would not be appropriate to re-open the cases against Goodman and Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them*'. This led to the case remaining closed until January this year when new evidence was provided by News International which resulted in the launch of Operation Weeting.

Therefore, as can be seen, in relation to events that took place in 2009, I was provided with some considerable reassurance, (and at a number of levels), that led me to a view that this case neither needed to be re-opened or reviewed. For completeness, I have enclosed a copy of the press lines released by the Commissioner.

In terms of the work conducted '*last autumn*' referred to in your letter, there was some further reporting in the New York Times on 1st September 2010 which led to my tasking of a Senior Investigating Officer to ascertain if there was any new information that might require investigation. A number of interviews were conducted in the ensuing months and advice was again sought from the CPS. In their final written legal advice provided on 10th December 2010 however, the Head of the CPS Special Crime Division concluded that he did '*not consider that there is now any evidence that would reach the threshold for prosecution. In my opinion there is insufficient evidence to provide a realistic prospect of conviction against any person identified in the New York Times article*'. This, again, was not a review of the original case.

I hope you find this helpful. Due to the significant media and public interest in this matter, I am copying this letter to the Commissioner and to the Chair and Chief Executive of the Metropolitan Police Authority.

(2) ***The Home Affairs Select Committee session on Tuesday 12th July will take place in the Wilson Room, Portcullis House.***

(3) ***John Yates will appear before the Committee on Tuesday 12th July at 11:30 am.***

Peter Clarke will appear before the Committee on Tuesday 12th July at 12pm

Andy Hayman will appear before the Committee on Tuesday 12th July at 12:20 pm

Sue Akers will appear before the Committee on Tuesday 12th July at 12.40pm

Key MPS and DPP statements from the time of the review of the original MPS investigation

John Yates Statement 9 July 2009

I have been asked by the Commissioner today to establish the facts around our inquiry into the alleged unlawful tapping of mobile phones by Clive Goodman and Glen Mulcaire. I was not involved in the original case and clearly come at this with an independent mind.

Just by way of background. In December 2005, the MPS received complaints that mobile phones had been illegally tapped.

We identified that Goodman and Mulcaire were engaged in a sophisticated and wide ranging conspiracy to gather private and personal data, principally about high profile public figures. Clearly they benefited financially from these matters.

Our inquiries found that these two men had the ability to illegally intercept mobile phone voice mails. This is commonly known as phone tapping.

Their potential targets may have run into hundreds of people, but our inquiries showed that they only used the tactic against a far smaller number of individuals.

In January 2007, Goodman and Mulcaire were jailed for four and six months. They pleaded guilty to conspiring to unlawfully intercept communications.

Mulcaire also pleaded guilty to an additional five charges relating to similar matters.

Sentencing the two men, Mr Justice Gross at the Old Bailey said the case was "not about press freedom, it was about a grave, inexcusable and illegal invasion of privacy."

The police investigation was complex and was carried out in close liaison with the Crown Prosecution Service, Senior Counsel and the telephone companies concerned.

The technical challenges posed to the service providers to establish that there had in fact been interception were significant.

It is important to recognise that our enquiries showed that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

Where there was clear evidence that people had potentially been the subject of tapping, they were all contacted by the police.

These people were made aware of the potential compromise to their phones and were offered preventative advice.

However, after extensive consultation with the CPS and Counsel, only a few were subsequently identified as witnesses in the proceedings that followed.

I said earlier in this statement that these two men were engaged in a sophisticated and wide ranging conspiracy to gather personal data about high profile figures. One was a private detective and one was a journalist. It is reasonable therefore to expect them to be in possession of data about such matters as this is part and parcel of their job.

I emphasise that our enquiries were solely concerned with phone tapping. This, as far as we are aware, affected a much smaller pool of people.

There has been a lot of media comment today about the then Deputy Prime Minister John Prescott. This investigation has not uncovered any evidence to suggest that John Prescott's phone had been tapped.

This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate.

No additional evidence has come to light since this case has concluded.

I therefore consider that no further investigation is required.

However, I recognise the very real concerns, expressed today by a number of people, who believe that their privacy may have been intruded upon.

I therefore need to ensure that we have been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, that they have been informed.

John Yates' letter to HASC 17 July 2009



**METROPOLITAN
POLICE**

Working together for a safer London

SPECIALIST OPERATIONS

17th July 2009

The Rt Hon Keith Vaz MP
Home Affairs Committee
Committee Office
House of Commons
7 Millbank
London
SW1P 3JA

**John Yates QPM
Assistant Commissioner
Specialist Operations**

New Scotland Yard
10 Broadway
London
SW1H 0BG

Tel: 0

Fax: 0

Dear Rt Hon Keith Vaz

I acknowledge receipt of your letter sent to Sir Paul Stephenson on 15th July 2009 regarding News International and the tapping of telephones. This letter has been passed to me and I respond on behalf of the Metropolitan Police Service (MPS.)

Due to renewed publicity in this case in the Guardian newspaper, Sir Paul Stephenson asked me to establish the facts around the original investigation into the unlawful tapping of telephones by Clive Goodman and Glen Mulcaire and any wider issues being reported by the Guardian. This is a historical case dating back to 2005 and was led by the MPS. I was not involved in the original case and clearly came at this with an independent mind.

As you will be aware from my press statement on 9th July 2009, I considered that no further investigation was required as from the publicity, no new evidence had come to light. However, I do recognise the very real concerns, expressed by a number of people, who believe that their privacy may have been intruded upon. In addition to those who had been informed as part of the original investigation, I therefore committed to ensuring that the MPS has been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, they were informed.

In relation to the allegation that Police Officers have received illegal payments by News International and that this may have influenced my decision to not re-open the original investigation, I must say that I am surprised and disappointed at these allegations. I believe this refers to Rebekah Wade's historical comments to the House of Commons Select Committee in March 2003, when she stated her newspaper had paid Police Officers for information. There is absolutely no suggestion that these allegations are relevant in any way to the Clive Goodman and Glen Mulcaire case.

In answer to the bullet point questions and for ease of reference I shall respond in the same order in your letter:-

- 1(a) 8 individuals were identified for the purposes of the prosecution case as having had their telephones illegally intercepted.
- 1(b) From the material seized police were able to establish that Mulcaire had varying levels of personal details on numerous individuals.
- 2) Anyone who had been approached as a potential witness for the criminal prosecution was advised and informed that they had been the subject of illegal interception. Thereafter, during the course of the investigation, police led on informing anyone who they believed fell into the category of Government, Military, Royal Household and MPS, if police had reason to believe that the suspects had attempted to ring their voicemail. This was done on the basis of National Security.

In addition, appropriate Government agencies were briefed as to the general security risk that police had identified and advised that if they had any further concerns they should contact their own service provider.

For anybody else that may have been affected, police provided the individual phone companies with the details of the telephone numbers (various) of the suspects and it was agreed that they (the service provider) would individually research, assess and address whether or not, and to what degree, their customers had been the subject of contact by the suspects. It was thereafter a matter for the telephone companies to take appropriate action to reassure their customers and introduce preventative measures to ensure this type of interception did not re-occur.

- 3) In addition to Glen Mulcaire's contract with News International we are aware that Clive Goodman submitted ad-hoc expense claims on behalf of Mulcaire.
- 4) Both Mulcaire and Goodman made no comment to all the questions put to them in their police interviews.
- 5) There has been much speculation about potential criminal involvement of other journalists in this case. Whilst it is true to say that other journalists'

names appeared in the material seized by Police, there was insufficient evidence to support any criminal conspiracy on their part.

6) Not as far as we are aware.

I wish you to be aware that I have also been asked to provide written evidence to the Culture, Media and Sports Committee, which I have done today. This report covers a wide range of issues and also explains in more detail some of the same issues you have raised. Therefore, I attach to this letter a copy of that report to advise you and the Home Affairs Committee on some of the wider issues in connection with this case.

Yours sincerely



John Yates
Assistant Commissioner
Specialist Operations

Metropolitan Police Service's response to the Culture, Media and Sports Committee

1. In December 2005, concerns were reported to the Metropolitan Police Service (MPS) by members of the Royal household at Clarence House, relating to the illegal tapping of mobile phones. As a result, the MPS launched a criminal investigation and this identified the involvement of two men, namely Clive Goodman (The Royal Editor of the News of the World newspaper) and Glen Mulcaire (A Security Consultant).
2. The two men were engaged in a sophisticated and wide ranging conspiracy to gather private and personal data, principally about high profile figures, for financial gain. This involved publishing material in the News of the World newspaper.

3. The MPS investigation found that these two men had the ability to illegally intercept mobile phone voice mails. They obtained private voicemail numbers and security codes and used that information to gain access to voicemail messages left on a number of mobile phones. It is important to note that this is a difficult offence to prove evidentially and for an illegal interception to take place, access must be gained to a person's telephone and their voicemails listened too, prior to the owner of the phone doing so. There will be other occasions where the two men accessed voicemails but due to the technology available at the time, it was not possible to prove via the telephone companies if they had accessed the voicemails prior to or after the owner of the mobile phone had done so. Hence, it was not possible to prove if an illegal interception had taken place.
4. Their potential targets may have run into hundreds of people, but the investigation showed from an evidential viewpoint, that they only used the tactic against a far smaller number of individuals.
5. The MPS first contacted the Crown Prosecution Service (CPS) on 20th April 2006 seeking guidance about this investigation, where an investigation strategy was agreed.
6. On 8th August 2006 both Clive Goodman and Glen Mulcaire were arrested and both made no comment interviews. On 9th August 2006 Goodman and Mulcaire were charged with conspiracy to intercept communications, contrary to section 1 (1) of the Criminal Law Act 1977, and eight substantive offences of unlawful interception of communications, contrary to section 1 (1) of the Regulation of Investigatory Powers Act 2000. The charges related to accessing voice messages left on the mobile phones of members of the Royal Household. The two were bailed to appear at the City of London Magistrates' Court on 16th August 2006 when they were sent to the Central Criminal Court for trial.
7. During searches, Police seized vast amounts of material, some of which was used in evidence. It is reasonable to expect some of the material, although classed as personal data, was in their legitimate possession, due to their respective jobs. It is not necessarily correct to assume that their possession of all this material was for the purposes of interception alone and it is not known what their intentions was or how they intended to use it.
8. When Mulcaire's business premises were searched on 8th August, in addition to finding evidence that supported the conspiracy between him and Goodman regarding the Royal Household allegations, the MPS also uncovered further evidence of interception and found a number of invoices. At that stage, it appeared these invoices were for payments that Mulcaire had received from the News of the World newspaper related to research that he had conducted in respect of a number of individuals, none of whom had any connection with the Royal Household. They included politicians, sports personalities and other well known individuals.

9. The prosecution team (CPS and MPS) therefore had to decide how to address this aspect of the case against Mulcaire. At a case conference in August 2006, attended by the reviewing lawyer, the police and leading counsel, decisions were made in this respect and a prosecution approach devised.
10. From a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select five or six potential victims would allow the prosecution properly to present the case to the court and, in the event of convictions, ensure that the court had adequate sentencing powers.
11. To that end there was a focus on the potential victims where the evidence was strongest, where there was integrity in the data, corroboration was available and where any charges would be representative of the potential pool of victims. The willingness of the victims to give evidence was also taken into account. Any other approach would have made the case unmanageable and potentially much more difficult to prove. This is an approach that is adopted routinely in cases where there are a large number of potential offences.
12. Adopting this approach, five further counts were added to the indictment against Mulcaire alone based on his unlawful interception of voicemail messages left for Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson.
13. In addition to obtaining evidence from these persons, the MPS also asked the reviewing lawyer to take a charging decision against one other suspect. On analysis, there was insufficient evidence to prosecute that suspect and a decision was made in November 2006 not to charge.
14. This progress in the case meant that its preparation was completed by the time Goodman and Mulcaire appeared at the Central Criminal Court on 29th November 2006 before Mr Justice Gross. When they did appear at court, Goodman and Mulcaire both pleaded guilty to one count of conspiracy to intercept communications – the voicemail messages left for members of the Royal Household. Mulcaire alone pleaded guilty to the five further substantive counts in respect of Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson. Hence, in total 8 individuals were identified as having had their telephones illegally intercepted.
15. Anyone who had been approached as a potential witness for the criminal prosecution was advised and informed that they had been the subject of illegal interception. Thereafter during the course of the investigation police led on informing anyone who they believed fell into the category of Government, Military, Police or Royal Household, if we had reason to believe that the suspects had attempted to ring their voicemail. This was done on the basis of National Security. In addition, appropriate

Government agencies were briefed as to the general security risk that police had identified and advised that if they had any further concerns they should contact their own service provider.

16. For anybody else that may have been affected, police provided the individual phone companies the details of the telephone numbers (various) of the suspects and it was agreed that they (the service provider) would individually research, assess and address whether or not, and to what degree their customers had been the subject of contact by the suspects. It was thereafter a matter for the telephone companies to take appropriate action to reassure their customers and introduce preventative measures to ensure this type of interception did not recur.
17. On 26th January 2007 sentencing took place. Goodman was sentenced to four months' imprisonment and Mulcaire to a total of six months' imprisonment, with a confiscation order made against him in the sum of £12,300. On sentencing the two men, Mr Justice Gross at the Old Bailey said the case was "*not about press freedom, it was about a grave, inexcusable and illegal invasion of privacy.*"
18. This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate. No additional evidence has come to light since this case has concluded.
19. There has been much speculation about potential criminal involvement of other journalists in this case. Whilst it is true to say that other journalists names appeared in the material seized by Police, there was insufficient evidence to support any criminal conspiracy on their part.
20. Due to renewed publicity in this case in the Guardian newspaper, the MPS Commissioner asked Assistant Commissioner John Yates to establish the facts around the original investigation into the unlawful tapping of mobile phones by Clive Goodman and Glen Mulcaire and any wider issues in the reporting by the Guardian. Assistant Commissioner Yates was not involved in the original case and clearly came at this with an independent mind. He released a press statement on 9th July 2009 and considered that no further investigation was required as from the publicity, no new evidence had come to light.
21. The MPS does recognise the very real concerns, expressed by a number of people, who believe that their privacy may have been intruded upon. In addition to those who had already been informed in line with the aforementioned strategy (i.e. those fitting into the category of Government, Military, Police or Royal Household and the remainder being informed by the telephone companies), Assistant Commissioner Yates committed to ensuring that the MPS has been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people

have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, that they were informed.

22. As a result, on 10th July 2009, the MPS released a further press statement stating *'The process of contacting people is currently underway and we expect this to take some time to complete.'*
23. It is also important to note that if new evidence came to light then the MPS would consider it. Nothing to date has been produced.
24. Following the CPS review of this case, the Director of Public Prosecutions, Keir Starmer QC confirmed the following;

'As a result of what I have been told I am satisfied that in the cases of Goodman and Mulcaire, the CPS was properly involved in providing advice both before and after charge; that the Metropolitan Police provided the CPS with all the relevant information and evidence upon which the charges were based; and that the prosecution approach in charging and prosecuting was proper and appropriate. In light of my findings, it would not be appropriate to re-open the cases against Goodman or Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them.'

DPP's findings in relation to 'phone hacking' – July 2009

A statement by Keir Starmer QC, Director of Public Prosecutions

On 9 July 2009 I issued a statement indicating that I had asked for an urgent examination of the material that was supplied to the Crown Prosecution Service (CPS) by the police in this case.

I made this statement not because I had any reason to consider that there was anything inappropriate in the prosecutions that were undertaken, but to satisfy myself and assure the public that the appropriate actions were taken in relation to that material.

That examination has now been completed by the Special Crime Division of CPS Headquarters (SCD).

Background

Following a complaint by the Royal Household, the Metropolitan Police Service first contacted the CPS on 20 April 2006 seeking guidance about the

alleged interception of mobile telephone voicemail messages. The potential victims were members of the Royal Household.

During April and May 2006 there followed a series of case conferences and exchanges between the CPS reviewing lawyer dealing with the case and the police in relation to these alleged interceptions. Advice was given about the nature of evidence to be obtained so that the police could make policy decisions about who ought to be treated as victims. Advice was also given about how to identify the individual(s) responsible for these alleged interceptions.

During June and July 2006 there were further discussions and conferences between the reviewing lawyer, the police and leading counsel instructed by the CPS. On 8 August 2006 the reviewing lawyer made a charging decision in respect of Clive Goodman and Glen Mulcaire. They were arrested the same day.

On 9 August 2006 Goodman and Mulcaire were charged with conspiracy to intercept communications, contrary to section 1 (1) of the Criminal Law Act 1977, and eight substantive offences of unlawful interception of communications, contrary to section 1 (1) of the Regulation of Investigatory Powers Act 2000. The charges related to accessing voice messages left on the mobile phones of members of the Royal Household.

The two were bailed to appear at the City of London Magistrates' Court on 16 August 2006 when they were sent to the Central Criminal Court for trial.

When Mulcaire's business premises were searched on 8 August, in addition to finding evidence that supported the conspiracy between him and Goodman regarding the Royal Household allegations, the police also uncovered further evidence of interception and found a number of invoices. At that stage, it appeared these invoices were for payments that Mulcaire had received from the News of the World newspaper related to research that he had conducted in respect of a number of individuals, none of whom had any connection with the Royal Household. They included politicians, sports personalities and other well known individuals.

The prosecution team (CPS and Metropolitan Police Service) therefore had to decide how to address this aspect of the case against Mulcaire. At a case conference in August 2006, attended by the reviewing lawyer, the police and leading counsel, decisions were made in this respect and a prosecution approach devised.

From a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select five or six potential victims would allow the prosecution properly to present the case to the court and in the event of convictions, ensure that the court had adequate sentencing powers.

To that end there was a focus on the potential victims where the evidence was strongest, where there was integrity in the data, corroboration was available and where any charges would be representative of the potential pool of victims. The willingness of the victims to give evidence was also taken into account. Any other approach would have made the case unmanageable and potentially much more difficult to prove.

This is an approach that is adopted routinely in cases where there is a large number of potential offences. For any potential victim not reflected in the charges actually brought, it was agreed that the police would inform them of the situation.

Adopting this approach, five further counts were added to the indictment against Mulcaire alone based on his unlawful interception of voicemail messages left for Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson.

In addition to obtaining evidence from these persons, the police also asked the reviewing lawyer to take a charging decision against one other suspect. On analysis, there was insufficient evidence to prosecute that suspect and a decision was made in November 2006 not to charge. So far as I am aware, this individual was neither a journalist on, nor an executive of, any national newspaper.

This progress in the case meant that its preparation was completed by the time Goodman and Mulcaire appeared at the Central Criminal Court on 29 November 2006 before Mr Justice Gross. When they did appear at court, Goodman and Mulcaire both pleaded guilty to one count of conspiracy to intercept communications – the voicemail messages left for members of the Royal Household. Mulcaire alone pleaded guilty to the five further substantive counts in respect of Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson. The case was then adjourned to obtain probation reports on the defendants.

On 26 January 2007 sentencing took place. Goodman was sentenced to four months' imprisonment and Mulcaire to a total of six months' imprisonment, with a confiscation order made against him in the sum of £12,300.

As part of my examination of the case, I have spoken to the then DPP Sir Ken Macdonald QC as he and the Attorney General at the time, Lord Goldsmith, were both regularly briefed – as would be expected with such a high profile case.

Findings

As a result of what I have been told I am satisfied that in the cases of Goodman and Mulcaire, the CPS was properly involved in providing advice both before and after charge; that the Metropolitan Police provided the CPS with all the relevant information and evidence upon which the charges were

based; and that the prosecution approach in charging and prosecuting was proper and appropriate.

There has been much speculation about whether or not persons other than those identified above were the victims of unlawful interception of their mobile telephones. There has also been much speculation about whether other suspects were identified or investigated at the time. Having examined the material that was supplied to the CPS by the police in this case, I can confirm that no victims or suspects other than those referred to above were identified to the CPS at the time. I am not in a position to say whether the police had any information on any other victims or suspects that was not passed to the CPS.

In light of my findings, it would not be appropriate to re-open the cases against Goodman or Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them.

However, if and insofar as there may now be further information relating to other possible victims and suspects, that should be reported to the police who have responsibility for deciding whether or not to conduct a criminal investigation. I have no power to direct the police to conduct any such investigation.

In conducting this review I have put a good deal of detailed information in the public domain. This demonstrates my commitment that the CPS should be visible, transparent and accountable. It should also assure the public about the integrity of the exercise I have undertaken.

Keir Starmer QC
Director of Public Prosecutions

Background on current IPCC investigation

- 1) Met has referred to IPCC to investigate the possibility that MPS police officers received payments by NOTW (we understand this is specifically in relation to phone hacking but the IPCC investigation is being kept flexible at this stage to go wider to cover payments to MPS officers by NOTW per se).
- 2) IPCC has determined (as it is required under regulations) how it will investigate. In this instance it has decided it will conduct a supervised investigation - ie agree TOR with the MPS; leave MPS to direct and conduct actual investigations but IPCC will supervise the investigation closely – but once officers have been identified it will review its level of involvement. Met will provide officers to carry out the IPCC supervised investigation, probably from the MPS's Professional Standards Directorate, who are separate to Sue Akers' ongoing investigation.
- 3) So far no officer has been identified as being paid in relation to phone hacking. Under a supervised investigation MPS would be required to notify IPCC if an officer was identified as having received payment in relation to phone hacking when the IPCC would likely launch an independent inquiry. ***[NOT FOR DISCLOSURE: We understand from IPCC that were an officer identified then they would conduct an independent investigation, but this is for them to decide in due course independently, and we must not be seen to be pre-empting their decision – IPCC Deputy Chair Deborah Glass has said: IPCC are supervising a sensitive criminal investigation involving allegations of bribery of police officers. It is clearly imperative that this investigation is allowed to take its course and follow the evidence as it is uncovered. Any form of premature disclosure is damaging. If people have information or evidence relevant to this enquiry, I would encourage them to provide it to the team led by DAC Akers as soon as possible.]***
- 4) The Met investigation focussing on possible criminality of NOTW journalists and related person on illegal phone hacking will run in parallel to IPCC investigation. Both the force and IPCC have considerable experience of running investigations in parallel.

Investigations going forward

i) were an officer identified as having received payment in relation to phone hacking

- The IPCC, through their powers in legislation, could ratchet up the investigation. The IPCC can decide to make it a "managed

investigation”, ask another force to come in and conduct the investigation or likely an conduct an “independent” investigation”.

- In this case the IPCC and Sue Akers’s investigation would continue to proceed in parallel and be managed accordingly. For example, IPCC could interview someone alleged to have paid a police officer jointly with Met if that person was relevant to the Met investigation; Met would be obliged to share forensic, exhibits etc.

ii) were no officer identified as having received payment in relation to phone hacking

- the IPCC and the Met investigations would continue in parallel (as now). IPCC could still ratchet up the investigation depending on the circumstances as above.

iii) the IPCC investigation could broaden into MPS officers receiving payments from any journalists (this might happen naturally, or upon referral by the MPS, or were the IPCC to exercises its “call in power”¹).

- as above the IPCC and the Met investigations would continue in parallel (as now). IPCC could still ratchet up the investigation depending on the circumstances as above.
- were the IPCC investigation to broaden to this extent, even though the IPCC would normally publish their reports, it might be useful for HSec to ask (as she is empowered in statute) for the IPCC report to be laid before Parliament;
- would fit neatly with IPCC’s other statutory functions – eg if the investigation revealed possible criminality or misconduct the IPCC could take forward further action themselves with the CPS (and MPA) rather than needing to have it referred to them

In effect, therefore, whilst the ongoing Met investigation is not “reporting” to the IPCC, the trajectory of how the Met investigation unfolds is now in the hands of whether or not officers are identified as having received payments in relation to phone hacking and what IPCC independently determines is the best way forward. It is for the IPCC to determine how much or how little it may wish to “take control” of the investigations and whether or not an outside force should be called in (which would increase the cost burden on MPS)

¹ Where there is no public complaint and it appears to the IPCC that a matter has come to its attention which may amount to a case where a person serving with the police may have committed a criminal offence or behaved in a manner justifying disciplinary proceedings then the IPCC has the power to require that matter to be recorded and referred to it. Once a complaint has been referred to the IPCC, it is entirely a matter for the IPCC to determine whether the matter will be independently investigated by the IPCC or will be subject of a managed or supervised investigation by the police. The Home Secretary has no role in the police complaints process but can pass to the IPCC any information which may have an impact on the decision of the IPCC whether to call a matter in.

Current legislation

1. Criminal offences in relation to payments to the Police

There are a number of criminal offences that might apply in relation to person making payments to, and/or police officers accepting payments for, services or privileges, depending on the circumstances of the case. (It would be for the CPS to select the appropriate charge).

i) **Common law offence of misfeasance in a public office** (sometimes known as **misconduct in a public office**). This is committed by a public officer, including police officers, acting as such, who wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to an abuse of the public's trust in the office holder, without reasonable excuse or justification. Maximum sentence is unlimited imprisonment (as is the case with all common law offences). This offence is sometimes used, for example, to charge police officers who misuse the PNC to receive payments. A person (eg. journalist) who makes such payments to a police officer could be guilty of the secondary offence of conspiracy to misfeasance in a public office, or assisting and encouraging misfeasance in a public office. The House of Commons has also produced a briefing paper in relation to this offence which we can make available on request.

ii) **Common law offence of bribery**. Where a person in the position of trustee to perform a public duty takes a bribe to act corruptly in discharging that duty, it is an offence in both parties (ie. the payee and recipient). This can cover, for example, jurors, magistrates and coroners, and may cover police officers. There is considerable overlap with the offence of misfeasance.

iii) **Public Bodies Corrupt Practices Act 1889, section 1**. The offence covers corruptly soliciting or receiving any gift, loan, fee, reward or advantage as an inducement to or reward for any member, officer or servant of a public body doing or forbearing to do anything. It also covers the corresponding offence of corruptly giving or promising or offering such gifts etc. It is triable either way. The maximum sentence is 7 years imprisonment and/or an unlimited fine.

iv) **Prevention of Corruption Act 1906, section 1: corruption of agents**. The offence is committed if any agent accepts or obtains any gift or consideration as an inducement or reward for doing any act in relation to his principal's business. It is likely, however, that this offence is unlikely to be engaged in this case, as there are other offences which apply specifically to public office which seem better suited. It is triable either way. The maximum sentence is 7 years imprisonment and/or an unlimited fine.

v) **Prevention of Corruption Act 1916**. This establishes a presumption of corruption under the 1889 and 1906 Acts if it is proved that any money, gift or other consideration has been paid or given to or received by a person in any public body in some circumstances.

NB. The common law offence of bribery and the following 3 statutory offences above, were available prior to 2011. At that point the Bribery Act 2010 came into force on 1 July 2011 and repealed the common law offence and the three statutes mentioned at iii) to v) above.

Police officers are also subject to the Standards of Professional Behaviour which are set out in the Police (Conduct) Regulations 2008. The standards set out the expectations that the police service and the public have of how police officers should behave, and this would include in relation to payments accepted by the police for information.

For example, one of the standards deals with the issue of confidentiality in stating that '*Police officers treat information with respect and access or disclose it only in the proper course of police duties*'. The Home Office statutory guidance also states that '*Police officers do not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media*'.

Any breach of the standards, which is assessed on a case by case basis, in the first instance by the Professional Standards Departments that exist in each force, can result in disciplinary proceedings being taken. Were there a serious breach of the standards, where dismissal from the police service would be justified, this would be assessed as amounting to gross misconduct where the maximum outcome at a misconduct hearing would be dismissal without notice. In less serious cases, misconduct could be dealt with at a misconduct meeting where the outcomes would range from advice to a maximum of a final written warning..

Current legislation covering phone hacking

1. RIPA 2000

Section 1(1) of RIPA makes it a criminal offence to intentionally intercept, without lawful authority, a communication in the course of its transmission by means of a public postal service or of a public telecommunication system. Anyone found guilty of the s.1(1) offence faces a fine or a term of imprisonment for up to two years.

2. Computer Misuse Act 1990.

This is the legislation which relates directly to illegal access to computers. It contains four offences.

Section 1 – Unauthorised access to computer material - A person is guilty of this offence if they attempt to gain access to a computer that they are not authorised to use. It is the offence of attempting to gain access itself, rather than access to any specific program or data on that computer. The penalty on

summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to two years in prison, or a fine, or both.

Section 2 – Unauthorised access with intent to commit or facilitate further offences

A person is guilty of this offence if they attempt to gain access to a computer that they are not authorised to use, with the intention of committing further offences. The additional offences might be the theft of data itself, or the theft of data for fraud. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to five years in prison, or a fine, or both.

Section 3 – Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer

A person is guilty of this offence if they carry out any act that prevents the proper operation of the computer, or affects the reliability of the data held on that computer. This would include altering data, destroying it, or removing it. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to ten years in prison, or a fine, or both.

Section 3A – Making, supplying or obtaining articles for use in offences under Section 1 or 3

A person is guilty of this offence if they make or supply an article intending it to be used for the offences in sections 1 or 3. This offence could be used to prosecute the suppliers of malicious software, such as botnets, for criminal purposes. Article 7 of the Fraud Act 2006 could also be used to prosecute botnet suppliers if the botnet was used to commit fraud. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to two years in prison, or a fine, or both.

TRANSCRIPT OF PRIME MINISTER'S PRESS CONFERENCE (CHECKED
AGAINST DELIVERY) -8th July

Thank you for coming to this press conference.

Over the past few days, the whole country has been shocked by the revelations about the phone hacking scandal.

Murder victims, terrorist victims, families who have lost loved ones in war, defending our country...

...that these people could have had their phones hacked in order to generate stories for a newspaper is simply disgusting.

I cannot think what was going through the minds of those who did this.

That they could hack into anyone's phone is disgraceful.

To hack into the phone of Milly Dowler, a young girl missing from her parents, who was later found dead, is truly despicable.

But this scandal is not just about some journalists on one newspaper.

It's not even just about the press.

It's also about the police.

And yes – it's also about how politics works and politicians too.

And I want to be very frank about how, as a country, we should deal with it.

People want to know that three things are going to happen.

One: action will be taken to get to the bottom of these specific revelations and allegations about phone hacking, about police investigations and all the rest of it.

Two: action will be taken to learn wider lessons for the future of the press in this country.

And three: that there will be clarity – real clarity – about how all this has come to pass, and the responsibilities we all have for the future.

That's what the country expects at this time of crisis and concern...

...and I will make sure that everything that needs to be done, will be done.

FIRST INQUIRY

First, we need action to get to the bottom of the specific revelations and allegations we have seen.

It's clear that there have been some illegal and utterly unacceptable practices taking place at the *News of the World* – and possibly elsewhere.

There is now a large-scale and well-resourced police investigation.

Of course, in **2006** we did have a police investigation– but we can now see that it was plainly inadequate.

This in itself requires investigation.

A separate allegation is that police officers took payments.

That specific allegation is now being investigated by senior officers at the Met – and with my full support they have brought in the IPCC to oversee this.

So for those worried about the police investigating the police, this has full and independent oversight.

But let's be clear.

Police investigations can only get you so far.

What people want to know is – what happened? And how was it allowed to happen?

That's why when the Deputy Prime Minister and I agreed that it is right and proper to establish a full, public inquiry to get to the bottom of what happened.

A judge needs to be in charge so there's no question that it's totally independent and things are done properly.

These are the questions that need answering:

Why did the first police investigation fail so abysmally?

What exactly was going on at the *News of the World*?

And what was going on at other newspapers?

Of course, the bulk of the work of this inquiry can only happen after the police investigation has finished.

That's what the law requires.

But that doesn't mean we can't do anything now.

So we will consult now with Select Committees and others on the terms of reference, remit and powers. And what we can get started we will get started.

I want everyone to be clear.

Everything that happened is going to be investigated.

The witnesses will be questioned by a judge under oath.

And no stone will be left un-turned.

SECOND INQUIRY

But we need action as well to learn the wider lessons for the future of the press.

And this is something we can get on with straightaway, even while the police investigation is still going on.

That's why I want to establish a second inquiry to begin at the earliest available opportunity, ideally this summer.

This inquiry should be conducted by a credible panel of figures drawn from a range of different backgrounds...

...who command the full support, respect and confidence of the public.

They should be truly independent, without any motive but to seek the truth and clean up the press.

This second inquiry should look at the culture, practices and ethics of the British press.

In particular, they should look at how our newspapers are regulated and make recommendations for the future.

Of course it's vital that our press is free.

That is an essential component of our democracy and our way of life.

But press freedom does not mean that the press should be above the law.

There is much excellent journalism in the UK today. I think it's now clear to everyone that the way the press is regulated today is not working.

Let's be honest: the Press Complaints Commission has failed.

It is hopelessly ineffective, lacking rigour – even, as this case has shown, frankly pretty much absent.

It is institutionally conflicted, with competing newspapers judging each other.

As a result, it lacks public confidence.

So I believe we need a new system entirely.

It will be for the inquiry to recommend what that system should look like.

But my starting presumption is that it should be truly independent...

...independent of the press, so the public will know that newspapers will never again be solely responsible for policing themselves.

And independent of government, so the public will know that politicians are not trying to control a press that must be free to hold politicians to account.

This new system of regulation should strike the balance between an individual's right to privacy and what is in the public interest.

And above all it should uphold the proper, decent standards we expect of our press.

I have already spoken to the Deputy Prime Minister about all this – and in the days ahead we will meet with the Leader of the Opposition to discuss exactly what both these inquiries should cover, and exactly how they should be run.

If we're going to discuss the way the press is regulated in future, it would be so much better to do it cross-party.

This is an issue that must be above party politics.

Power, how it is exercised and how it is held to account by the press: these are fundamental questions for this country.

And when decent people have had their privacy invaded in the most shameful manner, they expect politicians to put their differences aside and do what needs to be done to clear up the mess.

POLITICS AND THE PRESS

But there is a third question that this scandal asks of us, and it is not an easy one for me to answer.

But it is my responsibility to try.

How did we get here?

Because as we consider the devastating revelations of the past few days, it's no good just pointing the finger at this individual journalist, or that individual newspaper.

It's no good actually just criticising the police.

The truth is, we have all been in this together – the press, politicians and leaders of all parties – and yes, that includes me.

We have not gripped this issue.

During the last government, a police investigation was undertaken, it was inadequate, but not enough was done .

There were two reports from the Information Commissioner and they went unheeded.

There were two Select Committee reports on phone hacking and there was no follow-up.

Throughout all this, all the warnings, all the concern, the government at the time did nothing.

And frankly, neither did the Opposition.

To be fair, it is difficult for politicians to call for more regulation of the media, because if we do so, we're accused of stifling a free press or even free speech.

But the deeper truth is this – is that there is a less noble reason.

Because party leaders were so keen to win the support of newspapers, we turned a blind eye to the need to sort this issue, get on top of the bad practices, change the way our newspapers are regulated.

It's a bit like MPs' expenses.

The people in power knew things weren't right.

But they didn't do enough quickly enough – until the full mess of the situation was revealed.

When the scandal hits and the truth is plain for everyone to see...

...there are two choices.

You can down-play it and deny the problem is deep – or you can accept the seriousness of the situation and deal with it.

I'm going to deal with it.

These inquiries give us a chance for a fresh start and I want us to take it.

Look, it's healthy that politicians and journalists speak to each other; know each other.

Democracy is government by explanation and we need the media to explain what we're trying to do.

But this is a wake-up call.

Over the decades, on the watch of both Labour leaders and Conservative leaders, politicians and the press have spent time courting support, not confronting the problems.

Well: it's on my watch that the music has stopped.

And I'm saying, loud and clear – things have got to change.

The relationship needs to be different in the future.

I'm not going to pretend that there's some nirvana of two separate worlds, relating to each other on the basis of total transparency and ethical perfection.

That's not real life.

But we can do a hell of a lot better than we've done so far.

Because as this scandal shows, while it's vital that a free press can tell truth to power...

...it is equally important that those in power can tell truth to the press.

CONCLUSION

Before I take your questions, let me say this.

For people watching this scandal unfold, there is something disturbing about what they see.

Just think of who they put their trust in.

The police to protect them.

The politicians to represent them.

The press to inform them.

All of them have been let them down.

So when the inquiries are over, the questions have been asked, and the truth found out...

...I want a police that has proved itself beyond reproach...

...a political system that people feel is on their side...

...and a press that is yes, free and rigorous; that investigates and entertains;

...that holds those in power to account and occasionally – even regularly – drives them mad...

...but, in the end, is a free press that is also clean and trustworthy.

That is what people want.

That is what I want.

And I will not rest until we get it.



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Your reference

Our reference

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11 July 2011

By Courier

Dear Madam

**OPERATION WEETING / OPERATION ELVEDEN
INVESTIGATIONS BY THE METROPOLITAN POLICE INTO NEWS OF
THE WORLD**

We enclose a letter we have sent today to Detective Superintendent Mark Ponting, the officer in charge of the above-mentioned investigations, for your information. We wish to draw your attention to the serious and highly prejudicial press coverage that these operations have already attracted and have requested the Attorney General to take steps, as set out in our letter, to ensure that the content of future reports is restricted to that which may legitimately be reported.

Yours faithfully



DLA PIPER UK LLP

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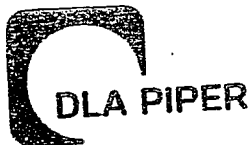
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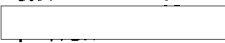
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Your reference

Our reference

JER/SW/330282/1/UDR 37089963.1

11 July 2011

By Email and By Post

Dear Detective Superintendent Ponting

OPERATION WEETING / OPERATION ELVEDEN
OUR CLIENT: ANDY COULSON

We note that the Metropolitan Police Service has today issued a public statement in the following terms:

"It is our belief that information that has appeared in the media today is part of a deliberate campaign to undermine the investigation into the alleged payments by corrupt journalists to corrupt police officers and divert attention from elsewhere.

At various meetings over the last few weeks information was shared with us by News International and their legal representatives and it was agreed by all parties that this information would be kept confidential so that we could pursue various lines of inquiry, identify those responsible without alerting them and secure best evidence.

We are also extremely concerned and disappointed that the continuous release of selected information that is only known by a small number of people could have a significant impact on the corruption investigation."

We also have very serious concerns about the number of press reports that are emerging in relation to our client, and in particular the extent of the logistical and factual information which is now in the hands of the media. In our view these reports demonstrate a level of knowledge of the details of the current investigation, which could and should only have been known to those directly connected to the investigation.

By way of example, Amelia Hill of the Guardian reported online at 19:42 on Thursday 7 July 2011 that:

"Andy Coulson has been told by police that he will be arrested on Friday morning over suspicions that he knew about, or had direct involvement in, the hacking of mobile phones during his editorship of the News of the World.

The Guardian understands that a second arrest is also to be made in the next few days of a former senior journalist at the paper.

Leaks from News International forced police to speed up their plans to arrest the two key suspects in the explosive phone-hacking scandal.

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INVESTOR IN PEOPLE



The Guardian knows the identity of the second suspect but is withholding the name to avoid prejudicing the police investigation."

This article was posted a short time after we were contacted by you requesting that our client attend Lewisham police station the following morning. We did not provide this information to the Guardian.

Stephen Wright of the Daily Mail reported on 8 July 2011 that:

"Former News of the World editor and Downing Street spin chief Andy Coulson is today expected to be arrested over allegations he knew about phone hacking and bribing police officers.

He is due to attend a police station 'by appointment' to be questioned about suspicions he directed or allowed staff to intercept mobile phone voicemails.

Sources say that unless there is a last-minute change of plan, he is also likely to be questioned over claims he authorised the payment by journalists of tens of thousands of pounds to corrupt police officers."

Again, we did not provide this information to the press.

Other leaks to the press have concerned issues such as the content of emails disclosed by News International to the police and the questions put to our client in interview.

These reports are highly prejudicial and damaging to our client who is cooperating with your enquiries and has not been charged with any offence. It is clearly not in our client's best interests to have these matters aired in public and we are confident that none of these leaks have come from our side.

Notwithstanding today's statement we still have legitimate concerns that someone within the Metropolitan Police Service may be providing information to the press "off the record". The nature of the leaks is such as to suggest that they originated with the police. However, we trust that you are alert to this possibility and that you will investigate this matter internally for any breaches of police discipline within your team, or those you brief outside of your immediate team. When we spoke on 7 July you tacitly acknowledged that leaks may be emanating from elsewhere within the Metropolitan Police Service. Accordingly, we would also ask that the content of this letter is brought to the attention of any other relevant party or department within the Metropolitan Police Service.

It is our view that these leaks have already compromised the integrity of the investigation into these serious criminal matters. Indeed, the public statement acknowledged the significant impact of these leaks. It seems to us that if any charges were to be brought against our client in respect of these matters that have been and continue to be extensively aired in the media, he will be unable to receive a fair trial.

We expect you to take proactive measures to ensure that information about our client is kept secure and that no improper briefings are provided to those who have no right to the information.

We are copying this letter to the Attorney General and the Home Secretary. In the light of the overwhelming quantity of media reporting on the investigation into our client, in a way that creates an obvious and substantial risk that the course of justice in any future proceedings will be seriously impeded or prejudiced, it is clearly impracticable for him or us to exercise any rights we may have to restrain this reporting. We regard this level of reporting as being uniquely within the power of the



law enforcement authorities to control and prevent and we consider that the Attorney General should take steps, following any appropriate police enquiry, to issue proceedings for contempt and to give guidance to restrict the content of future reports to that which may be legitimately reported.

Yours sincerely

[Redacted signature box]

JO RICKARDS
Partner
DLA PIPER UK LLP

jo.rickards@ [Redacted email address]

c.c. Mr Dominic Grieve, Attorney General
Ms Theresa May, Home Secretary

12/07/2011 Phone call with Jane Furniss (IPCC)

The main points were as follows:

- Jane Furniss (JF) updated the HS that 3-4 weeks previously DAC Sue Akers saw the IPCC about evidence that News International may have approved payments to individual officers. At that stage, they did not have the names of the officers and did not know for sure. She explained that Deborah Glass agreed with the Deputy Commissioner and Commissioner that they would keep in touch on the matter. She explained that the Met had since become more convinced of the identities of some of the officers and therefore made a formal referral to the IPCC.
- JF also outlined that the IPCC does not have powers over civilian witnesses. She also outlined that different modes of investigation that the IPCC have for investigating complaints (e.g. supervised, managed and independent investigations).
- The HS made clear that it was of paramount importance that the public could have confidence in the processes being followed.
- JF also noted that the IPCC had never previously had a case about payments being made to police officers, but they could provide the Home Secretary with a report on police corruption which covered a summary of corruption cases that they had dealt with to date.

12/07/2011 Phone call with SPS (Commissioner)

SPS explained that he would be giving evidence to HASC and that given the media coverage over the weekend he expected to be asked about John Yates and the original investigation into phone hacking. He commented that he planned to make clear that John Yates has his full support. The HS said she understood this. The Home Secretary also asked SPS about the referral to the IPCC and whether this was going to be a supervised or a managed investigation.

FOR OFFER

This afternoon, the Commissioner of the MPS, Sir Paul Stephenson said:

There has been much speculation surrounding phone hacking, including that I was going to make a statement tomorrow. As I made clear to the Chairman of the Home Affairs Select Committee, it was not my intention to do so, but following today's events, as Commissioner I think that it is only right that I make this statement. However, it is important that I do not say anything now that could compromise the current investigation or prejudge the Judicial Review or Public Inquiry that will follow.

Today for the first time former DAC Peter Clarke put into the public domain his rationale and the reasons that the terms of the original inquiry were drawn relatively tightly. I hope this helps to inform the public debate and the reasons that the original inquiry operated as it did.

We saw yet again John Yates called to give evidence to the Home Affairs Select Committee. John has taken on some of the Met's most difficult roles and has an excellent record in some very challenging areas. He never shies away from those difficult cases and in this particular matter, we need to give him credit for his courage and humility in acknowledging that if he knew then what he knows now, he would have taken different decisions. He currently undertakes one of the most difficult jobs in UK policing, and is doing an outstanding job leading our fight against terrorism. He has my full support and confidence, and that of our partners.

As DAC Sue Akers said today we will continue to pursue our investigations against alleged corrupt journalist and corrupt police officers with determination and support the victims in doing so. No one who saw Sue's evidence today can be any doubt of this.

sent to HS Private Office AA
12/07/11

Briefing Pack on PHONE HACKING

Top Lines

Pg 2 - 6

Q and A

Pg 7 - 14

Top lines

On the Police Inquiry

- Cannot say more than what the Prime Minister has already said at this stage, namely:
 - First that there will be two inquiries in relation to this matter, one on the police investigations and the activities of the News of the World newspaper and a second into the media's behaviours and ethics;
 - Second that the inquiry into police investigations and the activities of the News of the World newspaper will get to the bottom of the specific revelations and allegations about both:
 - (i) the police investigations of phone hacking by the News of the World newspaper; including why **the police investigation that started in 2006 failed so abysmally; what was going on in the News of the World; and what was going on in other newspapers;** and
 - (ii) allegations that police officers received payments by the media.
 - Third that this inquiry will be a full public inquiry led by a judge with powers to call and question witnesses under oath;
 - Fourth that the bulk of the work of this inquiry can only happen after the police investigation has finished;
 - And fifth, **in view of the anger and concern felt across the political parties in both Houses of Parliament, as well as in the country generally,** the Government will consult now with Select Committees and others on the terms of reference, remit and powers of this inquiry.
- But can reassure you that urgent work is underway, including at the highest levels in Whitehall, to appoint the judge, and firm up and consult on the details of the terms of reference and the nature, powers and remit of this inquiry as quickly as it is possible.
- The Judge also has to be involved in finalisation of the terms of Reference under the Enquiries Act 2005
- Government plans to make a formal announcement shortly

On the press inquiry

- Government is determined to get to the bottom of all that journalists and their agents were up to in hacking into phone messages, and what the police knew, when, and what they did about it, and how we might learn the lessons for the future.
- The second inquiry will therefore look at the wider lessons for the future of the press, and we intend that work can start at the earliest opportunity, ideally this summer.
- By dealing decisively with the abuses of power we have seen in the press, we intend to strengthen and not diminish press freedom

On the current Police investigation

- The ongoing police investigations led by Deputy Assistant Commissioner Sue Akers are making good progress and are thorough and well resourced.
- There have been eight arrests, including three very recently. We must let those investigations, which may lead to criminal charges, run their course.
- That has implications for the timing of the judicial inquiry, but we will want to consider what might be done in the meantime which would not prejudice the investigation **and any criminal proceedings.**

On allegations of payments to the police (including to a member of Protective Services assigned to Royal household)

- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.

On regulating the Press

- Government strongly believes that a press free from state intervention is fundamental to our democracy.
- However, the press must of course abide by the same laws as everyone else, including those on data protection and phone hacking.

- Most newspapers continue to sign up to a Code of Practice which imposes further restrictions on them.
- The Code of Practice is enforced by the Press Complaints Commission, which is totally independent of Government. Government cannot interfere in its decisions.
- We appreciate the independence of the PCC but that does not mean that we cannot review the whole regulatory landscape through this inquiry.
- The PCC has recently announced that it has set up a working group to look at new evidence on phone hacking as it becomes known, and also to examine the PCC's own actions as this matter has unfolded.

On victims

The Government is committed to improving support for victims of crime, including families bereaved by murder and manslaughter. We recognise that families bereaved by homicide require the most intensive support of all.

- The Government is spending £2.25 million in 2011/12 to support individuals bereaved by murder and manslaughter. £2m will be provided to Victim Support to maintain and develop the National Homicide Service, including £600k to commission specialist services. In addition, £250k has been allocated through the Homicide Fund to smaller organisations delivering specialist support for those bereaved by murder and manslaughter, beyond those provided by the Homicide Service.
- The National Homicide Service provides tailored and intensive one-to-one support to bereaved families for as long as they need it. The allocation of a professional caseworker to each murder or manslaughter case ensures comprehensive, effective and consistent support to the bereaved family, including through commissioning a range of specialist services. The Service supported 1,130 bereaved people in its first year of operation
- The Dowler family and other families bereaved by homicide which predates the introduction of the National Homicide Service are still able to access support from Victim Support.
- Victim Support takes self-referrals into their mainstream service from relatives bereaved prior to April 2010. A trained volunteer will be allocated and, following an assessment, bereaved individuals can be referred to specialist organisations funded by the Ministry of Justice to support pre-2010 cases.
- The Ministry of Justice will shortly announce a review of all victim support arrangements, so that in future we will be able to provide victims and witnesses with the most effective support. We will prioritise victims of

serious crime, including those bereaved by murder and manslaughter; the most vulnerable; and the most persistently targeted.

- On 6 July the Victims' Commissioner published a report on support and services for the families bereaved by murder and manslaughter. We will carefully consider her recommendations on how the CJS and support providers can improve care for this particularly vulnerable group.
- We will shortly begin work with Victims' Commissioner, CJS agencies and victims' organisations to review the Victims' Code and the Witness Charter. These provide for the levels of service victims and witnesses can expect from the Criminal Justice System and we are determined to improve them so that they focus support on those in greatest need.
- The Ministry of Justice shortly intends to put forward proposals for consultation on how victim and support services are delivered and funded. This will ensure that resources and support are targeted towards the most vulnerable and those who have suffered the greatest impact from crime.
- The Government is also working with support providers to develop an outcomes-based framework for ensuring that the services government funds result in real improvements and benefits for victims, rather than measuring the volume of work undertaken.

On the law relating to phone hacking

- The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to two years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to five years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

On BSkyB merger

- The Culture Secretary is taking a quasi-judicial decision based on media plurality. He has decided to refer the matter to the Competition Commission and will take a final decision once the Commission has reported back to him.
- A Competition Commission review can take between 24 and 32 weeks, depending on the complexity of the case.
- The “fit and proper” statutory test is a matter for Ofcom who are taking their duties in this area seriously and are already in touch with the relevant authorities. Government has no role in their decisions and has not sought to influence them one way or another.
- The Culture Secretary has at all times sought and followed advice from OFT and Ofcom, the independent and expert regulators. He has been as transparent as possible, publishing much more than required to do by the legislation.

Q and A

Police investigation

Do you have confidence in John Yates

- Yes

Isn't the current Police investigation taking too long/ is a shambles?

- No.
- The Metropolitan Police have promised a robust investigation. And the DPP has said on 24 January that his Principal Legal Adviser, Alison Levitt QC, would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS
- So far eight individuals, three recently, have been arrested in the current investigation; the previous investigation yielded two successful prosecutions
- The Met's approach to contacting victims of phone hacking and where relevant their solicitors as quickly as possible, is also very welcome.
- The Met are conducting a thorough and well resourced investigation – currently with 45 police officers and staff involved
- Commentators generally agree that the current investigations are proceeding well and are well run. For example, Brian Paddick, who along with Chris Bryant MP is understood to have brought a judicial review seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy, has said: **"I have full confidence in the current police investigation – the person in charge is doing a very thorough job on a painstaking task."**

What has been the role of the Home Office in the new investigation?

- The investigation is an operational matter for the police and the Home Office has not been involved in it nor sought to influence or direct it.

When will the police investigation be completed?

- That is a matter for the police and how the investigation develops. We have already seen some arrests but the investigation must go where the various leads take it.

- The Met have already announced some early developments and contacted individuals in relation to information relating to them.
- In parallel, Alison Levitt QC has been appointed by the Director of Public Prosecutions to assess existing evidence held by the Metropolitan Police and to evaluate any new evidence and to advise on the scope for prosecutions.

The Met have too close a relationship with the media to lead the current investigation; it should be led by another force?

- No. We think the MPS has both the experience and expertise to lead a large national criminal investigation like this.
- Their investigations have already led to two successful prosecutions previously and eight arrests so far in the current investigation.
- In this day and age of extensive media coverage of all issues, it is crucial that the police have a constructive relationship with the media - who can be helpful for example in reporting serious offences and helping to generate witnesses.
- Regular engagement is therefore normal and all police forces have well established links with local and national media outlets where relevant. These operate in accordance with well established national guidelines on the extent of information that can or should be released.

Don't recent developments show the police got it wrong in taking a narrow approach to the previous investigation?

- The Prime Minister has announced that there will be an inquiry which will look at, amongst other things, why the first police investigation failed so abysmally. John Yates has also recently commented that he regretted his decision not to re-open the investigations into the allegations against News of the World in 2009
- It will be for the independent judge-led inquiry to reach the bottom of why this happened

Doesn't the law relating to phone hacking need changing

- We remain satisfied that the law itself does not need changing. The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.

- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
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- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Victims

Are we going to create a victims' law?

- The statutory Code of Practice for Victims of Crime sets out the services victims can expect from the criminal justice system, including the right to information and support. In particular, victims are entitled to know if the suspect is being released on police bail before conviction, or if the offender is being released on license after conviction.
- But we recognise the Code needs to be reviewed. We plan to work with the Commissioner for Victims and Witnesses to revise both this and the Witness Charter so that they provide a clearer and simpler set of services and entitlements which genuinely help victims and witnesses navigate the criminal justice system.

The average cost of homicide to each family is £37,000. How are you helping?

- The government recognises the emotional and financial costs to families bereaved by homicide, which is why we are working with Victim Support to develop the national Homicide Service to help victims of these violent crimes.
- We have invested £2million in the Homicide Service and a further £250,000 in other specialist, voluntary organisations this year which will go towards providing bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements. This funding will also help with the costs of

attending trials, access to legal advice, trauma counselling, support for murders abroad and respite care.

What do we plan to do to make it easier for the bereaved? The current system, "can leave families trembling in its wake".

- The government recognises the trauma suffered by families bereaved by murder and manslaughter. This is why we are developing the Homicide Service in which we have invested £2million this year, as well as a further £250,000 for specialist, voluntary organisations to provide bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements.
- In response to the Victims Commissioners report we will be providing an additional £500,000 this year to increase the number of professional caseworkers in the Homicide Service, to support other organisations providing valuable help to bereaved families and to provide better training for those working with people bereaved by homicide.
- We will shortly announce our review of all victim support arrangements - this will include consideration of victims' services, entitlements and redress. As part of this review, we have been in constant dialogue with the Victims' Commissioner, victims and victim support organisations.

Families ought to be able to choose how and by whom the VPS is delivered.

- We plan to clarify the role of the Victim Personal Statement in informing sentencing and work with criminal justice agencies to ensure that all victims who wish to make one are given the opportunity.
- We are also looking at ways these can be used more widely throughout the criminal justice system, not just to inform a court of the impact a crime has had on a victim's life, but to ensure every victim gets the support they need, when they need it.

Bereaved families should be provided with written copies of the judge's sentencing remarks at the sentencing hearing so that they have access to accurate information and are not reliant on other parts of the criminal justice system to inform them.

- We have already brought forward proposals in the Legal Aid, Sentencing and Punishment of Offenders Bill to clarify the duties courts have to explain the sentence, and to ensure they provide the information that victims and the public need most.

- Subject to judicial approval, a copy of the sentencing remarks will be made available free of charge.

Bereaved families should be informed by the court that they are entitled to request transcripts of the trial and a request for a transcript should be looked on favourably by the judge.

- The provision of trial transcripts will be considered further. Any future provisions would need to be explored on a case-by-case basis in conjunction with the trial judge and an extract, rather than the whole transcript of the trial, may be the most appropriate requirement for the bereaved family.
- There also needs to be consideration given to how the transcript of evidence will be heard by the bereaved family so appropriate support is available at that time. Any transcripts supplied would need to be supplied on a proportionate and affordable basis.

Why did the judge allow the very hostile line of questioning adopted by Levi Bellfield's defence team?

- Whether to allow a line of questioning is a matter for the judge, who will be mindful of the need to ensure a fair trial. Whether to restrict reporting of any elements of a trial, or whether to hear any evidence in private is also a matter for the judge.

Why does a defendant not have to be present in the court when a sentence is handed down?

- Defendants are not obliged to be present in court for sentencing. Physically forcing an unwilling defendant to be present in court risks causing disruption to the hearing.

Press regulation

What restrictions currently apply on press practices?

- The Law - The press must abide by the law just as we all do. Of particular note are laws on defamation, data protection and phone hacking.
- The Code of Practice - Additionally, the press sign up to a Code of Practice. This is a self-regulatory Code drawn up by the Committee of Editors. It does not intend to duplicate the law, but is complementary to it. For instance, it includes specific provisions on privacy which are not found in the law. Adherence to the Code is then overseen by the Press Complaints Commission (PCC). The PCC is made up of a mixture of press

and lay members, but lay members form a two thirds majority, and the Chairman is always someone with no connection with the press.

- The Editor's Codebook - The editor's Codebook is a handbook which provides a body of 'case law' on previous adjudications made by the PCC, and offers additional guidance to help editors ensure that they are working within the terms of the Code.

What rules or guidance applies to the press in these circumstances?

- Extensive guidance is set out in the Editors' Codebook, a publication that is a companion volume to the Editor's Code of Practice. And of course, like the rest of us, the press must abide by the law.

What happens if the press breach these rules – what sanctions are there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Surely these revelations show once and for all that the press can't be trusted to regulate themselves – creating an independent statutory regulator is the only answer? Aren't statutory controls now needed to regulate the press -

- The Press Complaints Commission is independent from the newspaper industry, with Commission members appointed by an independent Appointments Commission, and an in-built majority of lay members.
- The Government recognises, that the newspaper industry's system of self regulation is not perfect but the principle of a free but responsible press is, however, paramount. Introducing any type of statutory coverage in this area would destroy this principle.
- But as the Prime Minister has announced, the second inquiry will look into the wider press practices and behaviours and the ethics of the press, which may clearly lead to new conclusions being drawn about how they are regulated.
- None of this changes the fact that the press, like anyone else, must comply with the law.

BSKYB Merger

Merger should not go ahead because News Corp/BskyB are not fit and proper persons to hold a broadcasting licence?

- This is a matter for Ofcom who have a statutory duty to ensure people who hold broadcasting licences are, and continue to be, fit and proper persons.
- They have announced that they are monitoring the situation closely and contacting the relevant authorities.
- The Government has no role in this process.

Does the Culture Secretary still believe that “NOTW have offered serious undertakings and discussed them in good faith”?

- News Corporation has now withdrawn their undertakings so the question no longer arises. The Culture Secretary will take into carefully consider the Competition Commission’s report when he receives it before he reaches his final decision.

Competition Commission should also look at the merger in terms of the need for a genuine commitment to the broadcasting standards objectives, as set out in the Communications Act 2003?

- The intervention, and ultimately the Secretary of State’s decision, has been made on the basis of plurality concerns. Once an intervention notice has been made on one basis, the legislation does not permit a second intervention on another basis.
- [Section 67(5) of the Enterprise Act 2002 provides that no more than one European Intervention Notice may be given to the same relevant merger situation.]

Why was the merger not originally referred on the basis that there were concerns about a “genuine commitment to the broadcasting standards”, as allowed for under the legislation?

- The intervention has been made on the basis of media plurality concerns. The merger involved two established media enterprises and there were no ground at that time for doubting their genuine commitment to relevant broadcasting standards. Once an intervention notice has been made on one basis, the legislation does not permit a second intervention on another basis.

What happens now?

The merger will be referred to the Competition Commission to consider its impact on plurality. The Secretary of State will consider the Competition Commission's report before reaching a final decision on the merger.

BACKGROUND INFORMATION

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| 1. Timeline for the MPS's phone hacking investigations (including expected events this week) | Pg 2 - 5 |
| 2. Timeline for advice to MPS advice on use of RIPA | Pg 6 - 10 |
| 3. HASC Press statement 11th July 2011 on John Yates appearance before the Committee, including RECENT correspondence from AC Yates to the Committee | Pg 11 - 13 |
| 4. Key MPS and DPP statements from the time of the review of the original MPS investigation | Pg 14 - 25 |
| 5. Current IPCC investigation | Pg 26 - 27 |
| 6. Current legislation | Pg 28 - 30 |
| 7. On Press regulation etc. | Pg 31 |
| 8. Transcript of PM's statement to the press on 8th July | Pg 32 - 38 |

Timeline for the MPS phone hacking investigations

In short, Assistant Commissioner John Yates on 9 July 2009 started a review of the original MPS investigation from 2005 by AC Andy Hayman which originally related to the possible hacking of the voice messages of members of the Royal family and was therefore apparently seen solely in terms of royal security. John Yates subsequently concluded that there was no new evidence that would justify the re-opening of the investigations. Sue Akers' investigation Operation Weeting was set up earlier this year when new information from the News of the World came to light of wider phone hacking (triggered by disclosure requirements under civil actions at the time).

i. Original investigation

In December 2005 members of the Royal Household at Clarence House reported security concerns to Royalty Protection Department of the MPS. The ensuing Metropolitan Police investigation focused on alleged security breaches within telephone networks over a significant period of time. The investigation initially focused on complaints from three people within the Royal Household.

This eventually led to the prosecution and jailing of the News of the World Royal Editor, Clive Goodman, in 2007 for hacking into the mobile phones of staff in the Royal Household. A private investigator, Glenn Mulcaire, was also jailed for tapping the phone of Gordon Taylor, Chief Executive of the Professional Footballers' Association. At the time News International said Mr Goodman had been acting without their knowledge.

ii. Ongoing interest 2009

Gordon Taylor subsequently sued the owners of the News of the World on the basis that its senior executives must have been aware of the unlawful activity. It was reported that an out-of-court settlement was reached. The Guardian newspaper ran a story on in July 2009 alleging that News International had paid out £1m to keep secret its illegal methods of obtaining material for stories. It also claimed information from the case was then suppressed by the police and the High Court.

Commenting on the original police investigation, Assistant Commissioner John Yates, said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed that they used the tactic against a smaller number of individuals, and that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

The Director of Public Prosecutions undertook that the CPS would urgently examine the material supplied to the CPS by the police three-years previously. A short statement was also made in the House by then Minister David Hanson.

iii. Ongoing interest 2010

In February 2010 the Select Committee for Culture Media and Sport published a report on press reporting which included examination of the phone hacking episode. They were highly critical of both the News of the World and the police and stated they did not find it credible that such activity was limited to one rogue reporter.

In September 2010 the Guardian reported stories in the New York Times which purported to have new eye witness evidence (from former journalist Sean Hoare) as to widespread hacking practices and also alleged that the original police investigation in 2006 had been flawed, influenced by association with the paper and had withheld evidence from the CPS.

On 6 September the Home Secretary answered an urgent question in the House from Tom Watson explaining that any further action was an operational matter for the police. At the Home Affairs Select Committee (HASC) the following day AC John Yates confirmed that the MPS would be talking to Sean Hoare (since this appeared to amount to new information not previously available to the police) and would expect to speak to Andrew Coulson at some stage in the future. The HASC announced it would conduct its own investigation with an emphasis on the operation of the Regulation of Investigatory Powers Act (RIPA) 2000.

On 8 September Chris Bryant MP secured a debate on whether to refer the matter to the Parliamentary Committee on Standards and Privileges, which was agreed by the House (with Government backing).

Chris Bryant also lodged a judicial review application (13 September), together with Brian Paddick (formerly of the MPS) and Brendan Montague (writer and journalist), seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy. A number of other individuals have since also commenced legal proceedings.

On 12 November the MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York times information. On 10 December the Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following:

"I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."

iv. Current developments 2011

In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police. Alison Levitt QC (who has no previous involvement in the case) has been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.

On **21 January** Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.

On **26 January**, the Metropolitan Police announced that in the light of fresh information supplied by the News of the World Newspaper (and following suspension of another editor), likely triggered by disclosure requirements for civil actions at the time, they would be conducting a new investigation into phone hacking allegations at the newspaper.

This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of Deputy Assistant Commissioner Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team. To date 8 people have been arrested as part of the new police investigation.

June and early July 2011 – fresh allegations appear in newspapers (primarily Guardian) of NOTW hacking into the phone of the missing schoolgirl Milly Dowler, of the phones of the families of the Soham murder victims, of some of the families of 7/7 victims and of soldiers killed in Iraq, as well the alleged authorisation by Andy Coulson of payments to the Police and allegations that MPS officers received payments from journalists. This sparks the current, significant and ongoing media and parliamentary interest in the issue.

20th June MPS alerted to possible receipt of payments by MPS police officers from journalists;

22nd June MPS holds meeting with IPCC and they agree to keep in liaison on this issue

On **7 July** there was an SO24 emergency debate on phone hacking in the Commons; IPCC receive formal referral from MPS to investigate possibility that MPS officers received payments from journalists and IPCC decide to

conduct a supervised investigation under Deputy Commissioner Deborah Glass and to review the matter if an individual is identified.

On **8 July** the PM held a press conference clarifying that there would be 2 inquiries and gave a few more details on what he expected those inquiries to cover.

On **10 July** an interview with John Yates is reported in the Sunday Telegraph as saying that his decision not to reopen an investigation into News International in 2009 had been 'a pretty crap one'; which he now regretted. He refers to Scotland Yard's reputation being 'very damaged' by its failures and accuses News International executives of failing to cooperate with the original 2005 enquiry. He describes mistakes as 'cock-up, not conspiracy'.

On **11th July** the DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on BSkyB merger

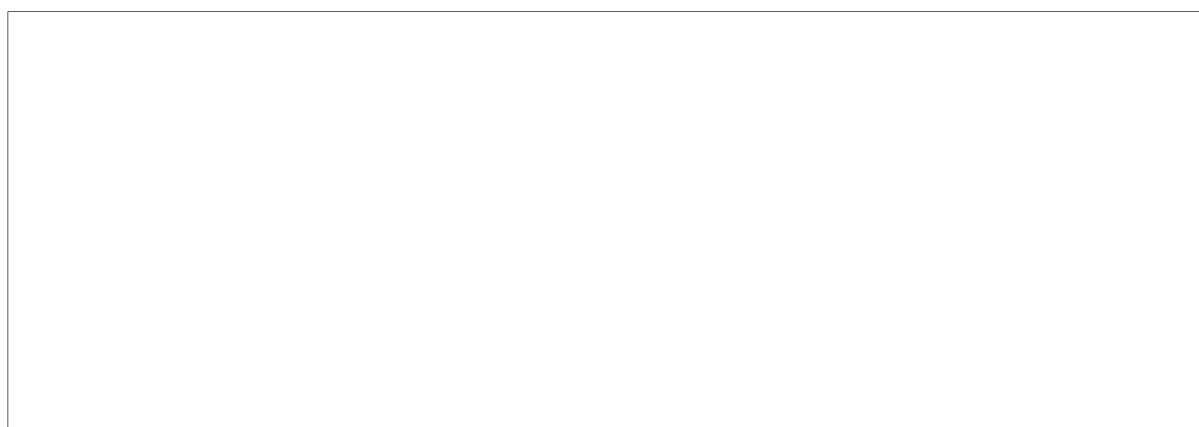
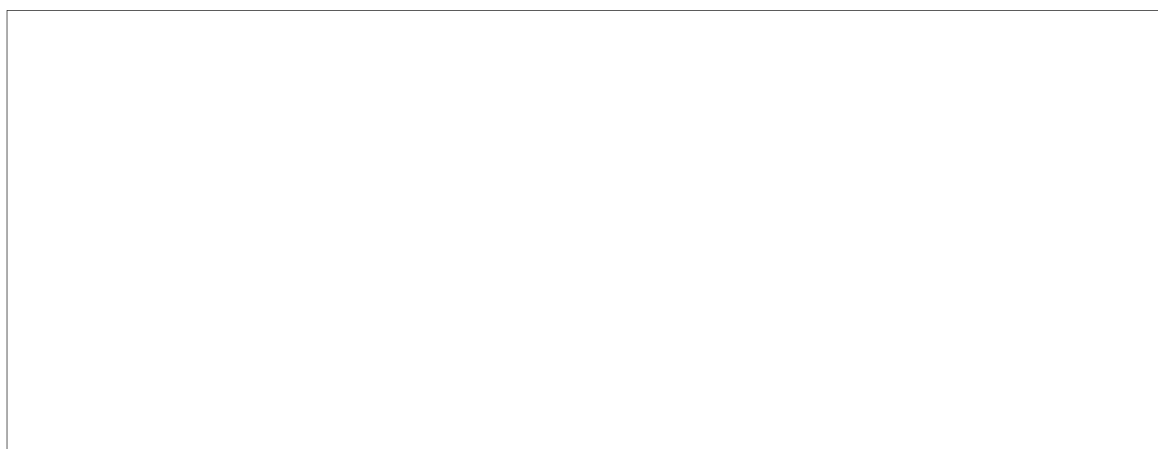
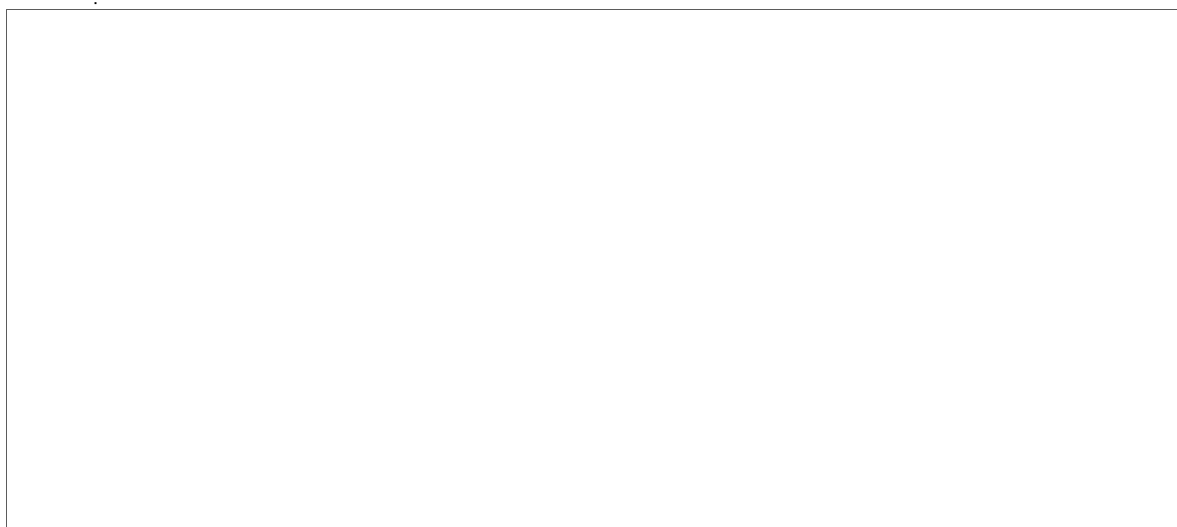
On **12th July** HASC takes evidence from senior MPS police officers involved in the investigations and review – Lord Blair, Andy Hayman, John Yates, Peter Clark and Sue Akers. Includes revelation that both Lord Blair's and John Yates' phones are likely to have been hacked, but unknown by whom.

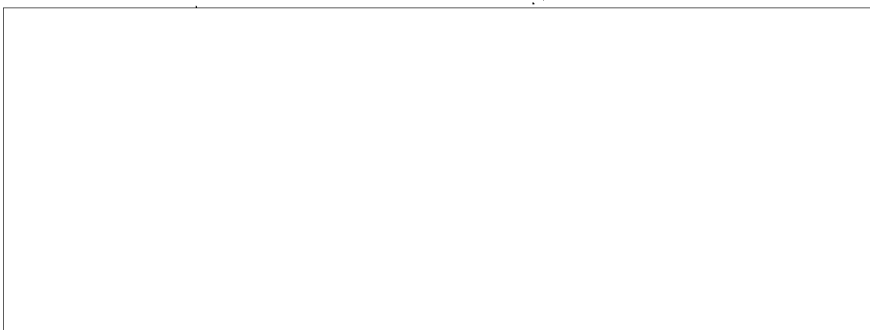
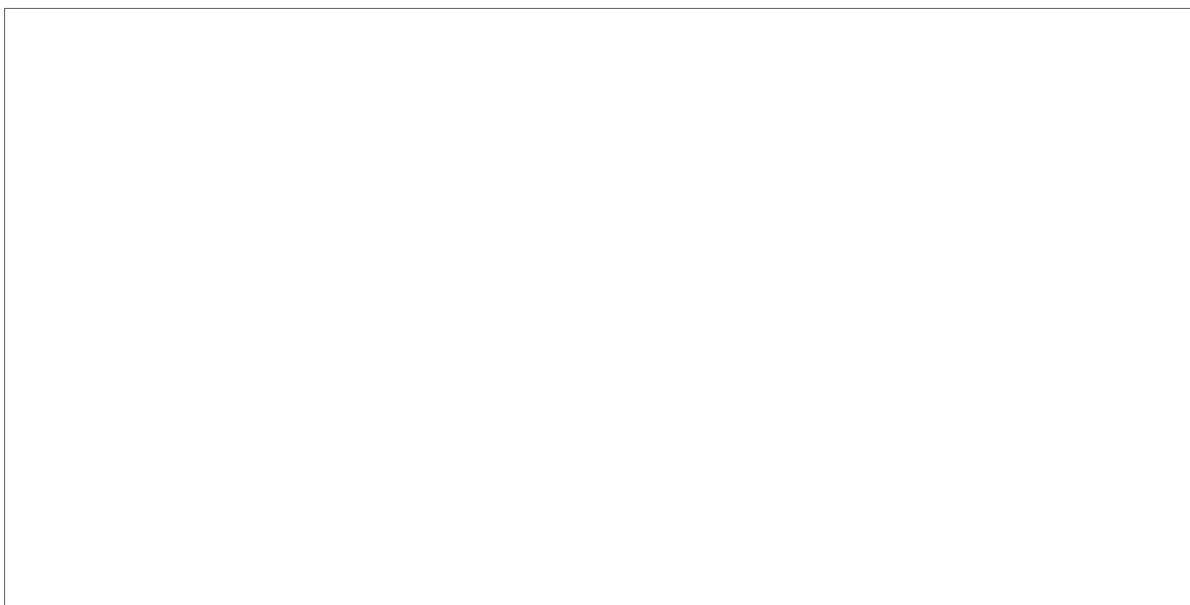
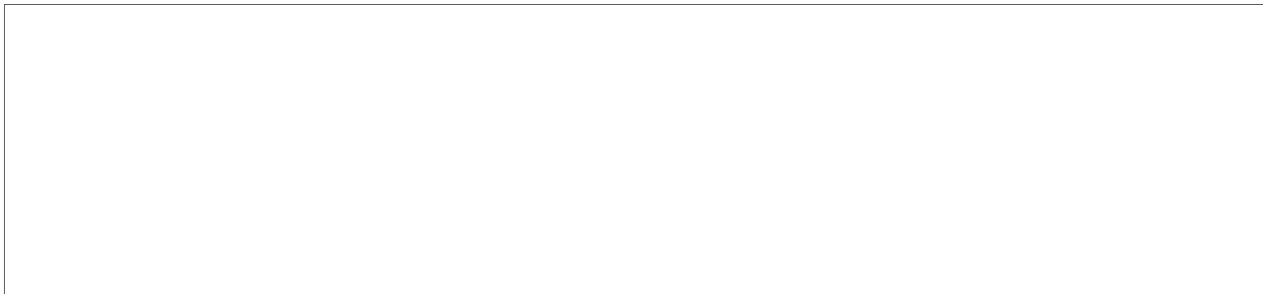
This week (NOT FOR DISCLOSURE)

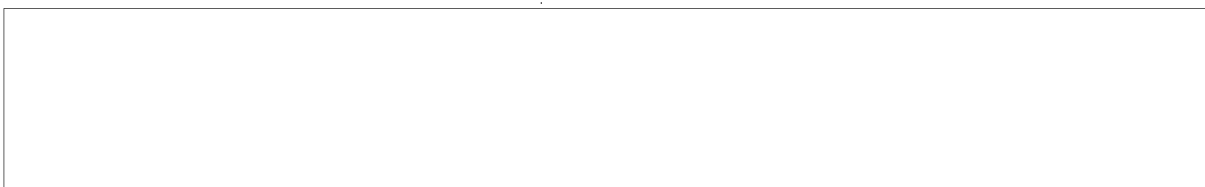
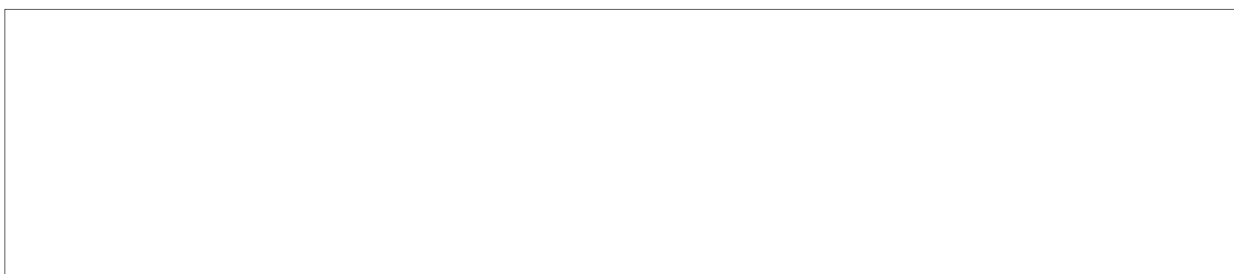
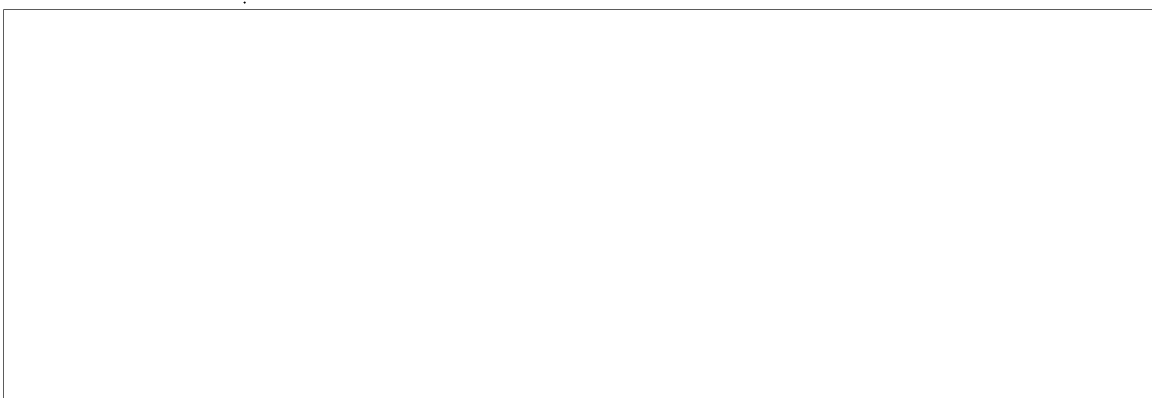
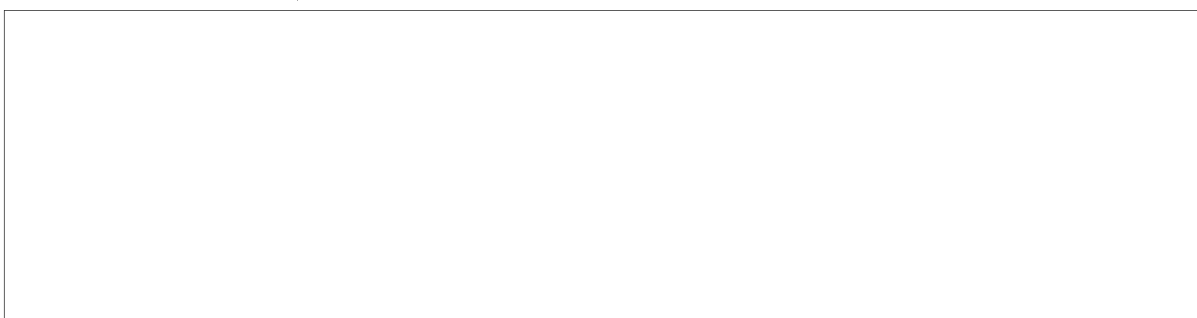
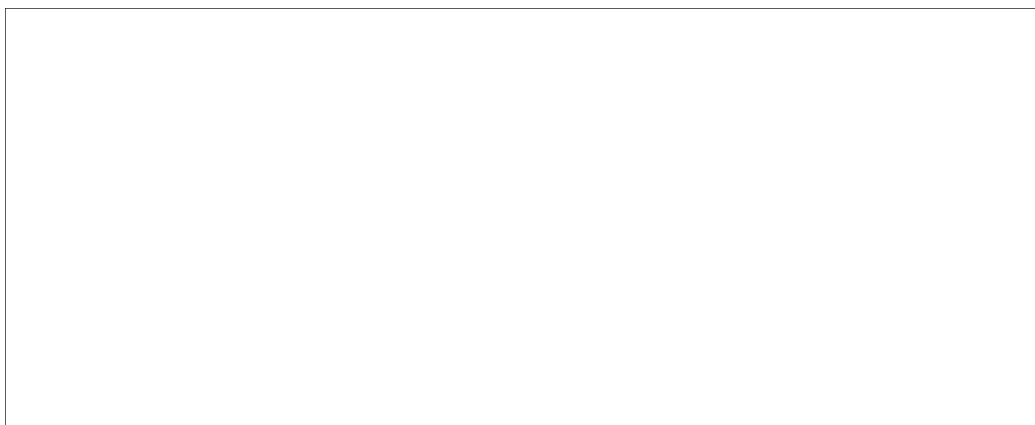
We expect there will be a formal announcement of the Judge to lead the policing enquiry this week

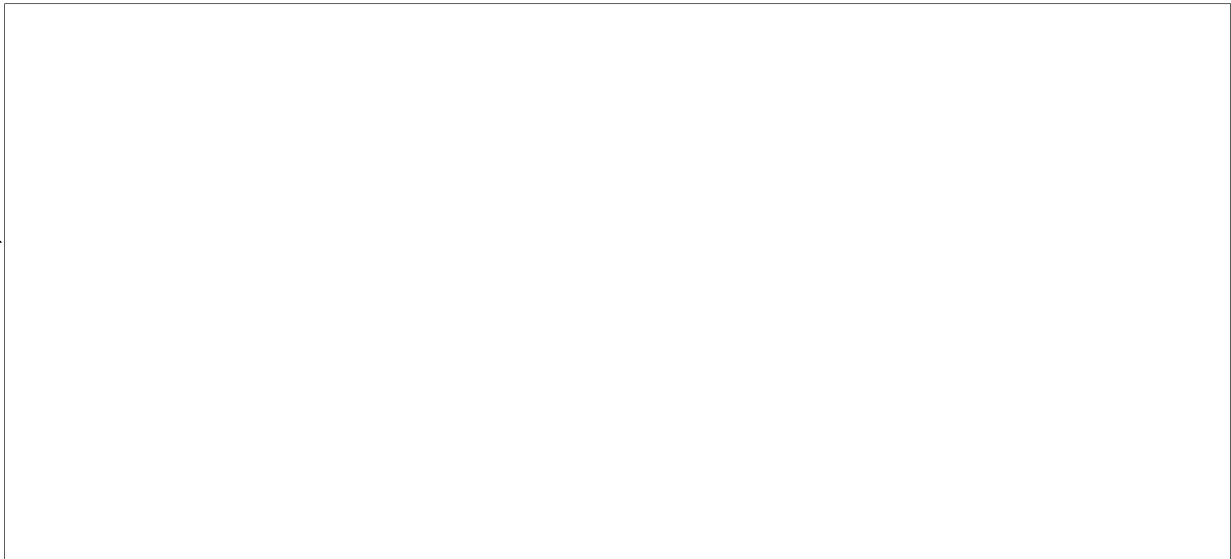
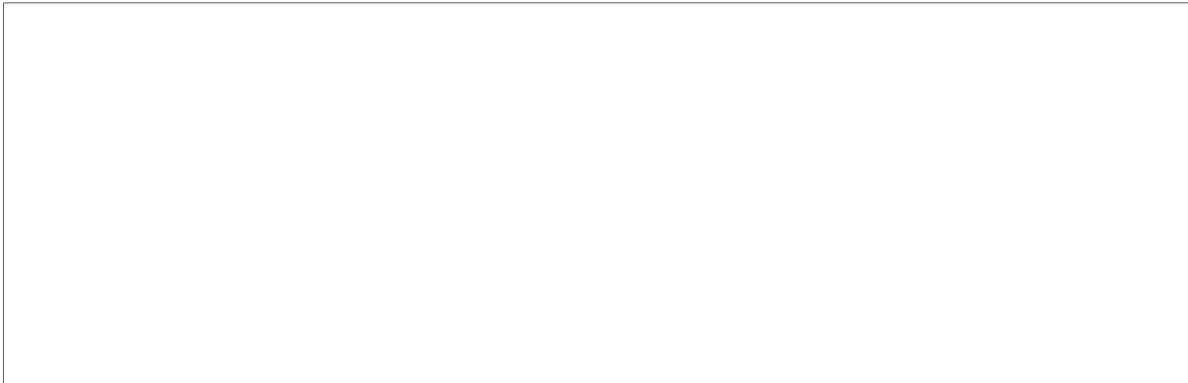
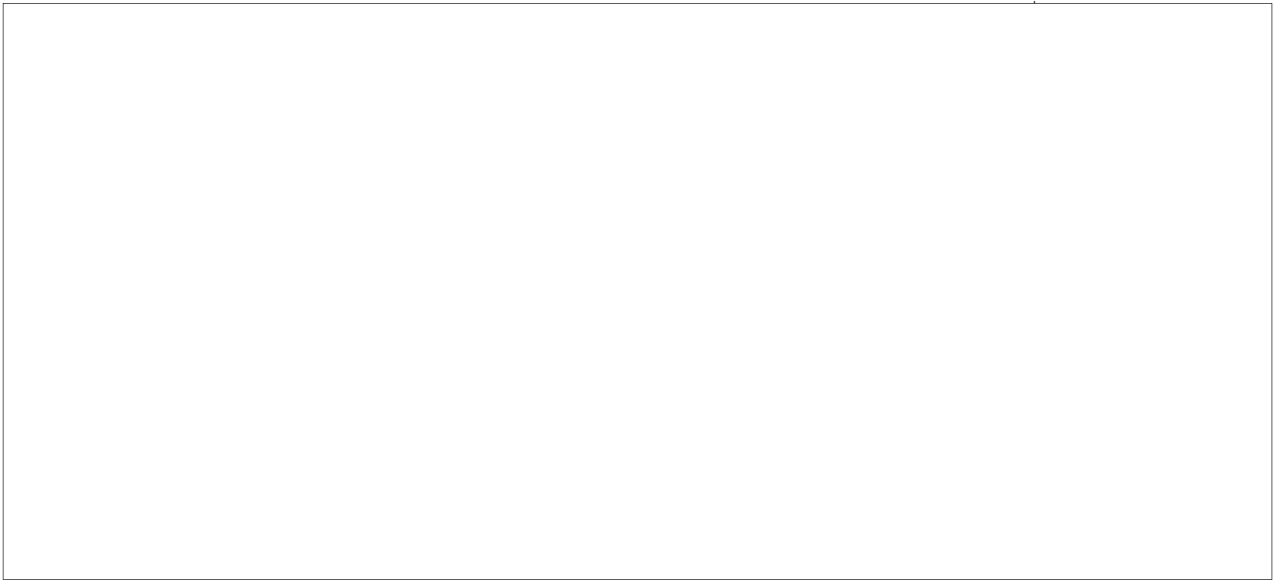
13th July - The PM is likely to meet with the Dowlers and Hugh Grant; as well as the Select Committees and Opposition; Opposition Day debate (subject to be announced) which we currently understand will be led by the PM

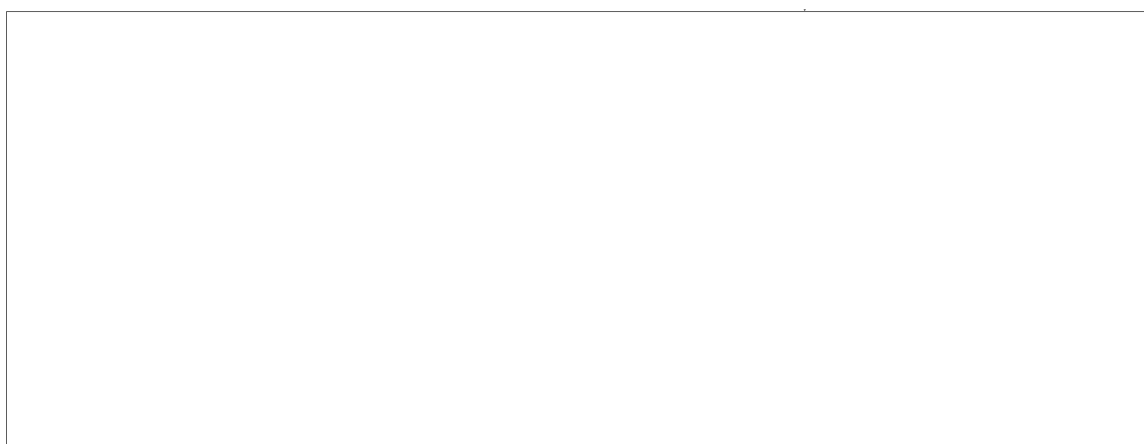
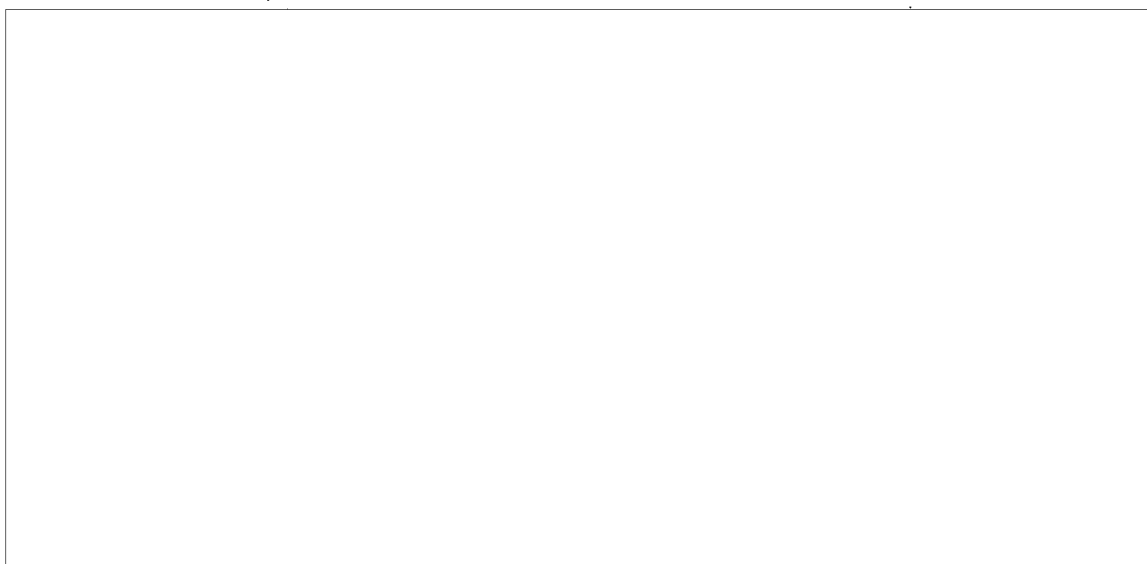
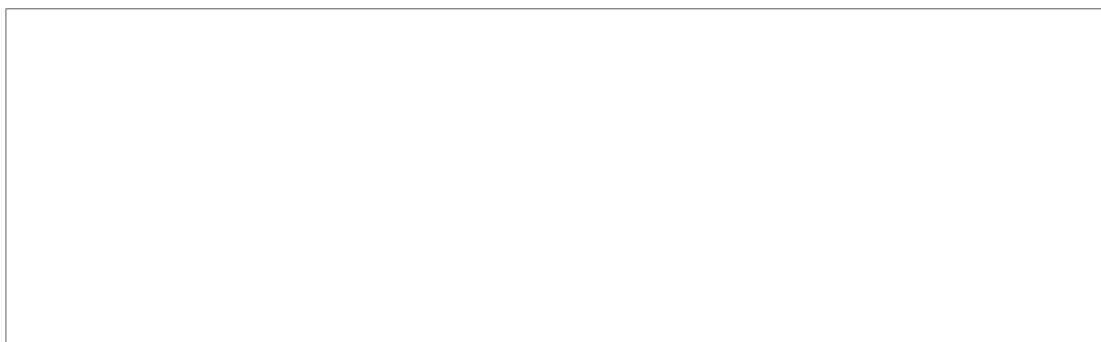
14th July - We also understand that the MPA have also called Sir Paul Stephenson to a meeting. The MPS are considering who it is most appropriate to send











Home Affairs Committee seek further evidence from Yates

The Chairman of the Home Affairs Committee Rt. Hon Keith Vaz MP has received a reply from Assistant Commissioner John Yates QPM concerning his review of the 2006 police investigation into phone hacking and allegations over the Milly Dowler case.

The Committee is due to receive evidence on the previous and current phone hacking inquiries from John Yates QPM, Assistant Commissioner at the Metropolitan Police, Andy Hayman CBE QPM, Assistant Commissioner for Specialist Operations at the Metropolitan Police at the time of the first investigation, Peter Clarke, former Assistant Commissioner Specialist Operations at the Metropolitan Police and Deputy Assistant Commissioner Sue Akers QPM who is leading Operation Weeting on Tuesday 12th July.

Ends

For further information please contact Alex Paterson on

(1) Letter from John Yates QPM Assistant Commissioner of the Metropolitan Police to Chairman:

Re: Phone Hacking Inquiry

I write in response to your letter dated 5th July 2011 and in which you refer to a 'review of the 2006 investigation...conducted last autumn' and any awareness or knowledge that I may have had of Milly Dowler being amongst those potentially affected.

As you know, I am not sighted on the progress of the new investigation. However, the recent revelations about Milly, her family and indeed anyone who has suffered a family tragedy potentially being affected are obviously a matter of huge concern and it is a source of great regret that these matters were not uncovered earlier. To answer your specific question though, the first time I became personally aware that Milly Dowler may have been affected was when the news emerged in the public domain this week.

You also refer in your letter to the question of a review and suggest that I have informed your Committee that I 'had thoroughly reviewed all the evidence from 2006'. This is not the case and I do not believe that I have ever given the impression to either your Committee or your fellow Committee - Culture, Media & Sport (CMSC) - that I had carried out such an exercise. For clarity, a review, in police parlance, involves considerable resources and can either be thematic in approach - such as a forensic review in an unsolved murder investigation - or involves a review of all relevant material. The specific question was raised by the CMSC at my appearance before them on 2nd September 2009 and I have enclosed the extract for your attention.

I appreciate that events have moved on considerably but it should not be forgotten that the catalyst for the new investigation (and the levels of

resources now applied) was solely the result of new evidence being produced by the News International in January of this year. From the beginning of my involvement in this matter in 2009, I have never conducted a 'review' of the original investigation and nor have I ever been asked to do so. If I may, I think it useful to set out the sequence of events that has taken place and the levels of assurance that were evident at that time which led to the judgement that a full-scale review was not necessary.

The facts are that following reporting in The Guardian in July 2009, as the then newly appointed Assistant Commissioner in charge of Specialist Operations, I was asked by the Commissioner to *'establish the facts around the case and to consider whether there (was) anything new arising in the Guardian article'*. This was specifically not a review.

At this time (July 2009), the case had remained closed for over 2 years since the sentencing of Mulcaire and Goodman in January 2007. Following detailed briefings from the Senior Investigating Officer it was apparent that there was no new material in the Guardian article that would justify either re-opening or reviewing the investigation.

A short while later, this view was endorsed independently by the Director of Public Prosecutions, Keir Starmer QC, who had simultaneously *'ordered an urgent examination of the material supplied to the CPS'*. The Crown Prosecution Service acknowledged that Prosecution Counsel had seen all the unused material during the original investigation in addition to the actual evidence utilised in the case itself. It is appreciated that such a review is always undertaken in relation to relevance in respect of the indictment. However, in a written memorandum, dated 14th July 2009, Counsel stated: (the underlined aspects are my emphasis)

... 'we did enquire of the police at a conference whether there was any evidence that the Editor of the News of the World was involved in the Goodman-Mulcaire offences. We were told that there was not (and we never saw such evidence). We also enquired whether there was any evidence connecting Mulcaire to other News of the World journalists. Again, we were told that there was not (and we never saw such evidence).'

In other words, in whatever guise - relevance to the indictment or otherwise - that Counsel considered the unused material, they stated then in unequivocal terms that they were neither told about nor did they see any matters that appeared to merit further investigation.

On 16th July 2009, in his own statement on the matter, the DPP stated *'it would not be appropriate to re-open the cases against Goodman and Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them'*. This led to the case remaining closed until January this year when new evidence was provided by News International which resulted in the launch of Operation Weeting.

Therefore, as can be seen, in relation to events that took place in 2009, I was provided with some considerable reassurance, (and at a number of levels); that led me to a view that this case neither needed to be re-opened or reviewed. For completeness, I have enclosed a copy of the press lines released by the Commissioner.

In terms of the work conducted '*last autumn*' referred to in your letter, there was some further reporting in the New York Times on 1st September 2010 which led to my tasking of a Senior Investigating Officer to ascertain if there was any new information that might require investigation. A number of interviews were conducted in the ensuing months and advice was again sought from the CPS. In their final written legal advice provided on 10th December 2010 however, the Head of the CPS Special Crime Division concluded that he did '*not consider that there is now any evidence that would reach the threshold for prosecution. In my opinion there is insufficient evidence to provide a realistic prospect of conviction against any person identified in the New York Times article*'. This, again, was not a review of the original case.

I hope you find this helpful. Due to the significant media and public interest in this matter, I am copying this letter to the Commissioner and to the Chair and Chief Executive of the Metropolitan Police Authority.

(2) ***The Home Affairs Select Committee session on Tuesday 12th July will take place in the Wilson Room, Portcullis House.***

(3) ***John Yates will appear before the Committee on Tuesday 12th July at 11:30 am.***

Peter Clarke will appear before the Committee on Tuesday 12th July at 12pm

Andy Hayman will appear before the Committee on Tuesday 12th July at 12:20 pm

Sue Akers will appear before the Committee on Tuesday 12th July at 12.40pm

Key MPS and DPP statements from the time of the review of the original MPS investigation

John Yates Statement 9 July 2009

I have been asked by the Commissioner today to establish the facts around our inquiry into the alleged unlawful tapping of mobile phones by Clive Goodman and Glen Mulcaire. I was not involved in the original case and clearly come at this with an independent mind.

Just by way of background. In December 2005, the MPS received complaints that mobile phones had been illegally tapped.

We identified that Goodman and Mulcaire were engaged in a sophisticated and wide ranging conspiracy to gather private and personal data, principally about high profile public figures. Clearly they benefited financially from these matters.

Our inquiries found that these two men had the ability to illegally intercept mobile phone voice mails. This is commonly known as phone tapping.

Their potential targets may have run into hundreds of people, but our inquiries showed that they only used the tactic against a far smaller number of individuals.

In January 2007, Goodman and Mulcaire were jailed for four and six months. They pleaded guilty to conspiring to unlawfully intercept communications.

Mulcaire also pleaded guilty to an additional five charges relating to similar matters.

Sentencing the two men, Mr Justice Gross at the Old Bailey said the case was "not about press freedom, it was about a grave, inexcusable and illegal invasion of privacy."

The police investigation was complex and was carried out in close liaison with the Crown Prosecution Service, Senior Counsel and the telephone companies concerned.

The technical challenges posed to the service providers to establish that there had in fact been interception were significant.

It is important to recognise that our enquiries showed that in the vast majority of cases there was insufficient evidence to show that tapping had actually been achieved.

Where there was clear evidence that people had potentially been the subject of tapping, they were all contacted by the police.

These people were made aware of the potential compromise to their phones and were offered preventative advice.

However, after extensive consultation with the CPS and Counsel, only a few were subsequently identified as witnesses in the proceedings that followed.

I said earlier in this statement that these two men were engaged in a sophisticated and wide ranging conspiracy to gather personal data about high profile figures. One was a private detective and one was a journalist. It is reasonable therefore to expect them to be in possession of data about such matters as this is part and parcel of their job.

I emphasise that our enquiries were solely concerned with phone tapping. This, as far as we are aware, affected a much smaller pool of people.

There has been a lot of media comment today about the then Deputy Prime Minister John Prescott. This investigation has not uncovered any evidence to suggest that John Prescott's phone had been tapped.

This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate.

No additional evidence has come to light since this case has concluded.

I therefore consider that no further investigation is required.

However, I recognise the very real concerns, expressed today by a number of people, who believe that their privacy may have been intruded upon.

I therefore need to ensure that we have been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, that they have been informed.

John Yates' letter to HASC 17 July 2009



**METROPOLITAN
POLICE**

Working together for a safer London

SPECIALIST OPERATIONS

17th July 2009

The Rt Hon Keith Vaz MP
Home Affairs Committee
Committee Office
House of Commons
7 Millbank
London
SW1P 3JA

**John Yates QPM
Assistant Commissioner
Specialist Operations**

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Tel:

Fax:

Dear Rt Hon Keith Vaz

I acknowledge receipt of your letter sent to Sir Paul Stephenson on 15th July 2009 regarding News International and the tapping of telephones. This letter has been passed to me and I respond on behalf of the Metropolitan Police Service (MPS.)

Due to renewed publicity in this case in the Guardian newspaper, Sir Paul Stephenson asked me to establish the facts around the original investigation into the unlawful tapping of telephones by Clive Goodman and Glen Mulcaire and any wider issues being reported by the Guardian. This is a historical case dating back to 2005 and was led by the MPS. I was not involved in the original case and clearly came at this with an independent mind.

As you will be aware from my press statement on 9th July 2009, I considered that no further investigation was required as from the publicity, no new evidence had come to light. However, I do recognise the very real concerns, expressed by a number of people, who believe that their privacy may have been intruded upon. In addition to those who had been informed as part of the original investigation, I therefore committed to ensuring that the MPS has been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, they were informed.

In relation to the allegation that Police Officers have received illegal payments by News International and that this may have influenced my decision to not re-open the original investigation, I must say that I am surprised and disappointed at these allegations. I believe this refers to Rebekah Wade's historical comments to the House of Commons Select Committee in March 2003, when she stated her newspaper had paid Police Officers for information. There is absolutely no suggestion that these allegations are relevant in any way to the Clive Goodman and Glen Mulcaire case.

In answer to the bullet point questions and for ease of reference I shall respond in the same order in your letter:-

- 1(a) 8 individuals were identified for the purposes of the prosecution case as having had their telephones illegally intercepted.
- 1(b) From the material seized police were able to establish that Mulcaire had varying levels of personal details on numerous individuals.
- 2) Anyone who had been approached as a potential witness for the criminal prosecution was advised and informed that they had been the subject of illegal interception. Thereafter, during the course of the investigation, police led on informing anyone who they believed fell into the category of Government, Military, Royal Household and MPS, if police had reason to believe that the suspects had attempted to ring their voicemail. This was done on the basis of National Security.

In addition, appropriate Government agencies were briefed as to the general security risk that police had identified and advised that if they had any further concerns they should contact their own service provider.

For anybody else that may have been affected, police provided the individual phone companies with the details of the telephone numbers (various) of the suspects and it was agreed that they (the service provider) would individually research, assess and address whether or not, and to what degree, their customers had been the subject of contact by the suspects. It was thereafter a matter for the telephone companies to take appropriate action to reassure their customers and introduce preventative measures to ensure this type of interception did not re-occur.

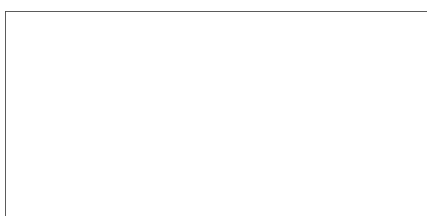
- 3) In addition to Glen Mulcaire's contract with News International we are aware that Clive Goodman submitted ad-hoc expense claims on behalf of Mulcaire.
- 4) Both Mulcaire and Goodman made no comment to all the questions put to them in their police interviews.
- 5) There has been much speculation about potential criminal involvement of other journalists in this case. Whilst it is true to say that other journalists'

names appeared in the material seized by Police, there was insufficient evidence to support any criminal conspiracy on their part.

6) Not as far as we are aware.

I wish you to be aware that I have also been asked to provide written evidence to the Culture, Media and Sports Committee, which I have done today. This report covers a wide range of issues and also explains in more detail some of the same issues you have raised. Therefore, I attach to this letter a copy of that report to advise you and the Home Affairs Committee on some of the wider issues in connection with this case.

Yours sincerely



John Yates
Assistant Commissioner
Specialist Operations

Metropolitan Police Service's response to the Culture, Media and Sports Committee

1. In December 2005, concerns were reported to the Metropolitan Police Service (MPS) by members of the Royal household at Clarence House, relating to the illegal tapping of mobile phones. As a result, the MPS launched a criminal investigation and this identified the involvement of two men, namely Clive Goodman (The Royal Editor of the News of the World newspaper) and Glen Mulcaire (A Security Consultant).
2. The two men were engaged in a sophisticated and wide ranging conspiracy to gather private and personal data, principally about high profile figures, for financial gain. This involved publishing material in the News of the World newspaper.

3. The MPS investigation found that these two men had the ability to illegally intercept mobile phone voice mails. They obtained private voicemail numbers and security codes and used that information to gain access to voicemail messages left on a number of mobile phones. It is important to note that this is a difficult offence to prove evidentially and for an illegal interception to take place, access must be gained to a person's telephone and their voicemails listened too, prior to the owner of the phone doing so. There will be other occasions where the two men accessed voicemails but due to the technology available at the time, it was not possible to prove via the telephone companies if they had accessed the voicemails prior to or after the owner of the mobile phone had done so. Hence, it was not possible to prove if an illegal interception had taken place.
4. Their potential targets may have run into hundreds of people, but the investigation showed from an evidential viewpoint, that they only used the tactic against a far smaller number of individuals.
5. The MPS first contacted the Crown Prosecution Service (CPS) on 20th April 2006 seeking guidance about this investigation, where an investigation strategy was agreed.
6. On 8th August 2006 both Clive Goodman and Glen Mulcaire were arrested and both made no comment interviews. On 9th August 2006 Goodman and Mulcaire were charged with conspiracy to intercept communications, contrary to section 1 (1) of the Criminal Law Act 1977, and eight substantive offences of unlawful interception of communications, contrary to section 1 (1) of the Regulation of Investigatory Powers Act 2000. The charges related to accessing voice messages left on the mobile phones of members of the Royal Household. The two were bailed to appear at the City of London Magistrates' Court on 16th August 2006 when they were sent to the Central Criminal Court for trial.
7. During searches, Police seized vast amounts of material, some of which was used in evidence. It is reasonable to expect some of the material, although classed as personal data, was in their legitimate possession, due to their respective jobs. It is not necessarily correct to assume that their possession of all this material was for the purposes of interception alone and it is not known what their intentions was or how they intended to use it.
8. When Mulcaire's business premises were searched on 8th August, in addition to finding evidence that supported the conspiracy between him and Goodman regarding the Royal Household allegations, the MPS also uncovered further evidence of interception and found a number of invoices. At that stage, it appeared these invoices were for payments that Mulcaire had received from the News of the World newspaper related to research that he had conducted in respect of a number of individuals, none of whom had any connection with the Royal Household. They included politicians, sports personalities and other well known individuals.

9. The prosecution team (CPS and MPS) therefore had to decide how to address this aspect of the case against Mulcaire. At a case conference in August 2006, attended by the reviewing lawyer, the police and leading counsel, decisions were made in this respect and a prosecution approach devised.
10. From a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select five or six potential victims would allow the prosecution properly to present the case to the court and in the event of convictions, ensure that the court had adequate sentencing powers.
11. To that end there was a focus on the potential victims where the evidence was strongest, where there was integrity in the data, corroboration was available and where any charges would be representative of the potential pool of victims. The willingness of the victims to give evidence was also taken into account. Any other approach would have made the case unmanageable and potentially much more difficult to prove. This is an approach that is adopted routinely in cases where there are a large number of potential offences.
12. Adopting this approach, five further counts were added to the indictment against Mulcaire alone based on his unlawful interception of voicemail messages left for Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson.
13. In addition to obtaining evidence from these persons, the MPS also asked the reviewing lawyer to take a charging decision against one other suspect. On analysis, there was insufficient evidence to prosecute that suspect and a decision was made in November 2006 not to charge.
14. This progress in the case meant that its preparation was completed by the time Goodman and Mulcaire appeared at the Central Criminal Court on 29th November 2006 before Mr Justice Gross. When they did appear at court, Goodman and Mulcaire both pleaded guilty to one count of conspiracy to intercept communications – the voicemail messages left for members of the Royal Household. Mulcaire alone pleaded guilty to the five further substantive counts in respect of Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson. Hence, in total 8 individuals were identified as having had their telephones illegally intercepted.
15. Anyone who had been approached as a potential witness for the criminal prosecution was advised and informed that they had been the subject of illegal interception. Thereafter during the course of the investigation police led on informing anyone who they believed fell into the category of Government, Military, Police or Royal Household, if we had reason to believe that the suspects had attempted to ring their voicemail. This was done on the basis of National Security. In addition, appropriate

Government agencies were briefed as to the general security risk that police had identified and advised that if they had any further concerns they should contact their own service provider.

16. For anybody else that may have been affected, police provided the individual phone companies the details of the telephone numbers (various) of the suspects and it was agreed that they (the service provider) would individually research, assess and address whether or not, and to what degree their customers had been the subject of contact by the suspects. It was thereafter a matter for the telephone companies to take appropriate action to reassure their customers and introduce preventative measures to ensure this type of interception did not recur.
17. On 26th January 2007 sentencing took place. Goodman was sentenced to four months' imprisonment and Mulcaire to a total of six months' imprisonment, with a confiscation order made against him in the sum of £12,300. On sentencing the two men, Mr Justice Gross at the Old Bailey said the case was *"not about press freedom, it was about a grave, inexcusable and illegal invasion of privacy."*
18. This case has been subject of the most careful investigation by very experienced detectives. It has also been scrutinised in detail by both the CPS and leading Counsel. They have carefully examined all the evidence and prepared the indictments that they considered appropriate. No additional evidence has come to light since this case has concluded.
19. There has been much speculation about potential criminal involvement of other journalists in this case. Whilst it is true to say that other journalists names appeared in the material seized by Police, there was insufficient evidence to support any criminal conspiracy on their part.
20. Due to renewed publicity in this case in the Guardian newspaper, the MPS Commissioner asked Assistant Commissioner John Yates to establish the facts around the original investigation into the unlawful tapping of mobile phones by Clive Goodman and Glen Mulcaire and any wider issues in the reporting by the Guardian. Assistant Commissioner Yates was not involved in the original case and clearly came at this with an independent mind. He released a press statement on 9th July 2009 and considered that no further investigation was required as from the publicity, no new evidence had come to light.
21. The MPS does recognise the very real concerns, expressed by a number of people, who believe that their privacy may have been intruded upon. In addition to those who had already been informed in line with the aforementioned strategy (i.e. those fitting into the category of Government, Military, Police or Royal Household and the remainder being informed by the telephone companies), Assistant Commissioner Yates committed to ensuring that the MPS has been diligent, reasonable and sensible, and taken all proper steps to ensure that where we have evidence that people

have been the subject of any form of phone tapping, or that there is any suspicion that they might have been, that they were informed.

22. As a result, on 10th July 2009, the MPS released a further press statement stating *'The process of contacting people is currently underway and we expect this to take some time to complete.'*
23. It is also important to note that if new evidence came to light then the MPS would consider it. Nothing to date has been produced.
24. Following the CPS review of this case, the Director of Public Prosecutions, Keir Starmer QC confirmed the following;

'As a result of what I have been told I am satisfied that in the cases of Goodman and Mulcaire, the CPS was properly involved in providing advice both before and after charge; that the Metropolitan Police provided the CPS with all the relevant information and evidence upon which the charges were based; and that the prosecution approach in charging and prosecuting was proper and appropriate. In light of my findings, it would not be appropriate to re-open the cases against Goodman or Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them.'

DPP's findings in relation to 'phone hacking' – July 2009

A statement by Keir Starmer QC, Director of Public Prosecutions

On 9 July 2009 I issued a statement indicating that I had asked for an urgent examination of the material that was supplied to the Crown Prosecution Service (CPS) by the police in this case.

I made this statement not because I had any reason to consider that there was anything inappropriate in the prosecutions that were undertaken, but to satisfy myself and assure the public that the appropriate actions were taken in relation to that material.

That examination has now been completed by the Special Crime Division of CPS Headquarters (SCD).

Background

Following a complaint by the Royal Household, the Metropolitan Police Service first contacted the CPS on 20 April 2006 seeking guidance about the

alleged interception of mobile telephone voicemail messages. The potential victims were members of the Royal Household.

During April and May 2006 there followed a series of case conferences and exchanges between the CPS reviewing lawyer dealing with the case and the police in relation to these alleged interceptions. Advice was given about the nature of evidence to be obtained so that the police could make policy decisions about who ought to be treated as victims. Advice was also given about how to identify the individual(s) responsible for these alleged interceptions.

During June and July 2006 there were further discussions and conferences between the reviewing lawyer, the police and leading counsel instructed by the CPS. On 8 August 2006 the reviewing lawyer made a charging decision in respect of Clive Goodman and Glen Mulcaire. They were arrested the same day.

On 9 August 2006 Goodman and Mulcaire were charged with conspiracy to intercept communications, contrary to section 1 (1) of the Criminal Law Act 1977, and eight substantive offences of unlawful interception of communications, contrary to section 1 (1) of the Regulation of Investigatory Powers Act 2000. The charges related to accessing voice messages left on the mobile phones of members of the Royal Household.

The two were bailed to appear at the City of London Magistrates' Court on 16 August 2006 when they were sent to the Central Criminal Court for trial.

When Mulcaire's business premises were searched on 8 August, in addition to finding evidence that supported the conspiracy between him and Goodman regarding the Royal Household allegations, the police also uncovered further evidence of interception and found a number of invoices. At that stage, it appeared these invoices were for payments that Mulcaire had received from the News of the World newspaper related to research that he had conducted in respect of a number of individuals, none of whom had any connection with the Royal Household. They included politicians, sports personalities and other well known individuals.

The prosecution team (CPS and Metropolitan Police Service) therefore had to decide how to address this aspect of the case against Mulcaire. At a case conference in August 2006, attended by the reviewing lawyer, the police and leading counsel, decisions were made in this respect and a prosecution approach devised.

From a prosecution point of view what was important was that any case brought to court properly reflected the overall criminal conduct of Goodman and Mulcaire. It was the collective view of the prosecution team that to select five or six potential victims would allow the prosecution properly to present the case to the court and in the event of convictions, ensure that the court had adequate sentencing powers.

To that end there was a focus on the potential victims where the evidence was strongest, where there was integrity in the data, corroboration was available and where any charges would be representative of the potential pool of victims. The willingness of the victims to give evidence was also taken into account. Any other approach would have made the case unmanageable and potentially much more difficult to prove.

This is an approach that is adopted routinely in cases where there is a large number of potential offences. For any potential victim not reflected in the charges actually brought, it was agreed that the police would inform them of the situation.

Adopting this approach, five further counts were added to the indictment against Mulcaire alone based on his unlawful interception of voicemail messages left for Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson.

In addition to obtaining evidence from these persons, the police also asked the reviewing lawyer to take a charging decision against one other suspect. On analysis, there was insufficient evidence to prosecute that suspect and a decision was made in November 2006 not to charge. So far as I am aware, this individual was neither a journalist on, nor an executive of, any national newspaper.

This progress in the case meant that its preparation was completed by the time Goodman and Mulcaire appeared at the Central Criminal Court on 29 November 2006 before Mr Justice Gross. When they did appear at court, Goodman and Mulcaire both pleaded guilty to one count of conspiracy to intercept communications – the voicemail messages left for members of the Royal Household. Mulcaire alone pleaded guilty to the five further substantive counts in respect of Max Clifford, Andrew Skylet, Gordon Taylor, Simon Hughes and Elle MacPherson. The case was then adjourned to obtain probation reports on the defendants.

On 26 January 2007 sentencing took place. Goodman was sentenced to four months' imprisonment and Mulcaire to a total of six months' imprisonment, with a confiscation order made against him in the sum of £12,300.

As part of my examination of the case, I have spoken to the then DPP Sir Ken Macdonald QC as he and the Attorney General at the time, Lord Goldsmith, were both regularly briefed – as would be expected with such a high profile case.

Findings

As a result of what I have been told I am satisfied that in the cases of Goodman and Mulcaire, the CPS was properly involved in providing advice both before and after charge; that the Metropolitan Police provided the CPS with all the relevant information and evidence upon which the charges were

based; and that the prosecution approach in charging and prosecuting was proper and appropriate.

There has been much speculation about whether or not persons other than those identified above were the victims of unlawful interception of their mobile telephones. There has also been much speculation about whether other suspects were identified or investigated at the time. Having examined the material that was supplied to the CPS by the police in this case, I can confirm that no victims or suspects other than those referred to above were identified to the CPS at the time. I am not in a position to say whether the police had any information on any other victims or suspects that was not passed to the CPS.

In light of my findings, it would not be appropriate to re-open the cases against Goodman or Mulcaire, or to revisit the decisions taken in the course of investigating and prosecuting them.

However, if and insofar as there may now be further information relating to other possible victims and suspects, that should be reported to the police who have responsibility for deciding whether or not to conduct a criminal investigation. I have no power to direct the police to conduct any such investigation.

In conducting this review I have put a good deal of detailed information in the public domain. This demonstrates my commitment that the CPS should be visible, transparent and accountable. It should also assure the public about the integrity of the exercise I have undertaken.

Keir Starmer QC
Director of Public Prosecutions

Background on current IPCC investigation

- 1) Met has referred to IPCC to investigate the possibility that MPS police officers received payments by NOTW (we understand this is specifically in relation to phone hacking but the IPCC investigation is being kept flexible at this stage to go wider to cover payments to MPS officers by NOTW per se).
- 2) IPCC has determined (as it is required under regulations) how it will investigate. In this instance it has decided it will conduct a supervised investigation - ie agree TOR with the MPS; leave MPS to direct and conduct actual investigations but IPCC will supervise the investigation closely – but once officers have been identified it will review its level of involvement. Met will provide officers to carry out the IPCC supervised investigation, probably from the MPS's Professional Standards Directorate, who are separate to Sue Akers' ongoing investigation.
- 3) So far no officer has been identified as being paid in relation to phone hacking. Under a supervised investigation MPS would be required to notify IPCC if an officer was identified as having received payment in relation to phone hacking when the IPCC would likely launch an independent inquiry. ***[NOT FOR DISCLOSURE: We understand from IPCC that were an officer identified then they would conduct an independent investigation, but this is for them to decide in due course independently; and we must not be seen to be pre-empting their decision – IPCC Deputy Chair Deborah Glass has said: IPCC are supervising a sensitive criminal investigation involving allegations of bribery of police officers. It is clearly imperative that this investigation is allowed to take its course and follow the evidence as it is uncovered. Any form of premature disclosure is damaging. If people have information or evidence relevant to this enquiry, I would encourage them to provide it to the team led by DAC Akers as soon as possible.]***
- 4) The Met investigation focussing on possible criminality of NOTW journalists and related person on illegal phone hacking will run in parallel to IPCC investigation. Both the force and IPCC have considerable experience of running investigations in parallel.

Investigations going forward

- i) were an officer identified as having received payment in relation to phone hacking
 - The IPCC, through their powers in legislation, could ratchet up the investigation. The IPCC can decide to make it a "managed

investigation”, ask another force to come in and conduct the investigation or likely an conduct an “independent” investigation”.

- In this case the IPCC and Sue Akers’s investigation would continue to proceed in parallel and be managed accordingly. For example, IPCC could interview someone alleged to have paid a police officer jointly with Met if that person was relevant to the Met investigation; Met would be obliged to share forensic, exhibits etc.

ii) were no officer identified as having received payment in relation to phone hacking

- the IPCC and the Met investigations would continue in parallel (as now). IPCC could still ratchet up the investigation depending on the circumstances as above.

iii) the IPCC investigation could broaden into MPS officers receiving payments from any journalists (this might happen naturally, or upon referral by the MPS, or were the IPCC to exercises its “call in power”¹).

- as above the IPCC and the Met investigations would continue in parallel (as now). IPCC could still ratchet up the investigation depending on the circumstances as above.
- were the IPCC investigation to broaden to this extent, even though the IPCC would normally publish their reports, it might be useful for HSec to ask (as she is empowered in statute) for the IPCC report to be laid before Parliament;
- would fit neatly with IPCC’s other statutory functions – eg if the investigation revealed possible criminality or misconduct the IPCC could take forward further action themselves with the CPS (and MPA) rather than needing to have it referred to them

In effect, therefore, whilst the ongoing Met investigation is not “reporting” to the IPCC, the trajectory of how the Met investigation unfolds is now in the hands of whether or not officers are identified as having received payments in relation to phone hacking and what IPCC independently determines is the best way forward. It is for the IPCC to determine how much or how little it may wish to “take control” of the investigations and whether or not an outside force should be called in (which would increase the cost burden on MPS)

¹ Where there is no public complaint and it appears to the IPCC that a matter has come to its attention which may amount to a case where a person serving with the police may have committed a criminal offence or behaved in a manner justifying disciplinary proceedings then the IPCC has the power to require that matter to be recorded and referred to it. Once a complaint has been referred to the IPCC, it is entirely a matter for the IPCC to determine whether the matter will be independently investigated by the IPCC or will be subject of a managed or supervised investigation by the police. The Home Secretary has no role in the police complaints process but can pass to the IPCC any information which may have an impact on the decision of the IPCC whether to call a matter in.

Current legislation

1. Criminal offences in relation to payments to the Police

There are a number of criminal offences that might apply in relation to person making payments to, and/or police officers accepting payments for, services or privileges, depending on the circumstances of the case. (It would be for the CPS to select the appropriate charge).

i) **Common law offence of misfeasance in a public office** (sometimes known as **misconduct in a public office**). This is committed by a public officer, including police officers, acting as such, who wilfully neglects to perform his duty and/or wilfully misconducts himself to such a degree as to amount to an abuse of the public's trust in the office holder, without reasonable excuse or justification. Maximum sentence is unlimited imprisonment (as is the case with all common law offences): This offence is sometimes used, for example, to charge police officers who misuse the PNC to receive payments. A person (eg. journalist) who makes such payments to a police officer could be guilty of the secondary offence of conspiracy to misfeasance in a public office, or assisting and encouraging misfeasance in a public office. The House of Commons has also produced a briefing paper in relation to this offence which we can make available on request.

ii) **Common law offence of bribery**. Where a person in the position of trustee to perform a public duty takes a bribe to act corruptly in discharging that duty, it is an offence in both parties (ie. the payee and recipient). This can cover, for example, jurors, magistrates and coroners, and may cover police officers. There is considerable overlap with the offence of misfeasance.

iii) **Public Bodies Corrupt Practices Act 1889, section 1**. The offence covers corruptly soliciting or receiving any gift, loan, fee, reward or advantage as an inducement to or reward for any member, officer or servant of a public body doing or forbearing to do anything. It also covers the corresponding offence of corruptly giving or promising or offering such gifts etc. It is triable either way. The maximum sentence is 7 years imprisonment and/or an unlimited fine.

iv) **Prevention of Corruption Act 1906, section 1: corruption of agents**. The offence is committed if any agent accepts or obtains any gift or consideration as an inducement or reward for doing any act in relation to his principal's business. It is likely, however, that this offence is unlikely to be engaged in this case, as there are other offences which apply specifically to public office which seem better suited. It is triable either way. The maximum sentence is 7 years imprisonment and/or an unlimited fine.

v) **Prevention of Corruption Act 1916**. This establishes a presumption of corruption under the 1889 and 1906 Acts if it is proved that any money, gift or

other consideration has been paid or given to or received by a person in any public body in some circumstances.

NB. The common law offence of bribery and the following 3 statutory offences above, were available prior to 2011. At that point the Bribery Act 2010 came into force on 1 July 2011 and repealed the common law offence and the three statutes mentioned at iii) to v) above.

Police officers are also subject to the Standards of Professional Behaviour which are set out in the Police (Conduct) Regulations 2008. The standards set out the expectations that the police service and the public have of how police officers should behave, and this would include in relation to payments accepted by the police for information.

For example, one of the standards deals with the issue of confidentiality in stating that '*Police officers treat information with respect and access or disclose it only in the proper course of police duties*'. The Home Office statutory guidance also states that '*Police officers do not provide information to third parties who are not entitled to it. This includes for example, requests from family or friends, approaches by private investigators and unauthorised disclosure to the media*'.

Any breach of the standards, which is assessed on a case by case basis, in the first instance by the Professional Standards Departments that exist in each force, can result in disciplinary proceedings being taken. Were there a serious breach of the standards, where dismissal from the police service would be justified, this would be assessed as amounting to gross misconduct where the maximum outcome at a misconduct hearing would be dismissal without notice. In less serious cases, misconduct could be dealt with at a misconduct meeting where the outcomes would range from advice to a maximum of a final written warning..

Current legislation covering phone hacking

1. RIPA 2000

Section 1(1) of RIPA makes it a criminal offence to intentionally intercept, without lawful authority, a communication in the course of its transmission by means of a public postal service or of a public telecommunication system. Anyone found guilty of the s.1(1) offence faces a fine or a term of imprisonment for up to two years.

2. Computer Misuse Act 1990.

This is the legislation which relates directly to illegal access to computers. It contains four offences.

Section 1 – Unauthorised access to computer material - A person is guilty of this offence if they attempt to gain access to a computer that they are not

authorised to use. It is the offence of attempting to gain access itself, rather than access to any specific program or data on that computer. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to two years in prison, or a fine, or both.

Section 2 – Unauthorised access with intent to commit or facilitate further offences

A person is guilty of this offence if they attempt to gain access to a computer that they are not authorised to use, with the intention of committing further offences. The additional offences might be the theft of data itself, or the theft of data for fraud. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to five years in prison, or a fine, or both.

Section 3 – Unauthorised acts with intent to impair, or with recklessness as to impairing, operation of computer

A person is guilty of this offence if they carry out any act that prevents the proper operation of the computer, or affects the reliability of the data held on that computer. This would include altering data, destroying it, or removing it. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to ten years in prison, or a fine, or both.

Section 3A – Making, supplying or obtaining articles for use in offences under Section 1 or 3

A person is guilty of this offence if they make or supply an article intending it to be used for the offences in sections 1 or 3. This offence could be used to prosecute the suppliers of malicious software, such as botnets, for criminal purposes. Article 7 of the Fraud Act 2006 could also be used to prosecute botnet suppliers if the botnet was used to commit fraud. The penalty on summary conviction in England and Wales is up to 12 months in prison or a fine, and in Scotland up to six months in prison, or a fine, or both. The penalty on conviction on indictment is up to two years in prison, or a fine, or both.

Background on Press regulation etc.

The Editor's Code of Practice consists of a number of clauses which sets limits on how information may be gathered and what information may be published. Clause 10 "Clandestine devices and subterfuge" bans telephone hacking:

"10 * Clandestine devices and subterfuge

- i) The press must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents, or photographs; or by accessing digitally-held private information without consent.
- ii) Engaging in misrepresentation or subterfuge, including by agents or intermediaries, can generally be justified only in the public interest and then only when the material cannot be obtained by other means."

The Public Interest

The Press Complaints Commission defines the public interest as follows:

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

1. The public interest includes, but is not confined to:

- i) Detecting or exposing crime or serious impropriety.
- ii) Protecting public health and safety.
- iii) Preventing the public from being misled by an action or statement of an individual or organisation.

2. There is a public interest in freedom of expression itself.

3. Whenever the public interest is invoked, the PCC will require editors to demonstrate fully that they reasonably believed that publication, or journalistic activity undertaken with a view to publication, would be in the public interest.

4. The PCC will consider the extent to which material is already in the public domain, or will become so."

TRANSCRIPT OF PRIME MINISTER'S PRESS CONFERENCE (CHECKED AGAINST DELIVERY) -8th July

Thank you for coming to this press conference.

Over the past few days, the whole country has been shocked by the revelations about the phone hacking scandal.

Murder victims, terrorist victims, families who have lost loved ones in war, defending our country...

...that these people could have had their phones hacked in order to generate stories for a newspaper is simply disgusting.

I cannot think what was going through the minds of those who did this.

That they could hack into anyone's phone is disgraceful.

To hack into the phone of Milly Dowler, a young girl missing from her parents, who was later found dead, is truly despicable.

But this scandal is not just about some journalists on one newspaper.

It's not even just about the press.

It's also about the police.

And yes – it's also about how politics works and politicians too.

And I want to be very frank about how, as a country, we should deal with it.

People want to know that three things are going to happen.

One: action will be taken to get to the bottom of these specific revelations and allegations about phone hacking; about police investigations and all the rest of it.

Two: action will be taken to learn wider lessons for the future of the press in this country.

And three: that there will be clarity – real clarity – about how all this has come to pass, and the responsibilities we all have for the future.

That's what the country expects at this time of crisis and concern...

...and I will make sure that everything that needs to be done, will be done.

FIRST INQUIRY

First, we need action to get to the bottom of the specific revelations and allegations we have seen.

It's clear that there have been some illegal and utterly unacceptable practices taking place at the *News of the World* – and possibly elsewhere.

There is now a large-scale and well-resourced police investigation.

Of course, in **2006** we did have a police investigation– but we can now see that it was plainly inadequate.

This in itself requires investigation.

A separate allegation is that police officers took payments.

That specific allegation is now being investigated by senior officers at the Met – and with my full support they have brought in the IPCC to oversee this.

So for those worried about the police investigating the police, this has full and independent oversight.

But let's be clear.

Police investigations can only get you so far.

What people want to know is – what happened? And how was it allowed to happen?

That's why when the Deputy Prime Minister and I agreed that it is right and proper to establish a full, public inquiry to get to the bottom of what happened.

A judge needs to be in charge so there's no question that it's totally independent and things are done properly.

These are the questions that need answering:

Why did the first police investigation fail so abysmally?

What exactly was going on at the *News of the World*?

And what was going on at other newspapers?

Of course, the bulk of the work of this inquiry can only happen after the police investigation has finished.

That's what the law requires.

But that doesn't mean we can't do anything now.

So we will consult now with Select Committees and others on the terms of reference, remit and powers. And what we can get started we will get started.

I want everyone to be clear.

Everything that happened is going to be investigated.

The witnesses will be questioned by a judge under oath.

And no stone will be left un-turned.

SECOND INQUIRY

But we need action as well to learn the wider lessons for the future of the press.

And this is something we can get on with straightaway, even while the police investigation is still going on.

That's why I want to establish a second inquiry to begin at the earliest available opportunity, ideally this summer.

This inquiry should be conducted by a credible panel of figures drawn from a range of different backgrounds...

...who command the full support, respect and confidence of the public.

They should be truly independent, without any motive but to seek the truth and clean up the press.

This second inquiry should look at the culture, practices and ethics of the British press.

In particular, they should look at how our newspapers are regulated and make recommendations for the future.

Of course it's vital that our press is free.

That is an essential component of our democracy and our way of life.

But press freedom does not mean that the press should be above the law.

There is much excellent journalism in the UK today. I think it's now clear to everyone that the way the press is regulated today is not working.

Let's be honest: the Press Complaints Commission has failed.

It is hopelessly ineffective, lacking rigour – even, as this case has shown, frankly pretty much absent.

It is institutionally conflicted, with competing newspapers judging each other.

As a result, it lacks public confidence.

So I believe we need a new system entirely.

It will be for the inquiry to recommend what that system should look like.

But my starting presumption is that it should be truly independent...

...independent of the press, so the public will know that newspapers will never again be solely responsible for policing themselves.

And independent of government, so the public will know that politicians are not trying to control a press that must be free to hold politicians to account.

This new system of regulation should strike the balance between an individual's right to privacy and what is in the public interest.

And above all it should uphold the proper, decent standards we expect of our press.

I have already spoken to the Deputy Prime Minister about all this – and in the days ahead we will meet with the Leader of the Opposition to discuss exactly what both these inquiries should cover, and exactly how they should be run.

If we're going to discuss the way the press is regulated in future, it would be so much better to do it cross-party.

This is an issue that must be above party politics.

Power, how it is exercised and how it is held to account by the press: these are fundamental questions for this country.

And when decent people have had their privacy invaded in the most shameful manner, they expect politicians to put their differences aside and do what needs to be done to clear up the mess.

POLITICS AND THE PRESS

But there is a third question that this scandal asks of us, and it is not an easy one for me to answer.

But it is my responsibility to try.

How did we get here?

Because as we consider the devastating revelations of the past few days, it's no good just pointing the finger at this individual journalist, or that individual newspaper.

It's no good actually just criticising the police.

The truth is, we have all been in this together – the press, politicians and leaders of all parties – and yes, that includes me.

We have not gripped this issue.

During the last government, a police investigation was undertaken, it was inadequate, but not enough was done.

There were two reports from the Information Commissioner and they went unheeded.

There were two Select Committee reports on phone hacking and there was no follow-up.

Throughout all this, all the warnings, all the concern, the government at the time did nothing.

And frankly, neither did the Opposition.

To be fair, it is difficult for politicians to call for more regulation of the media, because if we do so, we're accused of stifling a free press or even free speech.

But the deeper truth is this – is that there is a less noble reason.

Because party leaders were so keen to win the support of newspapers, we turned a blind eye to the need to sort this issue, get on top of the bad practices, change the way our newspapers are regulated.

It's a bit like MPs' expenses.

The people in power knew things weren't right.

But they didn't do enough quickly enough – until the full mess of the situation was revealed.

When the scandal hits and the truth is plain for everyone to see...

...there are two choices.

You can down-play it and deny the problem is deep – or you can accept the seriousness of the situation and deal with it.

I'm going to deal with it.

These inquiries give us a chance for a fresh start and I want us to take it.

Look, it's healthy that politicians and journalists speak to each other; know each other.

Democracy is government by explanation and we need the media to explain what we're trying to do.

But this is a wake-up call.

Over the decades, on the watch of both Labour leaders and Conservative leaders, politicians and the press have spent time courting support, not confronting the problems.

Well: it's on my watch that the music has stopped.

And I'm saying, loud and clear – things have got to change.

The relationship needs to be different in the future.

I'm not going to pretend that there's some nirvana of two separate worlds; relating to each other on the basis of total transparency and ethical perfection.

That's not real life.

But we can do a hell of a lot better than we've done so far.

Because as this scandal shows, while it's vital that a free press can tell truth to power...

...it is equally important that those in power can tell truth to the press.

CONCLUSION

Before I take your questions, let me say this.

For people watching this scandal unfold, there is something disturbing about what they see.

Just think of who they put their trust in.

The police to protect them.

The politicians to represent them.

The press to inform them.

All of them have been let them down.

So when the inquiries are over, the questions have been asked, and the truth found out...

...I want a police that has proved itself beyond reproach...

...a political system that people feel is on their side...

...and a press that is yes, free and rigorous; that investigates and entertains;

...that holds those in power to account and occasionally – even regularly – drives them mad...

...but, in the end, is a free press that is also clean and trustworthy.

That is what people want.

That is what I want.

And I will not rest until we get it.

RESTRICTED

Meeting with Jane Furniss 13.7.11 - 9AM: IPCC phone hacking investigation

Present: Jane Furniss (JF), Home Secretary (HS), Nick Timothy (NT),
Katharine Hammond (KH)

1. HS set out the importance of the independence of the IPCC investigation into officers accepting payments from the media in maintaining maintain public confidence. She asked whether a managed investigation might make it clearer to the public that this is genuinely an IPCC lead.
2. JF set out by way of background that the decision on mode of investigation is the most important one for an IPCC Commissioner and is completely independent of anyone else. It is also a legal decision, and so disclose-able and challenge-able in court. The current decision to run a supervised investigation would be altered only if there was a reason to do so, at the moment there is nothing new. In response to a question from NT, she suggested that public confidence issues are as they were at the time of the decision to supervise and that the admission to HASC that hacking had not been fully investigated at the time due to resource constraints did not make a material difference.
3. HS indicated that the most important objective was to ensure that those who have done wrong are brought to book, and that she did not want anything to jeopardise that. She asked for clarification of the reasons for choosing a supervised investigation originally, rather than moving straight to a managed state. JF explained that the difference is that in a managed investigation the IPCC would appoint a senior investigator to manage the police officer in charge; in a supervised investigation the IPCC Commissioner leads personally meaning that the relevant Commissioner can actually do more.
4. In response to a question from HS, JF confirmed that she was comfortable with the number of people and level of resources that would be available once the investigation moved to an independent footing, providing it covered no more than 6 officers. If it broadened out to include a large number of forces, she would approach Stephen Rimmer for extra funding. IPCC have around 100 investigators nationally, and have previously pulled in teams from national resources in the past (e.g. for G20).
5. There was a short discussion of powers to take evidence from civilians, in which JF clarified that the IPCC *can* arrest a civilian where there is an ongoing criminal investigation of police officers, but cannot arrest civilians in order to get evidence to start that investigation. JF considered that any change in powers would be a controversial step as compulsion of civilians to give evidence was a serious matter for the CJS as a whole.

13/07/2011 Phone call with SPS (Commissioner).

Also, very quick read-out below from the HS' phone call with SPS. Main points were as follows;

- SPS is content to seek independent advice from a credible figure and content for the PM to announce this, but he will need a few days before he will be in a position to announce a name. SPS was open to suggestions on an appropriate figure. [Rachel – we have spoken, grateful if you could take this forward].
- SPS and HS agreed that the person needs to understand how the media works, command public confidence, understand public office, not be seen to be part of the establishment and be able to set the context (e.g. articulate that the police need to have a relationship with the media). The appointment also can't be impractical, but SPS said he thought it was right that he received advice to maintain public confidence ahead of an enquiry.
- SPS said he will already be putting in new transparency arrangements around the relationship between the Met and media (e.g. declaring all meetings between senior figures and the media).
- HS updated SPS that she has spoken to Jane Furniss and she was satisfied and assured about the independence of the IPCC investigation and that the PM would be mentioning this.
- HS and SPS briefly touched on HASC yesterday.



Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Len Jackson OBE,
Chair of the Independent Police Complaints Commission,
90 High Holborn,
London
WC1V 68H

Dear Len

Independent Police Complaints Commission – Report under s.11 (2) of the Police Reform Act 2002 on Police Corruption

Further to the Prime Minister's statement in the House of Commons earlier today and my conversation with Jane Furniss, I thought it would be helpful if I set out in writing what work I would like the IPCC to undertake, under s.11 (2) of the Police Reform Act 2002, in order to help the Government and the police service respond to the allegations in the media about police corruption.

I would like the IPCC to produce a report on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service. In producing this report, I recognise that the Commission may wish to consult other relevant agencies, as appropriate.

I would be grateful if you could provide me with initial findings by the end of August 2011, with a full report by the end of the year.

I am copying this letter to Jane Furniss.

Yours sincerely



The Rt. Hon Theresa May MP

14/07/2011 – Phone call with HS and Mayor

The Mayor updated the Home Secretary on a letter that SPS had sent to Kit Malthouse on Thursday morning. This letter covered a contract that the MPS entered into with Neil Wallis of Chamy Media, who had just been arrested. The Mayor outlined that the contract was worth ~£50k and had been terminated in Dec 2010. The Mayor explained that this was the first that he had heard of the contract and that he was concerned about this. The Mayor explained that he was going to talk to SPS to understand the situation fully and consider next steps. The HS agreed that it was important to first establish the facts of the situation and only after that consider what action might need to be taken, if any. She made clear that we need to act speedily, but not in a knee-jerk fashion. The Mayor and the Home Secretary agreed that she would ask the Commissioner for copies of the letter to Kit Malthouse.

14/07/2011 – Phone call with HS and Mayor

The HS and Mayor had a calm phone call this evening. No decisions are being taken. Katharine is calling Simon to close the loop.

The Mayor updated the Home Secretary on the fact that SPS explained to him that they had established the contract with Neil Wallis after the first phone-hacking investigation had concluded and they had absolutely no suggestion that he was involved in hacking. The Mayor explained that he had conveyed his concern at not being told earlier but SPS had explained that in order to protect the ongoing investigations there is no pro-active disclosure about people who might be arrested. The Mayor noted that he had asked for a complete picture in writing. The HS and Mayor agreed to stay in touch on the issues.

14th July 2011

Kit Malthouse
Chair of MPA and Deputy Mayor of London
Metropolitan Police Authority
City Hall
The Queen's Walk
London
SE1 2AA

Further to our conversation this morning, in the company of Tim Godwin and Catherine Crawford, I thought it would be useful to drop you this note.

I can confirm that the MPS contracted Neil Wallis, former executive editor and deputy editor of the News of the World, in September 2009 to provide professional advice on the management of media matters.

For your information, Neil Wallis had previously been deputy editor of the News of the World working to Andrew Coulson, prior to his (Coulson's) resignation following phone hacking allegations.

From recollection I think he retired or resigned from his post at News of the World sometime shortly before he set up his company 'Chamy Media'.

To assist in your understanding of this I attach a relevant file note made by Dick Fedorcio, Director of Public Affairs.

At the time of him being contracted by the MPS I had no reason to believe that the phone hacking investigation would be reopened. Wallis's name had never been raised as being associated with phone hacking, either with me directly, or commented upon in the public domain.

Whilst on sick leave in January 2011 I heard, for the first, time Neil Wallis's name being mentioned publicly in connection with phone hacking. Consequently, I decided on my return that I would undertake due diligence.

Again, to assist your understanding I attach a file note setting out my thinking.

Clearly, I would do nothing to undermine Operation Weeting and I have not sought to influence in any way the direction of that investigation, who they interview or arrest.

It seemed to us that, to put the matter of Neil Wallis's contract in the public domain, prior to knowing whether or not he would become a suspect within the terms of Weeting, may have been prejudicial and not in the interests of the enquiry. However, on his arrest today it is appropriate that I bring this matter to your attention.

Sir Paul Stephenson
Commissioner

Enc.

c.c. Boris Johnson, Mayor of London

- CONFIDENTIAL -

MEMO

To: Tim Godwin, Deputy Commissioner

Title: Phone-hacking related matter

Whilst recently on extended sick leave recovering from operations on my leg I became aware that Neil Wallis' name appeared in a newspaper publication in relation to phone-hacking.

Consequently, upon my return, I considered it appropriate to undertake a due diligence process in relation to the contract let to Chamy Media during 2010. For the sake of completeness I am aware that the company is owned by Neil Wallis, someone who has been known to me for a number of years on a professional and 'light' personal basis. Though I played no part in any negotiations or selection process for the media support DPA were seeking, I was informed that Wallis' company had been selected on the basis of cheapest tender and did subsequently benefit from his advice and assistance.

My purpose in undertaking this process is to ensure transparency, particularly in the event of Wallis becoming subject of the Weeting enquiry - at this time I am not aware that this is the case, and this remains entirely a matter for determination by the Weeting team led by DAC Sue Akers, under the business group command of AC Dick.

Having reviewed the attached file, it does appear that the contract was appropriately let. However, due to the ongoing Weeting investigation, and high-profile interest in this case, I would ask you to 1) ensure AC Dick has sight of this memo and the attached file to inform the Weeting investigation as and when she considers it appropriate 2) with your DPS responsibilities in mind, consider any vulnerabilities presented by the attached file and action as you consider fit. In particular, you will wish to ensure appropriate transparency should there be occasion at any time for referral to the IPCC for any other related Weeting matter.

Paul Stephenson
Commissioner

1st June 2011

External Strategic Communication Support Contract

During 2009 my deputy Chris Webb, was on extended sick leave [redacted] As Head of News his absence left a significant gap in the provision of support and advice to me, the DPA and the MPS more generally in our management and handling media matters and pro-active opportunities.

I therefore sought to appoint an external adviser initially for six months but possibly for up to a year until Chris was able to resume normal duties. I had been taking informal personal advice from several professional colleagues at no cost to the MPS but felt the arrangement should be formalised and put on a proper contractual footing.

Minaxi Patel, DPA Publicity, completed a Request for Formal Contract Action (A) to Procurement Services on behalf of Hannah Gardiner, Assistant Director DPA, on 18 September 2006 requesting a single tender action due to the timescales involved and immediate needs of the DPA.

Alan Corner, on behalf of Procurement Services, advised on 18 September that changes to MPA regulations required the obtaining of 3 competitive quotes which could be obtained by phone. (B)

Based on personal knowledge, recent contacts and additional research as to potential suppliers of this service, I identified three companies who could provide the support and invited them to submit an estimate of their costs.

Following conversations or messages left, emails were sent on 24 September 2009 to Charles Lewington of Hanover (C), Peter Bingle of Bell-Pottinger (D) and Neil Wallis of Chamy Media (E).

Their responses with estimates of daily rate were:

Hanover	£1950 per day plus VAT
Bell Pottinger	£1500 per day plus VAT
Chamy Media	£1000 per day plus VAT

A decision was made on these estimates to appoint Neil Wallis of Chamy Media and a contract was subsequently signed on 1 October 2009 (F) with a purchase order issued on 6 October 2009 for seven months at £2,000 per month i.e. two days work per month, via email to Neil Wallis on 7 October 2009 (G).

As some of the media support I was looking for would relate to SO matters I spoke to ACSO John Yates and asked him via email on 1 October 2009 to meet half of the £12,000 anticipated annual costs of this support service. He agreed and the SO accountant subsequently arranged the transfer of £6,000 to the DPA. Email exchanges (H).

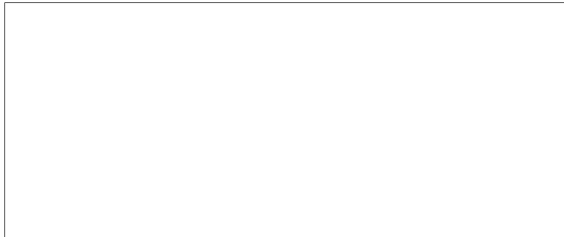
As Chris Webb had still not returned to full time working in March 2010 and was still some way short of doing so it was decided to extend the arrangement with Chamy Media for a further 6 months. This was within the financial limits for the contract and a further purchase order was issued by Procurement Services on 14 April 2010. (I).

We were advised informally by Procurement Services at that time that there was a limit of £50,000 on this contract value and if we wanted to exceed this 6 month extension we should aim to get a reduction in costs, if possible, but we could not go beyond another 12 month period. This was noted on a post-it by Minaxi Patel (J).

Copies of monthly invoices from Chamy Media from September 2009 to July 2010. (K).

On 1 September 2010 an email was sent from Dick Fedorcio to Neil Wallis offering a final 6 month extension of the contract and this was agreed by reply the same day. (L)
This email makes also reference to a 'meet with Paul (Stephenson) and Andy Hayman on 21 September (2010)'. This meeting was cancelled as a result of the subsequent exchange of emails set out below.

On 6 September 2010, following recent media coverage of the phone hacking enquiry, Neil Wallis sent an email to me suspending our contract and deciding not to take up the option of extending it. I acknowledged his email on 7 September 2010 and accepted the termination of the contract with immediate effect (L).



Dick Fedorcio
Director of Public Affairs

24 May 2011

14/7/11



Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Sir Paul Stephenson QPM
Commissioner of Police of the Metropolis
New Scotland Yard
Broadway
London
SW1H 0BG

Dear Sir Paul

Following sight of your letter to Kit Malthouse today informing him of a contract between Chamy Media and the MPS, I would be grateful if you could provide me with a full background brief on this matter for me to consider by 10.00 a.m. Friday 15th July.

In particular, I would like to see a complete timeline and sequence of events from the initial exchanges by the MPS with Chamy Media in 2009 through to your letter to Kit Malthouse of today's date. I would like to understand who had ultimate oversight and authority to sanction the contract between the MPS and Chamy Media, the nature of the tender process undertaken and the criteria against which estimates were assessed. I would also be grateful to understand the extent to which senior MPS officers were involved in the decision to contract with Chamy Media and to renew their contract subsequently.

Further, I would like to understand what action was taken on or after September 6th 2010, when Neil Wallis emailed Dick Fedorcio to suspend his contract with the MPS. Dick Fedorcio noted, in his memo on the 24th May 2011, that Neil Wallis made his decision to suspend his contract 'following recent media coverage on the phone hacking enquiry'.

It would also be helpful to understand why, in the course of recent events, this set of facts has not been brought to my or the MPA's attention sooner.

I am copying this letter to the Prime Minister, the Mayor and Deputy Mayor.

Yours sincerely



Rt Hon Theresa May MP



Working together for a safer London

15 July 2011

The Rt Hon Theresa May
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2 Marsham Street
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Thank you for your letter of 14th July in which you pose a series of questions in relation to the contract between the MPS and Chamy Media. I will take each of your questions in turn.

Timeline and sequence of events from initial exchanges by the MPS with Chamy Media in 2009 through to my letter to Kit Malthouse on 14 July

- 18 Sept 2009: Advice provided by MPS Procurement Services, three competitive quotes needed.
- 24 Sept 2009: Three quotes received. Chamy Media selected.
- 1 Oct 2009: Contract signed.
- 6 Oct 2009: Purchase order issued.
- 7 Oct 2009: Confirmation emailed to Neil Wallis.
- Mar 2010: Second six month contract offered and agreed to.
- 14 April 2010: Further purchase order issued.
- 1 Sept 2010: Third and final six month contract offered, via email.
- 6 Sept 2010: Wallis sends email suspending contract and declining new contract.
- 7 Sept 2010: Termination of contract accepted.

- 15 April 2011: Commissioner return to work. Requested file and information on contract letting.
- 24 May 2011: Memo received from Dick Fedorcio in relation to above.
- 1 June 2011: File passed by the Commissioner to Deputy Commissioner for due diligence.
- 14 July 2011: Neil Wallis arrested.
- 14 July 2011: 9am MPA Chair made aware of arrest and contract in relation to Neil Wallis. Letter subsequently sent.

Who had ultimate authority to sanction the contract between the MPS and Chamy Media

A procurement process was followed, leading to a final sign off by the Director of Public Affairs (DPA), Dick Fedorcio, who authorised the issuing of the contract by MPS Procurement Services.

Nature of the tender process undertaken and criteria against which estimates were assessed

A need was identified for senior level media advice and support, to cover the absence of the Deputy Director of DPA.

Under MPS procurement rules where no corporate contract currently exists and the estimated total value of the goods/services is below £50,000 then the activity of procurement is devolved to individual business groups. Three comparative quotations should be sought. Approval to use the "£49,999 or below" exemption rules should be received from MPS Procurement Services and electronic records kept of all transactions.

The DPA therefore identified three companies who could provide the support, based on personal knowledge, recent contacts and additional research. He invited these companies to submit an estimate of their costs. Identical invitations were sent to all three companies. The tenders were assessed on best value. All three met the requirements. Chamy Media represented the lowest cost option.

Extent to which senior MPS officers were involved in the decision to contract with Chamy Media and subsequently renew that contract

As you will see from the memo sent to me by Dick Fedorcio on 24th May, the people involved with the letting of the contract were Minaxi Patel, Hannah Gardener and Dick Fedorcio from DPA and Alan Corner on behalf of procurement services.

It had been agreed between Dick Fedorcio and John Yates prior to the tendering process that Specialist Operations (SO) and the DPA would share the costs, on the basis the services would be provided to DPA and SO.

In accordance with MPS procurement rules, Dick Fedorcio authorised the extension of this contract on 14th April 2010. On 1 September, Dick Fedorcio offered a final six month extension of contract which was accepted. However the contract was subsequently terminated on 6 September.

What action was taken after 6th September?

Whilst on sick leave in January 2011, Neil Wallis's name was mentioned in the media in the context of phone hacking - this was the first time I was aware of such a link.

On my return to the office I therefore asked for the file and information around the letting of the contract. This is set out in Dick Fedorcio's memo to me of 24th May. I did this in order to ensure transparency, in the event that Neil Wallis became the subject of the Weeting inquiry. At this point it appeared to me that the contract had been appropriately let. However, due to the on going investigation, and my professional and personal acquaintance with Neil Wallis, I passed the file to Tim Godwin on 1st June.

Why have I and others not been told sooner?

The contracting of Neil Wallis only became of relevance when his name became linked with the new investigation into phone hacking. At this point, I determined to undertake due diligence on my return to work. You will then note my memo to my Deputy on 1 June where I asked him to:

- 1) ensure AC Dick has sight of this memo and the attached file to inform the Weeting investigation as and when she considers it appropriate*
- 2) with your DPS responsibilities in mind, consider any vulnerabilities presented by the attached file and action as you consider fit.*

Since then the Deputy Commissioner has been considering the matter, including with taking advice from the Directorate of Professional Standards and the Directorate of Legal Services. This has yet to be concluded.

We therefore felt unable to make the information public - particularly because Neil Wallis had not been arrested. To make it public would have immediately tainted him and potentially compromised any future Operation Weeting action.

Whilst I recognise that the interests of transparency might have made early disclosure of this information desirable, my priority, despite the embarrassment it might cause, has been to maintain the integrity of Operation Weeting.

However, as soon as Neil Wallis was arrested, I made the MPA Chair aware both of this fact, and the contract. Later that day, we received a media enquiry from Sky News asking whether we could confirm that Neil Wallis was contracted to the MPS to provide PR advice. At this point we issued the press statement that my office provided to yours, shortly before 4pm on 14th July.

I hope you feel this answers your questions. If you have any outstanding issues that you wish to have addressed please do not hesitate to contact me. I am copying my reply to the Prime Minister, the Mayor and the MPA Chair.

Yours sincerely,



Sir Paul Stephenson
Commissioner



Home Office

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15th July 2010

Dear Sir Paul,

Thank you for your letter of 15th July. I am grateful for the further detail that you have provided. I remain concerned by the arrangement between the MPS and Chamy Media, so I believe that the appropriate course of action is for this contract to be considered by Lord Justice Leveson as well as the Metropolitan Police Authority. I would also like to add that I am disappointed that you did not notify me of your concerns about the contract directly, and at an earlier stage.

Under your leadership, the Metropolitan Police does excellent work every day to protect the public, and I know you share my determination that this good work is not undermined, and that the public's confidence in the police, continues.



The Rt Hon Theresa May MP

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given to the private
office on 14/7/11Timeline of events – phone hacking

Date	Event
2005	
Nov 2005	The News of the World Royal editor Clive Goodman writes a story about Prince William suffering a knee injury.
Dec 2005	Members of the Royal Household at Clarence House report security concerns to Royalty Protection Department of the MPS; MPS launch investigation focussing on alleged security breaches within telephone networks over a significant period of time – investigation initially focussed on complaints from three people within the Royal Household.
2006	
8th August 2006	Goodman and private investigator Glenn Mulcaire arrested.
2007	
26th January 2007	Successful prosecution and jailing of Goodman for hacking into the mobile phones of staff in the Royal Household; and of Mulcaire for hacking into the phone of Gordon Taylor (CE PFA). At the time News International said Goodman had been acting without their knowledge.
6th March 2007	Les Hinton a senior aide to Rupert Murdoch tells the Culture, Media and Sports (CMS) Committee that a "rigorous internal investigation" found no evidence of widespread hacking at the paper.
May 2007	Press Complaints Commission report (since withdrawn) supports NOTW in not finding evidence of widespread hacking at NOTW.
2009	
8th July 2009	Guardian story that NI had paid £1m to keep secret its illegal methods of obtaining material for stories; and that information from that case had been suppressed by the police and the High Court.
9th July 2009	Urgent Question from Dr.Evan Harris MP (Lib Dem). David Hanson MP responded for the Government; AC John Yates asked by Commissioner to establish the facts around MPS inquiry into the alleged unlawful tapping of

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	<p>phones by Goodman and Mulcaire;</p> <p>AC John Yates assesses the allegations and concludes that no further investigation is required – commenting on the original investigation, Yates said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed they used hacking tactics against a smaller number of individuals and that in the vast majority of cases there was insufficient evidence to show that hacking had actually been achieved;</p> <p>DPP orders urgent examination of the material that was supplied to the CPS by the police in 2006.</p>
14th and 21st July 2009	David Hanson MP makes two written Statements to the Commons based on reassurances received by the MPS.
September 2009	Second Press Complaints Commission report, now withdrawn formally, concludes that it was not misled by NOTW; News International Chairman Les Hinton appears before CMS Select Committee.
2010	
24th February 2010	CMS Select Committee publishes report on press reporting which included examination of the phone hacking episode. Highly critical of both the NOTW and the police and stated they did not think it credible that such activity was limited to one rogue reporter.
1st September 2010	New York Times article quotes an ex-NoTW reporter - Sean Hoare - who had said that phone hacking was encouraged at the tabloid. Mr Hoare also told the BBC that phone hacking was "endemic" at the paper and that Mr Coulson asked him to do it. Another ex NOTW reporter, Paul McMullan, alleged to the Guardian that other there were other illegal activities which were rife.
6th September 2010	Home Sec answers an urgent question in the House from Tom Watson MP explaining that any further action was an operational matter for the police.
7th September 2010	<p>HASC launches its inquiry, with an emphasis on the operation of RIPA 2000;</p> <p>AC Yates, at HASC, confirmed that MPS would be talking to Sean Hoare (as this appeared to amount to new information not previously available to the police).</p>
8th	Chris Bryant MP secures debate on whether to refer the

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September 2010	matter to The Parliamentary Committee on Standards and Privileges which was agreed by the House (with Government support).
13th September 2010	Chris Bryant MP with Brian Paddick (formerly of MPS) and Brendan Montague (writer and journalist) lodge Judicial Review application, seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy.
17th September 2010	Lord Prescott also lodges Judicial Review application (several others have also followed since).
12th November 2010	MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information.
10th December 2010	The Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following: "I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."
2011	
5th January 2011	Reported that NOTW suspends Ian Edmondson assistant editor; also reported that Mulcaire says that he was commissioned by Edmondson to hack phones.
January 2011	In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police). Alison Levitt QC (who had no previous involvement in the case) had been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.
21st January 2011	Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.
26th January	The Metropolitan Police announced that in the light of fresh

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2011	<p>information supplied by the News of the World Newspaper (and following suspension of another editor), likely triggered by disclosure requirements for civil actions at the time, they would be conducting a new investigation into phone hacking allegations at the newspaper;</p> <p>This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of DAC Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team.</p>
25th March 2011	Reports that the High Court orders former private investigator, Mulcaire, to reveal who commissioned him to hack phones.
29th March 2011	Following HASC session, Chair Keith Vaz MP writes to Rebekah Brooks requesting information on the number of Police officers paid by Sun Newspaper whilst she was editor; and to AC Yates requesting release of legal advice received before and after 1 October 2010 meeting.
5th April 2011	<p>HASC takes oral evidence from DPP;</p> <p>Three former NOTW journalists arrested (Ian Edmondson, the former news editor at the Sunday tabloid, and Neville Thurlbeck, a senior reporter, are arrested on suspicion of conspiring to intercept communications and unlawfully accessing voicemail messages); News International admits liability and apologises "unreservedly" to several public figures.</p>
14th April 2011	James Weatherup another NOTW journalist also arrested.
23rd May 2011	Lord Prescott, Chris Bryant MP, Brian Paddick, and Brendan Montague win right to Judicial Review.
June 2011 and early July 2011	Fresh allegations appear in newspapers (primarily The Guardian) of NOTW hacking into the phone of the missing schoolgirl Milly Dowler, of the phones of the families of the Soham murder victims, of some of the families of 7/7 victims and of soldiers killed in Iraq, as well the alleged authorisation by Andrew Coulson of payments to the Police and allegations that MPS officers received payments from journalists. This sparks the current, significant and ongoing media and

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	parliamentary interest in the issue.
20th June 2011	MPS alerted to possible receipt of payments by MPS police officers from journalists; Reports that some 300 NOTW emails from News International's solicitors Harbottle & Lewis are given to Scotland Yard allegedly showing that Mr Coulson had authorised payments to police officers.
22nd June 2011	MPS holds meeting with IPCC and they agree to keep in liaison on this issue.
7th July	An SO24 emergency debate on phone hacking in the Commons; IPCC receive formal referral from MPS to investigate possibility that MPS officers received payments from journalists and IPCC decide to conduct a supervised investigation under Deputy Commissioner Deborah Glass and to review the matter if an individual is identified; Murdoch announces that NOTW will close.
8th July 2011	PM holds a press conference clarifying that there would be two inquiries and gave a few more details on what he expected those inquiries to cover; Andrew Coulson arrested by MPS; Clive Goodman rearrested.
10th July 2011	An interview with AC John Yates is reported In The Sunday Telegraph as saying that his decision not to reopen an investigation into News International in 2009 had been 'a pretty crap one', which he now regretted. He refers to Scotland Yard's reputation being 'very damaged' by its failures and accuses News International executives of failing to cooperate with the original 2005 enquiry. He describes mistakes as 'cock-up, not conspiracy'.
11th July 2011	The DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on BSkyB merger.
12th July 2011	HASC takes evidence from senior MPS police officers involved in the investigations and review – Lord Blair, Andy Hayman, John Yates, Peter Clarke and Sue Akers. Includes revelation that both Lord Blair's and John Yates' phones are likely to have been hacked, but unknown by whom.
13th July 2011	PM announces further details of on inquiry in two parts on this matter (first on press ethics etc including regulating the press;

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	<p>second on the police relations with press and failings of original investigations and allegations of corrupt payments to police by journalists) and announces Lord Justice Leveson as the chair of the inquiry;</p> <p>PM also met with the Dowler family; and with the Select Committees and Opposition to agree draft TOR for the inquiry;</p> <p>Murdoch withdraws BSkyB merger bid.</p>
14th July 2011	<p>Neil Wallis former deputy editor of NOTW arrested. Reports that he had worked as a consultant for the MPS;</p> <p>Home Sec writes to the Commissioner for clarification;</p> <p>Mayor meets with the Commissioner.</p>

and to U.S. on 15/07/11

Briefing Pack on PHONE HACKING

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Q and A	Pg 6 – 12
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Time line of events	Pg 15 - 20

Top lines

On the Police Inquiry

- The Prime Minister set out further details of the inquiry in his statement to the House on 13th July:
 - First that there will be one inquiry in 2 parts
 - The inquiry will proceed as quickly as possible, whilst being mindful of the ongoing criminal investigations.
 - Inquiry will be led by a senior judge, Lord Justice Leveson. He will report both to Home Sec and the SoS for Culture Media and Sport. The inquiry will be under the Inquiries Act 2005, so the judge will have powers to summons witness, to give evidence under oath, and he has also accordingly agreed the draft terms of reference. He will be assisted by a panel of senior independent figures (including with expertise in media, broadcasting, regulation, government and policing);
 - First part of the inquiry will cover:
 - Culture practices, practices and ethics of the press;
 - Relationship of the press to the police;
 - The failure of the current system of regulation;
 - The contacts made and discussions between national newspapers and politicians;
 - Why previous warnings of misconduct were not heeded; and
 - Issue of cross media ownership
 - This part of the inquiry will also make recommendations on new way of regulating the press, and the conduct of relations between politicians and press
 - The second part of inquiry will examine the:
 - extent of unlawful or improper conduct at the NOTW and other newspapers;
 - way in which management failures have allowed it to happen
 - original police investigation and its failings;
 - issue of corrupt payments to police officers; and
 - implications of all this for relations between police and the press
 - Still expect that the bulk of the second part of the inquiry can only happen after the police investigation has finished;

On the current Police investigation

- The ongoing police investigations led by Deputy Assistant Commissioner Sue Akers are making good progress and are thorough and well resourced. We know that Sue Akers impressed the Home Affairs Select Committee earlier this week when she gave evidence
- There have so far been eight arrests, including three recently. We must let those investigations, which may lead to criminal charges, run their course.
- The investigation is going through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers. The team has contacted around 170 people so far and will eventually contact everyone named in the documents.

On allegations of payments to the police

- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- This is not police investigating the police. The IPCC is closely supervising the investigation and the senior investigator in charge (Deputy Commissioner Deborah Glass) is in touch daily with DAC Sue Akers
- IPCC have made clear that if an officer is identified as having received corrupt payments they will ramp up the investigation to an independent investigation and deploy their own investigators to carry out the investigation.
- IPCC have full powers to investigate any police wrongdoing and will follow the evidence wherever it leads them.
- Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.

On victims

The Government is committed to improving support for victims of crime, including families bereaved by murder and manslaughter. We recognise that families bereaved by homicide require the most intensive support of all.

- The Government is spending £2.25 million in 2011/12 to support individuals bereaved by murder and manslaughter. £2m will be provided to Victim Support to maintain and develop the National Homicide Service, including £600k to commission specialist services. In addition, £250k has

been allocated through the Homicide Fund to smaller organisations delivering specialist support for those bereaved by murder and manslaughter, beyond those provided by the Homicide Service.

- The National Homicide Service provides tailored and intensive one-to-one support to bereaved families for as long as they need it. The allocation of a professional caseworker to each murder or manslaughter case ensures comprehensive, effective and consistent support to the bereaved family, including through commissioning a range of specialist services. The Service supported 1,130 bereaved people in its first year of operation
- The Dowler family and other families bereaved by homicide which predates the introduction of the National Homicide Service are still able to access support from Victim Support.
- Victim Support takes self-referrals into their mainstream service from relatives bereaved prior to April 2010. A trained volunteer will be allocated and, following an assessment, bereaved individuals can be referred to specialist organisations funded by the Ministry of Justice to support pre-2010 cases.
- The Ministry of Justice will shortly announce a review of all victim support arrangements, so that in future we will be able to provide victims and witnesses with the most effective support. We will prioritise victims of serious crime, including those bereaved by murder and manslaughter; the most vulnerable; and the most persistently targeted.
- On 6 July the Victims' Commissioner published a report on support and services for the families bereaved by murder and manslaughter. We will carefully consider her recommendations on how the CJS and support providers can improve care for this particularly vulnerable group.
- We will shortly begin work with Victims' Commissioner, CJS agencies and victims' organisations to review the Victims' Code and the Witness Charter. These provide for the levels of service victims and witnesses can expect from the Criminal Justice System and we are determined to improve them so that they focus support on those in greatest need.
- The Ministry of Justice shortly intends to put forward proposals for consultation on how victim and support services are delivered and funded. This will ensure that resources and support are targeted towards the most vulnerable and those who have suffered the greatest impact from crime.
- The Government is also working with support providers to develop an outcomes-based framework for ensuring that the services government funds result in real improvements and benefits for victims, rather than measuring the volume of work undertaken.

On the law relating to phone hacking

- The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to two years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to five years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Q and A

Police and IPCC investigations

Do you have confidence in John Yates

- Yes

Isn't the current Police investigation taking too long/ is a shambles?

- No.
- The Metropolitan Police have promised a robust investigation. And the DPP has said on 24 January that his Principal Legal Adviser, Alison Levitt QC, would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS
- So far nine individuals, including three recently and one yesterday, have been arrested in the current investigation; the previous investigation yielded two successful prosecutions
- The Met's approach to contacting victims of phone hacking and where relevant their solicitors as quickly as possible, is also very welcome.
- The Met are conducting a thorough and well resourced investigation – currently with 45 police officers and staff involved
- They are sifting through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers. The team has contacted around 170 people so far and will eventually contact everyone named in the documents.
- Commentators generally agree that the current investigations are proceeding well and are well run. For example, Brian Paddick, who along with Chris Bryant MP is understood to have brought a judicial review seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy, has said: **"I have full confidence in the current police investigation – the person in charge is doing a very thorough job on a painstaking task."**

What has been the role of the Home Office in the new investigation?

- The investigation is an operational matter for the police and the Home Office has not been involved in it nor sought to influence or direct it.

When will the police investigation be completed?

- That is a matter for the police and how the investigation develops. We have already seen some arrests but the investigation must go where the various leads take it.
- The Met have already announced some early developments and contacted individuals in relation to information relating to them.
- In parallel, Alison Levitt QC has been appointed by the Director of Public Prosecutions to assess existing evidence held by the Metropolitan Police and to evaluate any new evidence and to advise on the scope for prosecutions.

The Met have too close a relationship with the media to lead the current investigation; it should be led by another force?

- No. We think the MPS has both the experience and expertise to lead a large national criminal investigation like this.
- Their investigations have already led to two successful prosecutions previously and nine arrests so far in the current investigation.
- In this day and age of extensive media coverage of all issues, it is crucial that the police have a constructive relationship with the media - who can be helpful for example in reporting serious offences and helping to generate witnesses.
- Regular engagement is therefore normal and all police forces have well established links with local and national media outlets where relevant. These operate in accordance with well established national guidelines on the extent of information that can or should be released.

Don't recent developments show the police got it wrong in taking a narrow approach to the previous investigation?

- The Prime Minister has announced that there will be an inquiry which will look at, amongst other things, why the first police investigation failed so abysmally. John Yates has also recently commented that he regretted his decision not to re-open the investigations into the allegations against News of the World in 2009
- It will be for the independent judge-led inquiry to reach the bottom of why this happened

Will the IPCC be auditing all forces or is the IPCC looking at work done previously?

- The report was commissioned by the Home Secretary on 13th July and it will focus on the IPCC's experience of investigating corruption in the police

service. The Home Office will be discussing the precise scope of the report with the IPCC - although it is certain to include stats, data and learning derived from closed investigations

Have the IPCC published work along these lines before?

- Whilst the Home Secretary has previously asked the IPCC to review matters, for example in 2004 to undertake a review into the death of Christopher Alder, this request was made under the Police Act 1996.
- This is the first time that the Home Secretary has exercised her powers under section 11 of the Police Reform Act 2002 to commission a report from the IPCC.
- Under the Police Reform Act 2002 the IPCC regularly publishes reports (such as the Deaths during or following police contact study and the Road Traffic Incidents study) that have been collated from evidence, investigations and casework.

Has the IPCC ever dealt specifically with allegations of payments to police officers by journalists?

- The IPCC is experienced in investigating allegations of corrupt behaviour by police. These range from allegations of corrupt relationships, misuse of public funds, abuse of powers, to inappropriate sexual relationships. This is the first time that the IPCC has overseen an investigation concerning allegations of police payments specifically from journalists

Why hasn't the HMIC been asked to carry out an inspection?

- Both HMIC and IPCC have a role to play in shining a light on policing. In HMIC's case this is in terms of the police's performance whereas the IPCC are responsible for the police complaints system.
- The IPCC has extensive experience of handling allegations of corrupt activity against the police and is therefore well placed to put together the report that the Home Secretary has asked for.
- HMIC has not been involved in directly handling allegations of corrupt activity against the police service in the past. HMIC is therefore not as well placed to produce a lessons learned report.

What powers are used by HS to get IPCC to do this?

- The Police Reform Act 2002 allows the Secretary of State to commission reports from the IPCC. This is the first time the HS has commissioned a report by the IPCC under section 11 of the PRA '02.

- The Home Secretary does not have powers to initiate or direct investigations by the IPCC. The IPCC is independent both from the HSec and the police.

What do we mean by 'corruption'? Is this just relationships with the media?

- The Home Office will be discussing the precise scope of the report with the IPCC so we are not ruling out anything that might come under the definition of corruption at this stage. It is likely though to go broader than just improper relationships with the media.

Doesn't the law relating to phone hacking need changing?

- We remain satisfied that the law itself does not need changing. The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Victims

Are we going to create a victims' law?

- The statutory Code of Practice for Victims of Crime sets out the services victims can expect from the criminal justice system, including the right to information and support. In particular, victims are entitled to know if the

suspect is being released on police bail before conviction, or if the offender is being released on license after conviction.

- But we recognise the Code needs to be reviewed. We plan to work with the Commissioner for Victims and Witnesses to revise both this and the Witness Charter so that they provide a clearer and simpler set of services and entitlements which genuinely help victims and witnesses navigate the criminal justice system.

The average cost of homicide to each family is £37,000. How are you helping?

- The government recognises the emotional and financial costs to families bereaved by homicide, which is why we are working with Victim Support to develop the national Homicide Service to help victims of these violent crimes.
- We have invested £2million in the Homicide Service and a further £250,000 in other specialist, voluntary organisations this year which will go towards providing bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements. This funding will also help with the costs of attending trials, access to legal advice, trauma counselling, support for murders abroad and respite care.

What do we plan to do to make it easier for the bereaved? The current system, "can leave families trembling in its wake".

- The government recognises the trauma suffered by families bereaved by murder and manslaughter. This is why we are developing the Homicide Service in which we have invested £2million this year, as well as a further £250,000 for specialist, voluntary organisations to provide bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements.
- In response to the Victims Commissioners report we will be providing an additional £500,000 this year to increase the number of professional caseworkers in the Homicide Service, to support other organisations providing valuable help to bereaved families and to provide better training for those working with people bereaved by homicide.
- We will shortly announce our review of all victim support arrangements - this will include consideration of victims' services, entitlements and redress. As part of this review, we have been in constant dialogue with the Victims' Commissioner, victims and victim support organisations.

Families ought to be able to choose how and by whom the VPS is delivered.

- We plan to clarify the role of the Victim Personal Statement in informing sentencing and work with criminal justice agencies to ensure that all victims who wish to make one are given the opportunity.
- We are also looking at ways these can be used more widely throughout the criminal justice system, not just to inform a court of the impact a crime has had on a victim's life, but to ensure every victim gets the support they need, when they need it.

Bereaved families should be provided with written copies of the judge's sentencing remarks at the sentencing hearing so that they have access to accurate information and are not reliant on other parts of the criminal justice system to inform them.

- We have already brought forward proposals in the Legal Aid, Sentencing and Punishment of Offenders Bill to clarify the duties courts have to explain the sentence, and to ensure they provide the information that victims and the public need most.
- Subject to judicial approval, a copy of the sentencing remarks will be made available free of charge.

Bereaved families should be informed by the court that they are entitled to request transcripts of the trial and a request for a transcript should be looked on favourably by the judge.

- The provision of trial transcripts will be considered further. Any future provisions would need to be explored on a case-by-case basis in conjunction with the trial judge and an extract, rather than the whole transcript of the trial, may be the most appropriate requirement for the bereaved family.
- There also needs to be consideration given to how the transcript of evidence will be heard by the bereaved family so appropriate support is available at that time. Any transcripts supplied would need to be supplied on a proportionate and affordable basis.

Why did the judge allow the very hostile line of questioning adopted by Levi Bellfield's defence team?

- Whether to allow a line of questioning is a matter for the judge, who will be mindful of the need to ensure a fair trial. Whether to restrict reporting of any elements of a trial, or whether to hear any evidence in private is also a matter for the judge.

Why does a defendant not have to be present in the court when a sentence is handed down?

- Defendants are not obliged to be present in court for sentencing. Physically forcing an unwilling defendant to be present in court risks causing disruption to the hearing.

IF NEEDED

Press regulation

What restrictions currently apply on press practices?

- The Law - The press must abide by the law just as we all do. Of particular note are laws on defamation, data protection and phone hacking.
- The Code of Practice - Additionally, the press sign up to a Code of Practice. This is a self-regulatory Code drawn up by the Committee of Editors. It does not intend to duplicate the law, but is complementary to it. For instance, it includes specific provisions on privacy which are not found in the law. Adherence to the Code is then overseen by the Press Complaints Commission (PCC). The PCC is made up of a mixture of press and lay members, but lay members form a two thirds majority, and the Chairman is always someone with no connection with the press.
- The Editor's Codebook - The editor's Codebook is a handbook which provides a body of 'case law' on previous adjudications made by the PCC, and offers additional guidance to help editors ensure that they are working within the terms of the Code.

What rules or guidance applies to the press in these circumstances?

- Extensive guidance is set out in the Editors' Codebook, a publication that is a companion volume to the Editor's Code of Practice. And of course, like the rest of us, the press must abide by the law.

What happens if the press breach these rules – what sanctions are there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Surely these revelations show once and for all that the press can't be trusted to regulate themselves – creating an independent statutory regulator is the only answer? Aren't statutory controls now needed to regulate the press -

- The Press Complaints Commission is independent from the newspaper industry, with Commission members appointed by an independent Appointments Commission, and an in-built majority of lay members.
- The Government recognises, that the newspaper industry's system of self regulation is not perfect but the principle of a free but responsible press is, however, paramount. Introducing any type of statutory coverage in this area would destroy this principle.
- But as the Prime Minister has announced, the second inquiry will look into the wider press practices and behaviours and the ethics of the press, which may clearly lead to new conclusions being drawn about how they are regulated.
- None of this changes the fact that the press, like anyone else, must comply with the law.

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Timeline of events – phone hacking

Date	Event
2005	
Nov 2005	The News of the World Royal editor Clive Goodman writes a story about Prince William suffering a knee injury.
Dec 2005	Members of the Royal Household at Clarence House report security concerns to Royalty Protection Department of the MPS; MPS launch investigation focussing on alleged security breaches within telephone networks over a significant period of time – investigation initially focussed on complaints from three people within the Royal Household.
2006	
8th August 2006	Goodman and private investigator Glenn Mulcaire arrested.
2007	
26th January 2007	Successful prosecution and jailing of Goodman for hacking into the mobile phones of staff in the Royal Household; and of Mulcaire for hacking into the phone of Gordon Taylor (CE PFA). At the time News International said Goodman had been acting without their knowledge.
6th March 2007	Les Hinton a senior aide to Rupert Murdoch tells the Culture, Media and Sports (CMS) Committee that a "rigorous internal investigation" found no evidence of widespread hacking at the paper.
May 2007	Press Complaints Commission report (since withdrawn) supports NOTW in not finding evidence of widespread hacking at NOTW.
2009	
8th July 2009	Guardian story that NI had paid £1m to keep secret its illegal methods of obtaining material for stories; and that information from that case had been suppressed by the police and the High Court.
9th July 2009	Urgent Question from Dr.Evan Harris MP (Lib Dem). David Hanson MP responded for the Government; AC John Yates asked by Commissioner to establish the facts around MPS inquiry into the alleged unlawful tapping of

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	<p>phones by Goodman and Mulcaire;</p> <p>AC John Yates assesses the allegations and concludes that no further investigation is required – commenting on the original investigation, Yates said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed they used hacking tactics against a smaller number of individuals and that in the vast majority of cases there was insufficient evidence to show that hacking had actually been achieved;</p> <p>DPP orders urgent examination of the material that was supplied to the CPS by the police in 2006.</p>
14th and 21st July 2009	David Hanson MP makes two written Statements to the Commons based on reassurances received by the MPS.
September 2009	Second Press Complaints Commission report, now withdrawn formally, concludes that it was not misled by NOTW; News International Chairman Les Hinton appears before CMS Select Committee.
2010	
24th February 2010	CMS Select Committee publishes report on press reporting which included examination of the phone hacking episode. Highly critical of both the NOTW and the police and stated they did not think it credible that such activity was limited to one rogue reporter.
1st September 2010	New York Times article quotes an ex-NoTW reporter - Sean Hoare - who had said that phone hacking was encouraged at the tabloid. Mr Hoare also told the BBC that phone hacking was "endemic" at the paper and that Mr Coulson asked him to do it. Another ex NOTW reporter, Paul McMullan, alleged to the Guardian that other there were other illegal activities which were rife.
6th September 2010	Home Sec answers an urgent question in the House from Tom Watson MP explaining that any further action was an operational matter for the police.
7th September 2010	<p>HASC launches its inquiry, with an emphasis on the operation of RIPA 2000;</p> <p>AC Yates, at HASC, confirmed that MPS would be talking to Sean Hoare (as this appeared to amount to new information not previously available to the police).</p>
8th	Chris Bryant MP secures debate on whether to refer the

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September 2010	matter to The Parliamentary Committee on Standards and Privileges which was agreed by the House (with Government support).
13th September 2010	Chris Bryant MP with Brian Paddick (formerly of MPS) and Brendan Montague (writer and journalist) lodge Judicial Review application, seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy.
17th September 2010	Lord Prescott also lodges Judicial Review application (several others have also followed since).
12th November 2010	MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information.
10th December 2010	The Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following: "I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."
2011	
5th January 2011	Reported that NOTW suspends Ian Edmondson assistant editor; also reported that Mulcaire says that he was commissioned by Edmondson to hack phones.
January 2011	In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police). Alison Levitt QC (who had no previous involvement in the case) had been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.
21st January 2011	Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.
26th January	The Metropolitan Police announced that in the light of fresh

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2011	<p>information supplied by the News of the World Newspaper (and following suspension of another editor), likely triggered by disclosure requirements for civil actions at the time, they would be conducting a new investigation into phone hacking allegations at the newspaper;</p> <p>This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of DAC Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team.</p>
25th March 2011	Reports that the High Court orders former private investigator, Mulcaire, to reveal who commissioned him to hack phones.
29th March 2011	Following HASC session, Chair Keith Vaz MP writes to Rebekah Brooks requesting information on the number of Police officers paid by Sun Newspaper whilst she was editor; and to AC Yates requesting release of legal advice received before and after 1 October 2010 meeting.
5th April 2011	<p>HASC takes oral evidence from DPP;</p> <p>Three former NOTW journalists arrested (Ian Edmondson, the former news editor at the Sunday tabloid, and Neville Thurlbeck, a senior reporter, are arrested on suspicion of conspiring to intercept communications and unlawfully accessing voicemail messages); News International admits liability and apologises "unreservedly" to several public figures.</p>
14th April 2011	James Weatherup another NOTW journalist also arrested.
23rd May 2011	Lord Prescott, Chris Bryant MP, Brian Paddick, and Brendan Montague win right to Judicial Review.
June 2011 and early July 2011	Fresh allegations appear in newspapers (primarily The Guardian) of NOTW hacking into the phone of the missing schoolgirl Milly Dowler, of the phones of the families of the Soham murder victims, of some of the families of 7/7 victims and of soldiers killed in Iraq, as well the alleged authorisation by Andrew Coulson of payments to the Police and allegations that MPS officers received payments from journalists. This sparks the current, significant and ongoing media and

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	parliamentary interest in the issue.
20th June 2011	MPS alerted to possible receipt of payments by MPS police officers from journalists; Reports that some 300 NOTW emails from News International's solicitors Harbottle & Lewis are given to Scotland Yard allegedly showing that Mr Coulson had authorised payments to police officers.
22nd June 2011	MPS holds meeting with IPCC and they agree to keep in liaison on this issue.
7th July	An SO24 emergency debate on phone hacking in the Commons; IPCC receive formal referral from MPS to investigate possibility that MPS officers received payments from journalists and IPCC decide to conduct a supervised investigation under Deputy Commissioner Deborah Glass and to review the matter if an individual is identified; Murdoch announces that NOTW will close.
8th July 2011	PM holds a press conference clarifying that there would be two inquiries and gave a few more details on what he expected those inquiries to cover; Andrew Coulson arrested by MPS; Clive Goodman rearrested.
10th July 2011	An interview with AC John Yates is reported In The Sunday Telegraph as saying that his decision not to reopen an investigation into News International in 2009 had been 'a pretty crap one', which he now regretted. He refers to Scotland Yard's reputation being 'very damaged' by its failures and accuses News International executives of failing to cooperate with the original 2005 enquiry. He describes mistakes as 'cock-up, not conspiracy'.
11th July 2011	The DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on BSkyB merger.
12th July 2011	HASC takes evidence from senior MPS police officers involved in the investigations and review – Lord Blair, Andy Hayman, John Yates, Peter Clarke and Sue Akers. Includes revelation that both Lord Blair's and John Yates' phones are likely to have been hacked, but unknown by whom.
13th July 2011	PM announces further details of on inquiry in two parts on this matter (first on press ethics etc including regulating the press;

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	<p>second on the police relations with press and failings of original investigations and allegations of corrupt payments to police by journalists) and announces Lord Justice Leveson as the chair of the inquiry;</p> <p>PM also met with the Dowler family; and with the Select Committees and Opposition to agree draft TOR for the inquiry;</p> <p>Murdoch withdraws BSkyB merger bid.</p>
<p>14th July 2011</p>	<p>Neil Wallis former deputy editor of NOTW arrested. Reports that he had worked as a consultant for the MPS;</p> <p>Home Sec writes to the Commissioner for clarification;</p> <p>Mayor meets with the Commissioner.</p>
<p>15th July 2011</p>	<p>Rebekah Brooks resigns from News International</p>

17/07/2011 – Phone call with SPS (and with Tim Godwin on speakerphone @2.42pm)

The Home Secretary explained to SPS that she would be making a statement to Parliament tomorrow and it would be helpful to discuss with him what she could say on some of the specific issues that had recently come to light.

SPS updated the HS that the MPS were going to refer the issue of the letting of the Chamy media contract to the MPA and for it to be considered as part of the judicial Inquiry.

Tim Godwin also updated that they will ask their professional standards department to look at the conduct of John Yates and Dick Fedorcio. The PSD will then decide whether there is a conduct issue here and it could be that these are then referred to the MPA and/or the IPCC. TG clarified that after the PSD had met at 10 am tomorrow they would may make a public statement about the action they were taking (e.g. 'a 42 year old man has been referred').

SPS explained that Kit Malthouse is updating the Mayor. He said that he would let the Home Secretary know if they planned to say anything publicly and that he was planning to speak to John Yates later in the day. SPS commented that it was important that the leadership at the Met continued.

SPS commented on the media reporting about his stay at Champneys. He explained the circumstances and that there is nothing improper in his behaviour, which the HS noted.

The HS asked whether the Met had made any progress in involving Elizabeth Filkin. SPS noted that they would progress this tomorrow.

The HS and SPS agreed that their offices and Stephen Rimmer and Tim Godwin would keep in touch up until the point of her statement in the House of Commons. SPS noted that he was grateful for this.

17/07/2011 – Phone call with the Mayor at 5.40pm

The Mayor explained that he has spoken to his Deputy (KM) following the meeting earlier in the day and was up to speed on its conclusions, which he recapped briefly.

The HS described the distinction between the potential roles of the IPCC and HMIC, and explained that she was considering whether the latter should undertake a wider piece of work. The timetable of any IPCC work would be set by them as an independent organisation, but the HS commented that she was certain they understood the importance of the issues. The MPS are likely to announce who would be invited to undertake their review of media relationships tomorrow.

The Mayor wished the Home Secretary luck in making her statement to the House the following day.

17/07/2011 – Phone call with SPS

SPS explained to the HS that he was resigning and that his decision would enable her to appoint a new Commissioner in time for the Olympics. He explained that he had already sent a message to the Palace and would be speaking to the Mayor.

The HS noted that she was taken by surprise by this, but she commended SPS for doing a first-class job. She also commented that she was sorry that he felt it was necessary to take this decision.

SPS commented that he was sad but that he had the best interests of the Met in mind and that he regrettably felt the Met would be best served by his resignation, in Olympic year there could not be any doubts attached to the Commissioner.

SPS commented that he didn't know what it would mean for the next three months. The HS commented that we would be able to make arrangements in the course of the coming days and that she would speak to the Prime Minister.

The HS thanked SPS again for all that he had done during his time at the Met. She noted that it had not been an easy time to be at the helm.

17/07/2011 – Phone call with the DPM (after 10pm)

The DPM explained that it was important to provide reassurance to the public on the following day, and would reflect that objective in his morning media appearances in which he would also pay tribute to SPS. The Home Secretary confirmed that SPS' resignation had come as a surprise, but that she intended to make progress quickly on recruiting a successor. DPM offered any support that would be helpful.



HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Sir Paul Stephenson
New Scotland Yard

17 July 2011

Dear Paul,

Thank you for calling me tonight to tell me of your decision to resign. I heard the news with sincere regret and would like to thank you for all you have done in your time as Commissioner.

Under your leadership, the Metropolitan Police has done, and continues to do, excellent work every day to protect the public and fight crime. You have led the force through difficult times and, while the current circumstances show that there are still issues to be addressed, I believe the force is today stronger than it was when you took over.

That your decision reflects your concern to ensure that the force is strong and stable in preparation for the Olympics and Paralympics is a testament to your commitment to the Met and the key role it plays in our national life.

I would like to place on record my personal thanks for your support and for your dedicated commitment to cutting crime and upholding all that is good in British policing.

With best wishes



The Rt. Hon. Theresa May MP

[Redacted]

From:
Sent:
To:
Subject:

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: Nick Timothy [mailto:[Redacted]]
Sent: Monday, July 18, 2011 12:38 AM
To: Theresa May <[Redacted]>; May Theresa; Cunningham Fiona; Penn Joanna; [Redacted]
Hammond Katharine; Tighe Andy; Scurry Andrew; Rimmer Stephen
Subject: SPS script for tomorrow morning - if anybody has any changes or complaints please shout

Hello

Script for tomorrow below - do let me know if there are any problems or changes. Key political question is about Andy Coulson, clearly. The key phrase in response to that question is "There has to be a clear line between the investigators and the investigated." That's the difference between the Met and the Govt, between SPS/NW and DC/AC.

Sir Paul Stephenson and the Metropolitan Police

Key messages

- As I said last night, I am sorry that Sir Paul Stephenson has resigned as Commissioner of the Metropolitan Police. He has led the Met through difficult times and, although current circumstances show there are still serious issues to be addressed, the Met is stronger operationally today than it was when he took over.
- The important work of the Met – its national responsibilities like counter-terrorism operations as well as policing our capital city – must continue.
- In the next day or so, I will work with the Metropolitan Police and the Mayor of London to arrange an orderly transition and the appointment of a new Commissioner.
- I expect us to agree a notice period for Sir Paul later today. In the meantime he remains Commissioner, so he will be at New Scotland Yard and in operational command. I expect Sir Paul to be replaced quite promptly by Tim Godwin, who will step in as Acting Commissioner, as he did very effectively during Sir Paul's illness between December and April this year.
- I am confident we have a comprehensive package of measures to get to the bottom of all the allegations that relate to the police, and I will be making an oral statement to Parliament to outline those plans later today.

Political fall out

Sir Paul Stephenson says he felt he couldn't tell the Prime Minister or Home Secretary about Neil Wallis because it would have embarrassed the Prime Minister because of his relationship with Andy Coulson. Isn't that wrong?

All I want to say about that is this: the police must investigate all crime and all criminals without fear or favour. In investigating a case, when a police force finds itself with a potential conflict of interest, they have a duty to be transparent about that. I have made it clear to Sir Paul that he should have notified me as soon as he realised there was a problem.

What is the difference between Sir Paul's relationship with Neil Wallis and the Prime Minister's relationship with Andy Coulson?

There is a very clear difference. The Government – and the Conservative Party in Opposition – were not in charge of investigating allegations of wrongdoing at the News of the World. The Metropolitan Police was. There has to be a clear line between the investigators and the investigated. That is why I have concerns

about the Met's contract with Neil Wallis, and that is why I wrote to Sir Paul outlining my concerns on Thursday evening.

Isn't the Andy Coulson link worse, in fact? He resigned from the News of the World, where Neil Wallis did not.

I remain concerned about the Met's contract with Neil Wallis, and as I have said, there has to be a clear line between the investigators and the investigated.

But there was no reason for the Met to believe that Neil Wallis had done anything wrong, was there?

I remain concerned about the Met's contract with Neil Wallis, and as I have said, there has to be a clear line between the investigators and the investigated.

Sir Paul's resignation

Did you ask Sir Paul Stephenson to resign?

I did not.

Did anybody put pressure on Sir Paul to resign?

I'm not aware of anybody putting any pressure on Sir Paul to resign.

Did you ask him to reconsider?

I respected his decision and the reasons for his decision.

Next steps

Will Sir Paul be returning to New Scotland Yard?

Yes. I expect us to agree a notice period for Sir Paul later today. In the meantime he remains Commissioner, so he will be at New Scotland Yard and in operational command. I expect Sir Paul to be replaced quite promptly by Tim Godwin, who will step in as Acting Commissioner, as he did very effectively during Sir Paul's illness between December and April this year.

How long will it take to appoint a successor?

I want to be able to make the appointment as quickly as possible, although clearly we will need time to make sure that we get the right person. I am not prepared to set a timetable right now.

And what will happen in the meantime?

As I have said, Tim Godwin will step in as Acting Commissioner, as he did very effectively during Sir Paul's illness between December and April this year.

What about John Yates?

I am not prepared to comment on individual officers at this stage.

Does John Yates retain your confidence?

Until there is evidence of wrongdoing by any individual officer – established through a proper process – all Metropolitan Police officers have my confidence.

Won't your police reform plans just make things worse?

These allegations make police reform more urgent. And I note that according to a poll at the weekend, the public agrees with me.

But Boris Johnson – basically a police and crime commissioner – called the allegations "codswallop" last year. Wouldn't commissioners make the police/media relationship more cosy, not less?

Police and crime commissioners would put make the police accountable to the people – and the people want the police to investigate crimes without fear or favour.

Other political pressure

Why has it taken until now for you to say anything?

I have taken prompt and immediate action at each moment I have been required to do so. When I was made aware of the Met's contract with Neil Wallis, I wrote to Sir Paul Stephenson outlining my concerns and asking for an explanation. I planned to make an oral statement to Parliament today – before I knew about Sir Paul's resignation – to announce

Yvette Cooper says you've been slow off the mark.

~~As I have said, I have taken prompt and immediate action at each moment I have been required to do so.~~ If she thought I should have taken action earlier, Yvette Cooper could have tabled urgent questions in the House of Commons – but she hasn't done so.

Why didn't you do something last September when new allegations came to light?

The day ministers start intervening in police operations is a very dark day for our police, our society and our democracy. It's not for a Home Secretary to order the police to investigate or prosecute people.

Shouldn't you set up an independent inquiry / compel the Met to disclose information / order another force to take over the investigation?


I am confident we have a comprehensive package of measures to get to the bottom of all the allegations that relate to the police, and I will be making an oral statement to Parliament to outline those plans later today. I'm afraid I can't pre-empt that statement.

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[Redacted]

[Redacted]

[Redacted]

Last week, in horrendous weather, I cycled the 300 miles from London to Paris to raise money for  British Red Cross. My sponsorship page is still open and if you'd be willing to sponsor me, please click [here](#) to get to my site.

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]@ [Redacted] mailto: [Redacted]@ [Redacted]
Sent: 18 July 2011 11:46
To: [Redacted] Hammond Katharine; ELlewellyn@ [Redacted]
gus.odonnell@ [Redacted] coliver@ [Redacted] jheywood [Redacted]
Cc: calum.miller@ [Redacted]; King Simon: [Redacted] jbowler@ [Redacted]
jonny.oates@ [Redacted] LPietsch@ [Redacted] Lnietsch@ [Redacted]
chris.wormald@ [Redacted] [Redacted]@ [Redacted]

Subject: REST - Readout PDM/CX/HS meeting to discuss policing developments
Importance: High

All

Thanks very much for fielding people at such short notice. The following issues were discussed:

The HS explained that she was in discussions about when SPS would formally depart from his job, which she wanted to settle before her statement. She would be discussing with Tim Godwin, who would act up in the interim, and the Mayor.

There was agreement that there needed to be a proper process for appointing the next Commissioner but that this should go forward swiftly, especially in light of the need to continue preparing for the Olympics.

The HS then ran through a number of measures she was proposing in response to events, which she would update the House on today:

- A director level Proprietary and Ethics Office for the Met
- New arrangements for greater transparency between the police and the press
- Progress on the idea of an external advisor to the Met on their relations with the press
- HMIC to review police contracting arrangements
- Strengthening the IPCC so that e.g. it had fuller powers in relation to civilian witnesses whilst investigating corruption allegations
- Bringing an external CC to be SRO/joint SRO for the phone hacking investigation and/or the allegations of corruption investigation ([redacted] - this was unclear, could you clarify?)

There was discussion as to whether one of these things, pos the HMIC work, should be held back for Wednesday.

On the inquiry, there was discussion of re-raising the idea of a police representative on the panel with the judge. GO'D would discuss with him this morning. There was agreement that we should finalise the ToRs and the panel members in time to announce in the statement on Wednesday. **Chris Williams** – could you update when we have news?

DPM said that it was important to reassure the public and demonstrate that policing was going on as normal despite events. He and the HS should meet with Tim Godwin today as part of this process. [redacted] - we've discussed. DPM's strong preference is do a meeting with the HS and TG at NSY. In terms of timings, we have a window at 1330. Grateful for an update asap on how this is looking.

Michael

Private Secretary to the Deputy Prime Minister
Economic and Domestic Affairs

T: [redacted]
M: [redacted]

From: [redacted] Deputy Prime Minister's Office (Cabinet Office)

Sent: 18 July 2011 09:08

To: 'Bullock Suzanne'; 'Beth.Russell([redacted]); 'Katharine.Hammond([redacted]); 'ELlewellyn([redacted]); 'Duvigneau, Marilyne - HMT'; O'Donnell Gus - Cabinet Secretary (Cabinet Office); 'coliver([redacted]); Heywood Jeremy - No. 10 -

Cc: [redacted] Private Offices Group (Cabinet Office); Miller Calum - Deputy Prime Ministers Office (Cabinet Office)

Subject: URGENT: 10AM meeting with the DPM

All

The DPM has requested a meeting take place here in 116, 70 Whitehall, at 10:00 – 10:45 to discuss the Home Secretary's statement on the met police.

Attendees should be:

- Home Sec +1
- Chx +1
- Gus O'Donnell
- Jeremy Haywood
- Ed Llewellyn
- Craig Oliver

The DPM is keen to keep numbers to a minimum so grateful if we could stick with the castlist as above.

Grateful if your attendance could be confirmed asap

Thanks

[Redacted]

[Redacted] | APS (Diary) to the Deputy Prime Minister, Rt Hon Nick Clegg MP
[Redacted] | 70 Whitehall, London SW1A 2AS |
www.dpm.cabinetoffice.gov.uk

BOX DEADLINE FOR ROUTINE SUBMISSIONS IS 15.00 ON MONDAY - THURSDAY AND 12.00 ON FRIDAY

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18/07/2011 – Phone call with the Mayor

The HS and the Mayor discussed the transitional arrangements following SPS's resignation. They agreed that new arrangements would need to be in place no later than Friday 22nd July. They agreed that Tim Godwin would become the Acting Commissioner and discussed other potential resilience and contingency arrangements. They agreed that the recruitment process for the next Met Commissioner needed to be conducted swiftly, but the process had to be commensurate with the challenges of the role.

18/07/2011 – Phone call with the Mayor

The HS and Mayor discussed that they had both just been informed that John Yates was going to announce his resignation. Both were aware that the Acting Commissioner was giving thought to cover arrangements in the event that this occurred, including discussions with the Security Service.

18/07/2011 – Phone call with Tim Godwin

TG updated the HS on developments in respect of key individuals, including that SPS would be referred to the IPCC. SPS would attend the HASC as planned and then depart as Commissioner; TG would become Acting Commissioner immediately after that – the HS explained she was expediting the permanent appointment process. They discussed the temporary appointment of Bernard Hogan-Howe as Deputy Commissioner and other potential contingency arrangements which TG was considering.

TG confirmed that Elizabeth Filkin's role and also that he intended to publish the MPS hospitality register.

Briefing Pack for Home Secretary's Oral Statement 18th July

Top Lines	Pg 2 – 5
Q and A	Pg 6 – 21
<hr/>	
If need Q and A on press regulation	Pg 22 - 23
Time line of events	Pg 23 - 28

Top lines

On the Police Inquiry

- The Prime Minister set out further details of the inquiry in his statement to the House on 13th July:
 - First that there will be one inquiry in 2 parts
 - The inquiry will proceed as quickly as possible, whilst being mindful of the ongoing criminal investigations.
 - Inquiry will be led by a senior judge, Lord Justice Leveson. He will report both to Home Sec and the SoS for Culture Media and Sport. The inquiry will be under the Inquiries Act 2005, so the judge will have powers to summons witness, to give evidence under oath, and he has also accordingly agreed the draft terms of reference. He will be assisted by a panel of senior independent figures (including with expertise in media, broadcasting, regulation, government and policing);
 - First part of the inquiry will cover:
 - Culture practices, practices and ethics of the press;
 - Relationship of the press to the police;
 - The failure of the current system of regulation;
 - The contacts made and discussions between national newspapers and politicians;
 - Why previous warnings of misconduct were not heeded; and
 - Issue of cross media ownership
 - This part of the inquiry will also make recommendations on new way of regulating the press, and the conduct of relations between politicians and press
 - The second part of inquiry will examine the:
 - extent of unlawful or improper conduct at the NOTW and other newspapers;
 - way in which management failures have allowed it to happen
 - original police investigation and its failings;
 - issue of corrupt payments to police officers; and
 - implications of all this for relations between police and the press
 - Still expect that the bulk of the second part of the inquiry can only happen after the police investigation has finished;

On the current Police investigation

- The ongoing police investigations led by Deputy Assistant Commissioner Sue Akers are making good progress and are thorough and well resourced. We know that Sue Akers impressed the Home Affairs Select Committee earlier this week when she gave evidence
- There have so far been ten arrests. We must let those investigations, which may lead to criminal charges, run their course.
- The investigation is going through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers. The team has contacted around 170 people so far and will eventually contact everyone named in the documents.

On allegations of payments to the police

- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- This is not police investigating the police. The IPCC is closely supervising the investigation and the senior investigator in charge (Deputy Commissioner Deborah Glass) is in touch daily with DAC Sue Akers
- IPCC have made clear that if an officer is identified as having received corrupt payments they will ramp up the investigation to an independent investigation and deploy their own investigators to carry out the investigation.
- IPCC have full powers to investigate any police wrongdoing and will follow the evidence wherever it leads them.
- Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.

On victims

The Government is committed to improving support for victims of crime, including families bereaved by murder and manslaughter. We recognise that families bereaved by homicide require the most intensive support of all.

- The Government is spending £2.25 million in 2011/12 to support individuals bereaved by murder and manslaughter. £2m will be provided to Victim Support to maintain and develop the National Homicide Service, including £600k to commission specialist services. In addition, £250k has been allocated through the Homicide Fund to smaller organisations

delivering specialist support for those bereaved by murder and manslaughter, beyond those provided by the Homicide Service.

- The National Homicide Service provides tailored and intensive one-to-one support to bereaved families for as long as they need it. The allocation of a professional caseworker to each murder or manslaughter case ensures comprehensive, effective and consistent support to the bereaved family, ~~including through commissioning a range of specialist services.~~ The Service supported 1,130 bereaved people in its first year of operation
- The Dowler family and other families bereaved by homicide which predates the introduction of the National Homicide Service are still able to access support from Victim Support.
- Victim Support takes self-referrals into their mainstream service from relatives bereaved prior to April 2010. A trained volunteer will be allocated and, following an assessment, bereaved individuals can be referred to specialist organisations funded by the Ministry of Justice to support pre-2010 cases.
- The Ministry of Justice will shortly announce a review of all victim support arrangements, so that in future we will be able to provide victims and witnesses with the most effective support. We will prioritise victims of serious crime, including those bereaved by murder and manslaughter; the most vulnerable; and the most persistently targeted.
- On 6 July the Victims' Commissioner published a report on support and services for the families bereaved by murder and manslaughter. We will carefully consider her recommendations on how the CJS and support providers can improve care for this particularly vulnerable group.
- We will shortly begin work with Victims' Commissioner, CJS agencies and victims' organisations to review the Victims' Code and the Witness Charter. These provide for the levels of service victims and witnesses can expect from the Criminal Justice System and we are determined to improve them so that they focus support on those in greatest need.
- The Ministry of Justice shortly intends to put forward proposals for consultation on how victim and support services are delivered and funded. This will ensure that resources and support are targeted towards the most vulnerable and those who have suffered the greatest impact from crime.
- The Government is also working with support providers to develop an outcomes-based framework for ensuring that the services government funds result in real improvements and benefits for victims, rather than measuring the volume of work undertaken.

On the law relating to phone hacking

- The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to two years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to five years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Q and A

MPS leadership and transition

Who is running the Met now?

- Sir Paul Stephenson remains Commissioner and is operationally responsible for the Met.
-

When will SPS leave his post?

- Home Sec has agreed that Sir Paul Stephenson should leave his post as swiftly as possible. In the meantime he will remain Commissioner, in post at New Scotland Yard and in operational command.

Who then takes over as Commissioner?

- The current Deputy Commissioner, Tim Godwin, will take over as Acting Commissioner (as he did, very effectively, between December and April when covering for SPS's illness).
- The process for appointing a substantive successor will begin as soon as possible. It will be an open competition.

Who will be the Deputy Commissioner then?

- Benard Hogan Howe
- He is not being formally appointed as Deputy since there is a process to be followed for that. With the agreement of the MPA, Tim Goodwin and the Home Secretary, he has agreed to take on the responsibilities of a Deputy.

How will the Commissioner/Deputy Commissioner of the MPS appointed?

- The Commissioner and Deputy Commissioner are appointed by HM the Queen, on the basis of a recommendation made by the Home Secretary. In making recommendations to Her Majesty, the Home Secretary is required to have regard to recommendations made by the MPA and (in the case of the post of Commissioner) any representations made by the Mayor of London.

What is the process for recruiting a successor and when will it start?

- This will get underway as soon as possible. It will be an open competition, with the final decision taken by Home Secretary, following consultation with the Mayor.

Why has SPS gone now?

- Sir Paul has explained his reasons, with particular regard to the Olympics. I completely respect his decision.

Are others likely to go too?

- This will be a matter for any relevant investigation. I am determined to support the Met in ensuring it has the right leadership to face the challenges ahead, and that none of its key leaders is distracted from the task.

What is the government's view on the John Yates resignation

- I want to put on record my gratitude to John Yates for the work that he has done, while I have been Home Secretary, to develop and improve counter-terrorism policing in London and, indeed across the UK. Assistant Commissioner Cressida Dick will step in for John Yates until a permanent successor is appointed.

Who will take over from John Yates

- Cressida Dick as AC (Special Operations)

Who will take over from Cressida

- That is a matter for the Acting Commissioner

Why not give the Mayor/MPA more powers to appoint the Met Commissioner?

- Due to the national responsibilities held by the Metropolitan Police we are clear that Her Majesty the Queen should continue to appoint the Metropolitan Police Commissioner and the Deputy Commissioner on the advice of the Home Secretary. The Mayor of London is of course able to make recommendations to the Home Secretary, and the Metropolitan Police Authority can make representations to her, which she must consider before advising Her Majesty.

What assurances the government can give that it will consider the issue of leadership in the police separate to the Leveson inquiry and make that consideration a matter of urgency?

- The Government takes police leadership and issues affecting police leadership very seriously. Police leadership is key to ensuring that officers across England and Wales are able to provide a high quality service to the public.
- Peter Neyroud set out his views on the future of police leadership and training in his report published 5 April. The Government is currently considering the responses received during the consultation period on this report and will be setting out its position in due course.
- The Government will set out its response to part two of Tom Winsor's report following its publication next year.

Why is the Home Secretary pursuing recommendations from the Winsor Review to cut police pay significantly when this will open up more officers to the risk of corruption?

- I am sure that the issues investigated by Operation Elveden are the actions of a tiny minority of police officers. The Government has the utmost confidence in the continuing professionalism of the police service. Police officers and staff are expected to uphold the highest standards of professional behaviour and any breach of those standards may result in criminal or disciplinary proceedings.
- The Government has also been clear that action is needed to tackle the deficit. The police service has its part to play, and in an organisation like the police, where 80 per cent of revenue expenditure is on pay, there is no question that pay restraint and pay reform must form part of the package.
- The Review has an important role in enabling the police service to do this. Tom Winsor was asked to look at how remuneration arrangements and conditions of service for police officers and staff can best support and enable the police service to serve the public and provide value for money for the public taxpayer.

Will the Commissioner's resignation affect plans for Olympic security?

- The safety and security plans are on track. The Metropolitan Police, as with everyone involved, are focused on delivering a safe and secure Olympic and Paralympic Games that London, the UK and the world can enjoy.

Isn't the increase in robbery over the last 3 months because of Met's poor performance?

- The Home Office carries out a monthly horizon scan of police and crime risks, using provisional and unpublished police recorded crime data. The increase in police recorded robbery over the last three months is mainly being driven by increases in the MPS, which accounts for nearly half of robbery in England and Wales.
- This has recently been reported in the national Press. For example, the recent Times report accurately reflects the position in respect of increases in burglary and robbery in the MPS. The data quoted was drawn from the force's own published figures which reported a monthly increase in burglary of 18% for May 2011 compared with the same period in 2010. Provisional data show that for the 12 months to May 2011 the MPS have seen a 3.7% increase in burglary. There are, of course, large variations across London boroughs, with Tower Hamlets showing an increase of 52% for the three months to May 2011 and Greenwich showing a decrease of 16%.
- The MPS has acted positively, and launched "Operation Target" in June as a response to the growth in robbery and residential burglary. The operation is focussed on communities that cover just 2% of the MPS area but account for a third of all muggings and 15% of residential burglary. The operation will last for six months and is centred on communities which suffer disproportionate levels of crime and anti-social behaviour.

Ongoing Police investigations into NOTW phone hacking

Wasn't the arrest of Rebekah Brooks yesterday an attempt by the MPS to distract from the resignation of SPS?

- There was nothing sinister about the timing of arrest of Rebekah Brooks. We understand there was clear CPS advice that she should be arrested ahead of the Culture Media and Sports Committee hearing, on grounds that she would likely incriminate herself on Tuesday; this would seriously undermine the investigation in the process. We also understand that DAC Sue Akers informed both the Speaker's office and John Whittingdale over the weekend.

Isn't the current Police investigation taking too long/ is a shambles?

- No.
- The Metropolitan Police have promised a robust investigation. And the DPP has said on 24 January that his Principal Legal Adviser, Alison Levitt QC, would rigorously examine any evidence resulting from recent or new substantive allegations made to the MPS
- So far ten individuals, including three recently and one yesterday, have been arrested in the current investigation; the previous investigation yielded two successful prosecutions
- The Met's approach to contacting victims of phone hacking and where relevant their solicitors as quickly as possible, is also very welcome.
- The Met are conducting a thorough and well resourced investigation – currently with 45 police officers and staff involved
- They are sifting through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers. The team has contacted around 170 people so far and will eventually contact everyone named in the documents.
- Commentators generally agree that the current investigations are proceeding well and are well run. For example, Brian Paddick, who along with Chris Bryant MP is understood to have brought a judicial review seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy, has said: "I have full confidence in the current police investigation – the person in charge is doing a very thorough job on a painstaking task."

What has been the role of the Home Office in the new investigation?

- The investigation is an operational matter for the police and the Home Office has not been involved in it nor sought to influence or direct it.

Will the government ensure that police officers who have received hospitality from the News of the World are no longer involved in the ongoing investigations in to the affairs of that organisation?

- There are currently two investigations taking place that relate to the News of the World.
 - Operation Weeting is the police investigation into alleged phone hacking.
 - Operation Elveden is the investigation into allegations of corrupt payments to police.
- These are both operational matters, one led by the Met (Op. Weeting) the other under close supervision by the IPCC (Op. Elveden). So any questions about ensuring the right officers are involved in these matters are for them – the Home Office cannot interfere in how these investigations are conducted.

When will the police investigation be completed?

- That is a matter for the police and how the investigation develops. We have already seen some arrests but the investigation must go where the various leads take it.
- The Met have already announced some early developments and contacted individuals in relation to information relating to them.
- In parallel, Alison Levitt QC has been appointed by the Director of Public Prosecutions to assess existing evidence held by the Metropolitan Police and to evaluate any new evidence and to advise on the scope for prosecutions.

The Met have too close a relationship with the media to lead the current investigation; it should be led by another force?

- No. We think the MPS has both the experience and expertise to lead a large national criminal investigation like this.
- Their investigations have already led to two successful prosecutions previously and nine arrests so far in the current investigation.
- In this day and age of extensive media coverage of all issues, it is crucial that the police have a constructive relationship with the media - who can

be helpful for example in reporting serious offences and helping to generate witnesses.

- Regular engagement is therefore normal and all police forces have well established links with local and national media outlets where relevant. These operate in accordance with well established national guidelines on the extent of information that can or should be released.
-

Don't recent developments show the police got it wrong in taking a narrow approach to the previous investigation?

- The Prime Minister has announced that there will be an inquiry which will look at, amongst other things, why the first police investigation failed so abysmally. John Yates has also recently commented that he regretted his decision not to re-open the investigations into the allegations against News of the World in 2009.
- It will be for the independent judge-led inquiry to reach the bottom of why this happened

Doesn't the law relating to phone hacking need changing?

- We remain satisfied that the law itself does not need changing. The intentional interception of communications, or phone tapping, without lawful authority is illegal. A range of legal protections already exist and under which prosecutions may be brought where unlawful activity is found to have occurred.
- The Regulation of Investigatory Powers Act 2000 (RIPA) provides the framework that governs the lawful interception of communications. Unlawful interception, which can include 'hacking', is an offence under RIPA and carries a penalty of up to 2 years.
- The Computer Misuse Act 1990 creates other offences relating to unauthorised access to data held in any computer. These range from 12 months up to 5 years imprisonment and an unlimited fine.
- The Data Protection Act also creates an offence of the unlawful obtaining of personal data.
- There is also a Code of Practice which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

Judge Leveson Inquiry

Are the Met going to appoint someone senior to advise them about their relations with the press; who will it be?

- I understand the Commissioner is urgently considering this.
-

Will the Home Secretary disclose information in relation to Op. Nigeria (which is no longer *sub judice*) to the inquiry?

- The terms of reference of the inquiry are drawn very broadly. It will be for Lord Justice Leveson to seek relevant information from the Home Office and for us to provide as appropriate.

[Background – Guardian reports of 2002 revealed that tabloid journalists were caught on tape by a police surveillance operation obtaining information from a private detective agency which in turn paid corrupt officers for confidential police material. Transcripts record reporters from the News of the World, Mirror and Sunday Mirror doing business with Jonathon Rees, whose company, Southern Investigations, was being secretly bugged. Operation Nigeria, the surveillance of Southern Investigations (a private detective agency) between May and September 1999, was run by the Metropolitan police's anti-corruption squad CIB3. It ended when listening devices picked up evidence that Southern's director (Rees) was involved in a plot to plant drugs on a woman so that her husband would win a custody battle for their child. Rees was subsequently jailed for that, along with a serving detective, Austin Warnes. Documents from Operation Nigeria reveal that senior officers were keen to bring charges against reporters if any evidence was found that they had committed crimes. However, no such evidence surfaced of criminal offences by any of the reporters or that they knew the origin of the material. [redacted] is identified by the transcripts as a lucrative customer of the agency; The Mirror was another client. In July 1999 the bugging operation captured a conversation between Rees and another corrupt serving detective, Tom Kingston - later jailed for drug theft - in which they discussed a police contact in the diplomatic protection squad at Buckingham Palace whose firearms certificate was withdrawn because he had been taking steroids.]

IPCC and HMIC

Will the IPCC be auditing all forces or is the IPCC looking at work done previously?

- The report was commissioned by the Home Secretary on 13th July and it will focus on the IPCC's experience of investigating corruption in the police service. The Home Office will be discussing the precise scope of the report with the IPCC - although it is certain to include stats, data and learning derived from closed investigations

Have the IPCC published work along these lines before?

- Whilst the Home Secretary has previously asked the IPCC to review matters, for example in 2004 to undertake a review into the death of Christopher Alder, this request was made under the Police Act 1996.
- This is the first time that the Home Secretary has exercised her powers under section 11 of the Police Reform Act 2002 to commission a report from the IPCC.
- Under the Police Reform Act 2002 the IPCC regularly publishes reports (such as the Deaths during or following police contact study and the Road Traffic Incidents study) that have been collated from evidence, investigations and casework.

Has the IPCC ever dealt specifically with allegations of payments to police officers by journalists?

- The IPCC is experienced in investigating allegations of corrupt behaviour by police. These range from allegations of corrupt relationships, misuse of public funds, abuse of powers, to inappropriate sexual relationships. This is the first time that the IPCC has overseen an investigation concerning allegations of police payments specifically from journalists

What powers are used by HS to get IPCC to do this?

- The Police Reform Act 2002 allows the Secretary of State to commission reports from the IPCC. This is the first time the HS has commissioned a report by the IPCC under section 11 of the PRA '02.
- The Home Secretary does not have powers to initiate or direct investigations by the IPCC. The IPCC is independent both from the HSec and the police.

What do we mean by 'corruption'? Is this just relationships with the media?

- The Home Office will be discussing the precise scope of the report with the IPCC so we are not ruling out anything that might come under the definition of corruption at this stage. It is likely though to go broader than just improper relationships with the media.

How can the IPCC investigate Clarke and Hayman – they are no longer serving officers? [If IPCC get referral from MPA before statement]

- An officer's resignation or the fact that he is no longer a serving officer does not automatically prevent an investigation being carried out, a report being prepared, conclusions being reached or indeed a complaint being upheld.
- In order for a police force not to deal with a complaint it is required to apply to the Independent Police Complaints Commission (IPCC) to dispense with the need to investigate (if an investigation has not already begun) or discontinue an investigation (if an investigation has already started). The IPCC can only provide dispensation for the force not to complete an investigation if the reason falls within a category of matters set out in regulations.
- If the IPCC investigation is criminal in nature, any person who has ceased to serve with the police cannot prevent it being pursued. They can still be arrested, questioned, have their person or property searched and if the circumstances warrant, be charged and prosecuted.

What powers does the IPCC have to investigate civilians and what new powers are being proposed

- Anyone, whether a police officer or member of police staff under the direction of a Chief Officer is subject to the complaints system, and their actions fall within the remit overseen by the IPCC.

Will the HMIC report the Home Secretary has just announced have to wait till the current investigations are over?

- I would expect HMIC to discuss this work with the IPCC in order to ensure that it can be carried out quickly but without prejudicing the IPCC investigation

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Receipt of gifts and payments by the police

What arrangements has the Government put in place which govern the conduct of police officers who receive gifts and hospitality?

- There are a number of criminal offences that might apply in relation to a person making payments to, and/or police officers accepting payments for, services or privileges, depending on the circumstances of the case. For example there is the **Common law offence of misfeasance in a public office** (sometimes known as **misconduct in a public office**) or the range of offences under the Bribery Act 2010 that are now in force and which repealed the common law offence of bribery and other statutory offences like the Prevention of Corruption Act 1916. It would be for the CPS to select the appropriate charge.

- In addition to this Home Office Guidance on *Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures* requires all police officers to act with honesty and integrity. This guidance states that:-
 - *“Police officers never accept any gift or gratuity that could compromise their impartiality.” [Para 1.15]*
 - *“...police officers always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation.” [Para 1.15]*
 - *“...all gifts and gratuities must be declared in accordance with local force policy”. Para 1.16]*

- Regulation 2 of the Police (Complaints and Misconduct) Regulations 2004 sets out the categories of complaints which are required to be referred to the IPCC. The list includes ‘serious corruption’ as defined by the IPCC statutory guidance as follows:-

The term ‘serious corruption’ refers to conduct that includes:

- *any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system;*

- *payments or other benefits or favours received in connection with the performance of duties amounting to an offence in relation to which a magistrates’ court would be likely to decline jurisdiction;*

- *corrupt controller, handler or informer relationships;*

- *provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under Section 55 of the Data Protection Act 1998;*

- *extraction and supply of seized controlled drugs, firearms or other material;*

- *attempts or conspiracies to do any of the above.*

-
- The chief officer may also refer to the IPCC any complaintⁱ which is not set out in regulations where the chief officer considers it would be appropriate to refer it by reason of the gravity of the subject matter of the complaint or any exceptional circumstances.
 - The IPCC has the power to require a chief officer to refer any complaint to it for its considerationⁱⁱ.
 - Once a complaint has been referred to the IPCC, it is entirely a matter for the IPCC to determine whether the matter will be independently investigated by the IPCC or will be subject of a managed or supervised investigation by the police.

Victims

Are we going to create a victims' law?

- The statutory Code of Practice for Victims of Crime sets out the services victims can expect from the criminal justice system, including the right to information and support. In particular, victims are entitled to know if the suspect is being released on police bail before conviction, or if the offender is being released on license after conviction.
- But we recognise the Code needs to be reviewed. We plan to work with the Commissioner for Victims and Witnesses to revise both this and the Witness Charter so that they provide a clearer and simpler set of services and entitlements which genuinely help victims and witnesses navigate the criminal justice system.

The average cost of homicide to each family is £37,000. How are you helping?

- The government recognises the emotional and financial costs to families bereaved by homicide, which is why we are working with Victim Support to develop the national Homicide Service to help victims of these violent crimes.
- We have invested £2million in the Homicide Service and a further £250,000 in other specialist, voluntary organisations this year which will go towards providing bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements. This funding will also help with the costs of attending trials, access to legal advice, trauma counselling, support for murders abroad and respite care.

What do we plan to do to make it easier for the bereaved? The current system, "can leave families trembling in its wake".

- The government recognises the trauma suffered by families bereaved by murder and manslaughter. This is why we are developing the Homicide Service in which we have invested £2million this year, as well as a further £250,000 for specialist, voluntary organisations to provide bereaved families with a dedicated caseworker, emotional support and practical help including re-housing, benefits and funeral arrangements.
- In response to the Victims Commissioners report we will be providing an additional £500,000 this year to increase the number of professional caseworkers in the Homicide Service, to support other organisations providing valuable help to bereaved families and to provide better training for those working with people bereaved by homicide.

- We will shortly announce our review of all victim support arrangements - this will include consideration of victims' services, entitlements and redress. As part of this review, we have been in constant dialogue with the Victims' Commissioner, victims and victim support organisations.

Families ought to be able to choose how and by whom the VPS is delivered.

- We plan to clarify the role of the Victim Personal Statement in informing sentencing and work with criminal justice agencies to ensure that all victims who wish to make one are given the opportunity.
- We are also looking at ways these can be used more widely throughout the criminal justice system, not just to inform a court of the impact a crime has had on a victim's life, but to ensure every victim gets the support they need, when they need it.

Bereaved families should be provided with written copies of the judge's sentencing remarks at the sentencing hearing so that they have access to accurate information and are not reliant on other parts of the criminal justice system to inform them.

- We have already brought forward proposals in the Legal Aid, Sentencing and Punishment of Offenders Bill to clarify the duties courts have to explain the sentence, and to ensure they provide the information that victims and the public need most.
- Subject to judicial approval, a copy of the sentencing remarks will be made available free of charge.

Bereaved families should be informed by the court that they are entitled to request transcripts of the trial and a request for a transcript should be looked on favourably by the judge.

- The provision of trial transcripts will be considered further. Any future provisions would need to be explored on a case-by-case basis in conjunction with the trial judge and an extract, rather than the whole transcript of the trial, may be the most appropriate requirement for the bereaved family.
- There also needs to be consideration given to how the transcript of evidence will be heard by the bereaved family so appropriate support is available at that time. Any transcripts supplied would need to be supplied on a proportionate and affordable basis.

Why did the judge allow the very hostile line of questioning adopted by Levi Bellfield's defence team?

- Whether to allow a line of questioning is a matter for the judge, who will be mindful of the need to ensure a fair trial. Whether to restrict reporting of any elements of a trial, or whether to hear any evidence in private is also a matter for the judge.
-

Why does a defendant not have to be present in the court when a sentence is handed down?

- Defendants are not obliged to be present in court for sentencing. Physically forcing an unwilling defendant to be present in court risks causing disruption to the hearing.

IF NEEDED

Press regulation

What restrictions currently apply on press practices?

- ~~The Law – The press must abide by the law just as we all do. Of particular note are laws on defamation, data protection and phone hacking.~~
- The Code of Practice - Additionally, the press sign up to a Code of Practice. This is a self-regulatory Code drawn up by the Committee of Editors. It does not intend to duplicate the law, but is complementary to it. For instance, it includes specific provisions on privacy which are not found in the law. Adherence to the Code is then overseen by the Press Complaints Commission (PCC): The PCC is made up of a mixture of press and lay members, but lay members form a two thirds majority, and the Chairman is always someone with no connection with the press.
- The Editor's Codebook - The editor's Codebook is a handbook which provides a body of 'case law' on previous adjudications made by the PCC, and offers additional guidance to help editors ensure that they are working within the terms of the Code.

What rules or guidance applies to the press in these circumstances?

- Extensive guidance is set out in the Editors' Codebook, a publication that is a companion volume to the Editor's Code of Practice. And of course, like the rest of us, the press must abide by the law.

What happens if the press breach these rules – what sanctions are there?

- Depending on the action there could be prosecution.
- Otherwise, complaints may be made to the PCC. (The PCC is primarily a resolution service) It will initially seek to broker an agreement between the complainant and the newspaper.
- Where the PCC upholds a complaint the newspaper must publish the adjudication with due prominence.

Surely these revelations show once and for all that the press can't be trusted to regulate themselves – creating an independent statutory regulator is the only answer? Aren't statutory controls now needed to regulate the press -

- The Press Complaints Commission is independent from the newspaper industry, with Commission members appointed by an independent Appointments Commission, and an in-built majority of lay members.
 - The Government recognises, that the newspaper industry's system of self regulation is not perfect but the principle of a free but responsible press is, however, paramount. Introducing any type of statutory coverage in this area would destroy this principle.
-
- But as the Prime Minister has announced, the second inquiry will look into the wider press practices and behaviours and the ethics of the press, which may clearly lead to new conclusions being drawn about how they are regulated.
 - None of this changes the fact that the press, like anyone else, must comply with the law.

RESTRICTED - POLICY

Timeline of events – phone hacking

Date	Event
2005	
Nov 2005	The News of the World Royal editor Clive Goodman writes a story about Prince William suffering a knee injury
Dec 2005	Members of the Royal Household at Clarence House report security concerns to Royalty Protection Department of the MPS; MPS launch investigation focussing on alleged security breaches within telephone networks over a significant period of time – investigation initially focussed on complaints from three people within the Royal Household.
2006	
8th August 2006	Goodman and private investigator Glenn Mulcaire arrested.
2007	
26th January 2007	Successful prosecution and jailing of Goodman for hacking into the mobile phones of staff in the Royal Household; and of Mulcaire for hacking into the phone of Gordon Taylor (CE PFA). At the time News International said Goodman had been acting without their knowledge.
6th March 2007	Les Hinton a senior aide to Rupert Murdoch tells the Culture, Media and Sports (CMS) Committee that a "rigorous internal investigation" found no evidence of widespread hacking at the paper.
May 2007	Press Complaints Commission report (since withdrawn) supports NOTW in not finding evidence of widespread hacking at NOTW.
2009	
8th July 2009	Guardian story that NI had paid £1m to keep secret its illegal methods of obtaining material for stories; and that information from that case had been suppressed by the police and the High Court.
9th July 2009	Urgent Question from Dr.Evan Harris MP (Lib Dem). David Hanson MP responded for the Government; AC John Yates asked by Commissioner to establish the facts around MPS inquiry into the alleged unlawful tapping of

RESTRICTED - POLICY

	<p>phones by Goodman and Mulcaire;</p> <p>AC John Yates assesses the allegations and concludes that no further investigation is required – commenting on the original investigation, Yates said that Goodman and Mulcaire's targets ran into hundreds of people, but that the MPS inquiries showed they used hacking tactics against a smaller number of individuals and that in the vast majority of cases there was insufficient evidence to show that hacking had actually been achieved;</p> <p>DPP orders urgent examination of the material that was supplied to the CPS by the police in 2006.</p>
14th and 21st July 2009	David Hanson MP makes two written Statements to the Commons based on reassurances received by the MPS.
September 2009	Second Press Complaints Commission report, now withdrawn formally, concludes that it was not misled by NOTW; News International Chairman Les Hinton appears before CMS Select Committee.
2010	
24th February 2010	CMS Select Committee publishes report on press reporting which included examination of the phone hacking episode. Highly critical of both the NOTW and the police and stated they did not think it credible that such activity was limited to one rogue reporter.
1st September 2010	New York Times article quotes an ex-NoTW reporter - Sean Hoare - who had said that phone hacking was encouraged at the tabloid. Mr Hoare also told the BBC that phone hacking was "endemic" at the paper and that Mr Coulson asked him to do it. Another ex NOTW reporter, Paul McMullan, alleged to the Guardian that other there were other illegal activities which were rife.
6th September 2010	Home Sec answers an urgent question in the House from Tom Watson MP explaining that any further action was an operational matter for the police.
7th September 2010	<p>HASC launches its inquiry, with an emphasis on the operation of RIPA 2000;</p> <p>AC Yates, at HASC, confirmed that MPS would be talking to Sean Hoare (as this appeared to amount to new information not previously available to the police).</p>
8th	Chris Bryant MP secures debate on whether to refer the

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September 2010	matter to The Parliamentary Committee on Standards and Privileges which was agreed by the House (with Government support).
13th September 2010	Chris Bryant MP with Brian Paddick (formerly of MPS) and Brendan Montague (writer and journalist) lodge Judicial Review application, seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy.
17th September 2010	Lord Prescott also lodges Judicial Review application (several others have also followed since).
12th November 2010	MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information.
10th December 2010	The Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following: "I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."
2011	
5th January 2011	Reported that NOTW suspends Ian Edmondson assistant editor; also reported that Mulcaire says that he was commissioned by Edmondson to hack phones.
January 2011	In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police). Alison Levitt QC (who had no previous involvement in the case) had been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.
21st January 2011	Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.
26th January	The Metropolitan Police announced that in the light of fresh

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2011	<p>information supplied by the News of the World Newspaper (and following suspension of another editor), likely triggered by disclosure requirements for civil actions at the time, they would be conducting a new investigation into phone hacking allegations at the newspaper;</p> <p>This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of DAC Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team.</p>
25th March 2011	Reports that the High Court orders former private investigator, Mulcaire, to reveal who commissioned him to hack phones.
29th March 2011	Following HASC session, Chair Keith Vaz MP writes to Rebekah Brooks requesting information on the number of Police officers paid by Sun Newspaper whilst she was editor; and to AC Yates requesting release of legal advice received before and after 1 October 2010 meeting.
5th April 2011	<p>HASC takes oral evidence from DPP;</p> <p>Three former NOTW journalists arrested (Ian Edmondson, the former news editor at the Sunday tabloid, and Neville Thurlbeck, a senior reporter, are arrested on suspicion of conspiring to intercept communications and unlawfully accessing voicemail messages); News International admits liability and apologises "unreservedly" to several public figures.</p>
14th April 2011	James Weatherup another NOTW journalist also arrested.
23rd May 2011	Lord Prescott, Chris Bryant MP, Brian Paddick, and Brendan Montague win right to Judicial Review.
June 2011 and early July 2011	Fresh allegations appear in newspapers (primarily The Guardian) of NOTW hacking into the phone of the missing schoolgirl Milly Dowler, of the phones of the families of the Soham murder victims, of some of the families of 7/7 victims and of soldiers killed in Iraq, as well the alleged authorisation by Andrew Coulson of payments to the Police and allegations that MPS officers received payments from journalists. This sparks the current, significant and ongoing media and

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	parliamentary interest in the issue.
20th June 2011	MPS alerted to possible receipt of payments by MPS police officers from journalists; Reports that some 300 NOTW emails from News International's solicitors Harbottle & Lewis are given to Scotland Yard allegedly showing that Mr Coulson had authorised payments to police officers.
22nd June 2011	MPS holds meeting with IPCC and they agree to keep in liaison on this issue.
7th July	An SO24 emergency debate on phone hacking in the Commons; IPCC receive formal referral from MPS to investigate possibility that MPS officers received payments from journalists and IPCC decide to conduct a supervised investigation under Deputy Commissioner Deborah Glass and to review the matter if an individual is identified; Murdoch announces that NOTW will close.
8th July 2011	PM holds a press conference clarifying that there would be two inquiries and gave a few more details on what he expected those inquiries to cover; Andrew Coulson arrested by MPS; Clive Goodman rearrested.
10th July 2011	An interview with AC John Yates is reported In The Sunday Telegraph as saying that his decision not to reopen an investigation into News International in 2009 had been 'a pretty crap one', which he now regretted. He refers to Scotland Yard's reputation being 'very damaged' by its failures and accuses News International executives of failing to cooperate with the original 2005 enquiry. He describes mistakes as 'cock-up, not conspiracy'.
11th July 2011	The DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on BSkyB merger.
12th July 2011	HASC takes evidence from senior MPS police officers involved in the investigations and review – Lord Blair, Andy Hayman, John Yates, Peter Clarke and Sue Akers. Includes revelation that both Lord Blair's and John Yates' phones are likely to have been hacked, but unknown by whom.
13th July 2011	PM announces further details of on inquiry in two parts on this matter (first on press ethics etc including regulating the press;

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	<p>second on the police relations with press and failings of original investigations and allegations of corrupt payments to police by journalists) and announces Lord Justice Leveson as the chair of the inquiry;</p> <p>PM also met with the Dowler family; and with the Select Committees and Opposition to agree draft TOR for the inquiry,</p>
	<p>Murdoch withdraws BSkyB merger bid.</p>
<p>14th July 2011</p>	<p>Neil Wallis former deputy editor of NOTW arrested. Reports that he had worked as a consultant for the MPS;</p> <p>Home Sec writes to the Commissioner for clarification;</p> <p>Mayor meets with the Commissioner.</p>
<p>15th July 2011</p>	<p>Rebekah Brooks resigns from News International</p>
<p>17th July 2011</p>	<p>Rebekah Brooks arrested and questioned for a reported nine hours</p> <p>Sir Paul Stephenson announces his intention to resign.</p>

ⁱ Paragraph 4(2)(a) Schedule 3 Police Reform Act 2002

ⁱⁱ Paragraph 4(1)(c) Schedule 3 Police Reform Act 2002

RESTRICTED-SENIOR APPOINTMENTS

From: [redacted]
Policing Directorate
CPG

cc: Minister for Policing
and Criminal Justice
Dame Helen Ghosh
Stephen Rimmer
Stephen Kershaw
Andrew Wren

T: [redacted]

18 July 2011

[redacted]
Special Advisors

Home Secretary

APPOINTMENT OF MPS COMMISSIONER

Issue

Advice on the process for this, and initial handling.

Recommendations

2. That you note and agree the outline process as summarised in paragraph 5.
3. That you write as in the draft attached to Boris Johnson to set this process in motion.

Timing

4. It would be helpful if you could write as soon as possible so that we can contact officials to agree the process with the Mayor's office and the MPA and place the advertisement.

Consideration

Statutory framework

5. The Police Act provides for the Appointment of the Commissioner by the Queen on the recommendation of the Home Secretary and that before making her recommendation the Home Secretary shall have regard to any recommendations made to her by the MPA and any representations made to her by the Mayor.

Process

6. To reflect the statutory requirements and to ensure appropriate input from those involved, the process for the appointment of the current commissioner was:

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RESTRICTED-SENIOR APPOINTMENTS

- Joint Home Office and MPA advertisement for post. Attached to this submission is the advertisement for the recruitment of the current commissioner. We think this forms a good basis for the advertisement in this case.
- Selection Panel chaired by the Permanent Secretary (and including Kit Malthouse, Charles Farr, and an independent member). HMCIC advised the panel
- Selection Panel sifted and then interviewed shortlisted candidates
- MPA then interviewed the shortlisted candidates and wrote to the Permanent Secretary with their recommendations
- The Home Secretary and the Mayor interviewed the top 2 candidates
- Prime Minister and Royal approval sought and received

7. You will wish to consider whether you are content to follow a similar process. Our advice is that this process allowed the appropriate involvement of all who have a statutory role in this appointment process whilst ensuring that you maintain the decision on who to recommend to the Queen.

8. However, there are some differences we may wish to consider in the process this time, including the inclusion of the Director General for Crime and Policing (DG for CPG) on the selection panel (the post of DG for CPG was vacant last time) and the separation of roles between the Mayor and the chair of the MPA (last time the Mayor was the chair of the MPA). We will also need to ensure that the advertisement reflects the key relevant changes since last time; the changes to governance for policing in London and the resourcing and budget reduction requirements. We intend that, as last time, the post will be advertised (free of charge) in policing publications and on the Home Office and other relevant websites.

9. If you agree with the process and approach outlined in this submission we will provide a draft advertisement for the posts for your approval and subject to that seek to agree this with the Mayor and the MPA.

Timing

10. Based on the previous recruitment process it took nearly 4 months to announce the new appointment. On this timing a new commissioner could be announced by the end of October this year. We will work to shorten this timetable; this will depend on reaching agreement with the MPA and the Mayor on the process and the availability of all involved in the process. Subject to your agreement we will seek to place an advertisement for this post by the end of this week. This could mean completing the process in September and seeking approval from the Prime Minister and the Queen in the week beginning 19 September.

Initial handling

RESTRICTED-SENIOR APPOINTMENTS

11. We will need to agree the process with those involved in particular the Mayor and the MPA, who are likely to want to play as key/influential a role as possible in the appointment.

12. We think that the process followed last time is a good model subject to some appropriate changes as set out above. The Mayor was happy with the process followed for the previous appointment and we suggest, therefore that you write to the Mayor as in the attached letter setting this out.

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RESTRICTED-SENIOR APPOINTMENTS

Draft letter from the Home Secretary to Boris Johnson

[cc Kit Malthouse]

~~Appointment of the next Metropolitan Police Commissioner~~

We have discussed the need to recruit the next commissioner as soon as possible. I am now putting in motion the process through which, as required by the Police Act 1996, I will recommend a new permanent appointment to Her Majesty. The Act provides that before recommending to her Majesty that she appoints a person as commissioner, I shall have regard to any recommendations made to me by the Metropolitan Police Authority and to any representations made to me by you personally as Mayor.

I am aware of the process that was followed for the appointment of the current commissioner. I think that this provides a good basis for proceeding. Accordingly to begin this process I would like the MPA to join with the Home Office in issuing the invitation for applications from suitably qualified candidates. Once applications have been received, the Home Office Permanent Secretary will lead a selection panel containing, as before, MPA representation, which would then sift the applications and interview a short list.

I am sure that the MPA and you will then want to meet qualified candidates in order to inform the MPA recommendations and to enable you to make your own personal representation to me.

My officials will be in touch with yours to set the process in motion.

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Home Office

MPA

Metropolitan Police Authority

COMMISSIONER OF POLICE OF THE METROPOLIS

Applications are invited from senior police officers for this unique post

The Home Office and the Metropolitan Police Authority (MPA) are jointly advertising for a new Commissioner to lead the Metropolitan Police Service, the biggest police force in the country with over 50,000 staff and a budget of over £3bn.

With responsibilities for a national counter-terrorism role, policing London – the country's biggest, most diverse city and its capital – and policing major events including the 2012 Olympics and Paralympics, the new Commissioner will ensure that Londoners, and people across the UK, can feel safe, confident that they are protected from crime and that their security is a priority.

The Commissioner is accountable to the Home Secretary and the MPA and must answer to Londoners and the public nationally. The successful candidate will oversee and guide the Metropolitan Police Service through a period of transition from the current governance arrangements to those proposed for London in the Police Reform and Social Responsibility Bill.

The successful candidate will have the duty of ensuring public confidence in police integrity and be responsible for maintaining and improving services to the public. The successful candidate will demonstrate an outstanding track record in fighting crime; in managing change in policing functions; and in building the public's confidence in the service at all levels. He or she will have proven leadership skills in operational policing, in working with partners and diverse communities and in managing resources in complex organisations. He or she will be a key leader of policing nationally.

Applicants should be serving UK chief constables or of equivalent UK ranks or above, or have recent experience at these levels. Applicants must be British citizens.

The appointment will be made by Her Majesty the Queen following a recommendation by the Home Secretary under the Police Act 1996. Before making this recommendation, the Home Secretary will have regard to any recommendation made to her by the MPA and any representations from the Mayor of London. The successful applicant will be appointed in September 2011 at the latest. The appointment will be for a period of five years.

For details of how to apply please contact

Home Office, 6th Floor, Fry Building, 2 Marsham Street SW1P 4DF

Telephone: [REDACTED]

Email: [CommissionerAppointment@\[REDACTED\]](mailto:CommissionerAppointment@[REDACTED])

Applications to be received by 12 noon on Friday 12 August

The MPA and the MPS are equal opportunities employers fully committed to diversity and expect all applicants to have an understanding of, and commitment to, equal opportunities and diversity.



Home Office

MPA

Metropolitan Police Authority

APPLICATION FOR THE POST OF COMMISSIONER OF THE METROPOLITAN POLICE SERVICE

Information for applicants

Thank you for your interest in this appointment. As our advertisement makes clear the post of Commissioner provides a unique opportunity to lead policing at this level, with significant and challenging responsibilities for the safety of Londoners and people throughout the UK.

We are therefore looking for the candidate who can demonstrate the key leadership skills and a track record of delivery in the areas set out in the advertisement. If you wish to apply for this post we invite you to set out in no more than 3 pages how you meet these requirements. We should also be grateful if you could provide your CV, your 2 most recent PDRs and an assessment from HMIC of your suitability for this appointment (contact on E-mail: for details). The appointment will be subject to eligibility checks and a full medical examination. Please could you complete the attached forms on medical history, discipline and diversity. Also attached to this note is a copy of the MPS business plan which may be helpful to you in considering your application

The appointment will be made by Her Majesty the Queen following a recommendation by the Home Secretary under the Police Act 1996. Before making this recommendation the Home Secretary will have regard to any recommendations made to her by the MPA and any representations from the Mayor of London. The first part of the selection process will be consideration by a Panel chaired by the Permanent Secretary for the Home Office. The Panel will shortlist candidates for interview on the basis of the information provided by candidates against the criteria set out in the advertisement. Candidates are not required at this stage to provide any information on how they might undertake the role of Commissioner. Candidates shortlisted for interview will receive further information at that stage. The process will also include interviews by the MPA. The selection process is likely to take place during August and September 2011. Applicants are therefore asked to ensure that they are available to take part in this process during this period.

In order for your application to be considered please provide the following by 12 noon on 12 August 2011:

- A statement (no more than 3 pages) of how you meet the requirements for the post
- Your CV
- Your 2 most recent PDRs
- An assessment of your suitability for this post from HMIC (see contact details above)
- Completed copies of the attached medical history, discipline and diversity forms

These documents should be provided to Al Lama, Home Office, 6th floor Fry Building, 2 Marsham Street, London SW1P 4DF or by email to [CommissionerAppointment@\[redacted\]](mailto:CommissionerAppointment@[redacted])



Metropolitan Police Authority

Appointment of Commissioner - Metropolitan Police Service

Your Name:

Rank

Constabulary

INFORMATION ON DISCIPLINARY PROCEEDINGS

Please give details of any outstanding investigations or disciplinary proceedings being carried out in relation to your conduct and previous disciplinary offences, which have not been expunged.

Signed:

Date:



Metropolitan Police Authority

Metropolitan Police Authority
Diversity Monitoring Questionnaire

Please note - completion of all or any parts of this form are optional.
The information will be used for monitoring purposes only.

Surname:	Name:	DOB:
----------	-------	------

What is your gender?
Please tick appropriate box

Male	<input type="checkbox"/>	Female	<input type="checkbox"/>
Trans Male	<input type="checkbox"/>	Trans Female	<input type="checkbox"/>

Other (please specify)

What is your sexuality?
Please tick appropriate box

Bisexual	<input type="checkbox"/>	Gay	<input type="checkbox"/>
Heterosexual	<input type="checkbox"/>	Lesbian	<input type="checkbox"/>

Other (please specify)

Would you describe yourself as having a disability?
Please tick appropriate box

Yes No

Under the Disability Discrimination Act 1995, a disability is defined as a physical or mental impairment which has a substantial and long term adverse effect on your ability to carry out normal day-to-day activities such as those involving mobility, manual dexterity, physical co-ordination, speech, hearing eyesight or communication, or a permanent condition which is controlled by medication, e.g. diabetes, epilepsy.

What is your faith or religion?
Please tick appropriate box

Buddhism	<input type="checkbox"/>	Christian	<input type="checkbox"/>
Hinduism	<input type="checkbox"/>	Islam	<input type="checkbox"/>
Sikhism	<input type="checkbox"/>	None at all	<input type="checkbox"/>

Judaism

Other (please specify)

What is your ethnic group?

Please choose ONE section from A to E then tick or write in appropriate box to indicate your cultural background

A. Asian, Asian British, Asian English, Asian Scottish or Asian Welsh

Bangladeshi Indian Pakistani

Any other Asian background, please write in

B. Black, Black British, Black English, Black Scottish, Black Welsh

African Caribbean

Any other Black background, please write in

C. Chinese, Chinese British, Chinese English, Chinese Scottish, Chinese Welsh or other ethnic group

Chinese

Any other Chinese background, please write in

D. Mixed

White & Black Caribbean

White & Black African

Any other Mixed background, please write in

E. White

British English Irish

Scottish Welsh

Any other White background, please write in



Metropolitan Police Authority

MEDICAL HISTORY QUESTIONNAIRE

The questions in this section enable the Senior Occupational Physician to decide if you are medically suitable for consideration for the vacancy. If he/she requires additional medical information before reaching a decision, you will be informed.

Information you give here will be treated in strict medical confidence. Please answer ALL the following questions. If you need more space for any answer, please continue on the medical history continuation sheet.

Surname _____ Forename(s) _____

Age _____ years _____ months

Date of Birth _____ Male/Female _____

Force/Rank _____

Height (in bare feet)

Feet _____ inches _____ or cms _____

Weight (in ordinary clothing)

Stones/lbs _____ or kgms _____

Has your weight varied in the last 12 months

Yes

No

Details _____

1. Have you ever suffered from or had treatment for any of the following?

- | | Yes | No |
|--|--------------------------|--------------------------|
| a) Asthma, bronchitis, chest disease? | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Raised blood pressure or disease of the heart or circulation? | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Recurrent indigestion, gastric or duodenal ulcer or any inflammation of the bowel? Bowel disease e.g. colitis, Crohns disease/IBS | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Recurrent ear infection or discharge? | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Defective hearing in either ear? | <input type="checkbox"/> | <input type="checkbox"/> |
| f) Eye disease or ailment? | <input type="checkbox"/> | <input type="checkbox"/> |
| g) Any skin disease? | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Recurring headache, migraine or dizzy bouts? | <input type="checkbox"/> | <input type="checkbox"/> |
| i) Any form of arthritis or rheumatism? | <input type="checkbox"/> | <input type="checkbox"/> |
| j) Rupture, varicose veins or haemorrhoids? | <input type="checkbox"/> | <input type="checkbox"/> |
| k) Fractures or injury to joints or tendons, in particular to knees? | <input type="checkbox"/> | <input type="checkbox"/> |
| l) Any form of blackout? | <input type="checkbox"/> | <input type="checkbox"/> |
| m) Back or spinal trouble including slipped disc or neck problem? | <input type="checkbox"/> | <input type="checkbox"/> |
| n) Diabetes? | <input type="checkbox"/> | <input type="checkbox"/> |
| o) Any form of depression or mental illness? | <input type="checkbox"/> | <input type="checkbox"/> |

- | | Yes | No |
|---|--------------------------|--------------------------|
| 2. Have you ever undergone any major surgical operation or been an in-patient? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Have you ever lived outside the European Union for more than six months? | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Do you wear spectacles or contact lenses? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Are you currently taking any treatment for medicinal purposes? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have you ever received medical advice, treatment or a blood test in connection with HIV and AIDS or Hepatitis B? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Have you ever received medical treatment in connection with a sexually transmitted disease? | <input type="checkbox"/> | <input type="checkbox"/> |

If you have answered YES to any questions 1 to 7, please give details on the continuation page

8. What is your average alcohol consumption? Give details: Daily units _____

Weekly units _____

Has it ever been more?

Details

9. Do you smoke, and if so for how long?

Months/Years _____

10. If yes, how much – cigarettes, cigars, pipe?

Daily _____

Give Details:

Weekly _____

Has it ever been more?

Details

11. Are you at present suffering from any illness or disability?

Yes No

Details

12. Are you taking medication – prescribed or not?
(excluding medication prescribed for contraceptive purposes)

If YES give details

Details

13. How many days absence have you had from work during the last three years due to illness or accident?

Give details, including dates and reason for absence _____ days

Details

14. Is there any family history of high blood pressure, heart disease, diabetes, nervous or mental disease or hereditary condition?

Please give details, including the relationship

Details

15. Complete details of your family.

Age	State of health (if not good, state reason)	If deceased state age at death and cause of death
Father		
Mother		
Brothers		
Sisters		

16. Have you had the following immunisations/screening?

	YES/NO	DATE
TB Skin Test/ BCG vaccine		
Hep. B Test		
Tetanus Vaccine		
Polio Vaccine		

Declaration

I hereby declare that the statements made by me herein are true to the best of my knowledge and belief. I will fully reveal all circumstances within my knowledge which concern my health and fitness for the appointment for which I am a candidate I agree to the senior Occupational Physician seeking medical information from my General Medical Practitioner on any medical conditions that might affect my employment as a chief officer in the Metropolitan Police Service (MPS).

Date..... Signature of Applicant

Please return this form to 2nd Floor East, Empress State Building, Empress Approach, Lillie Road London, SW6 1TR.

The information you give here will be treated in strict medical confidence.

Medical History Continuation Sheet

Your answers should be as comprehensive as possible. Your answers should include what the nature of the illness was, how long you suffered from it, the name of the Doctor/Consultant treating it and what treatment you received. Failure to provide necessary details may lead to a request from the Force Medical Adviser to provide further information and consequently delay your application from being administered.

Question:	Details:

~~Appendix~~

Access to Medical Records

I
.....

Address:
.....

NHS Number

I agree to [] 2nd Floor East, Empress State Building, Empress Approach, Lillie Road
London, SW6 1TR seeking a medical report from my General Medical Practitioner:

Dr
.....

I understand that I may see this report before despatch.

I understand that any information supplied will be held by the Occupational Health Service and be used
only to provide medical advice to the Police Authority in relation to my potential fitness to be a Chief
Officer

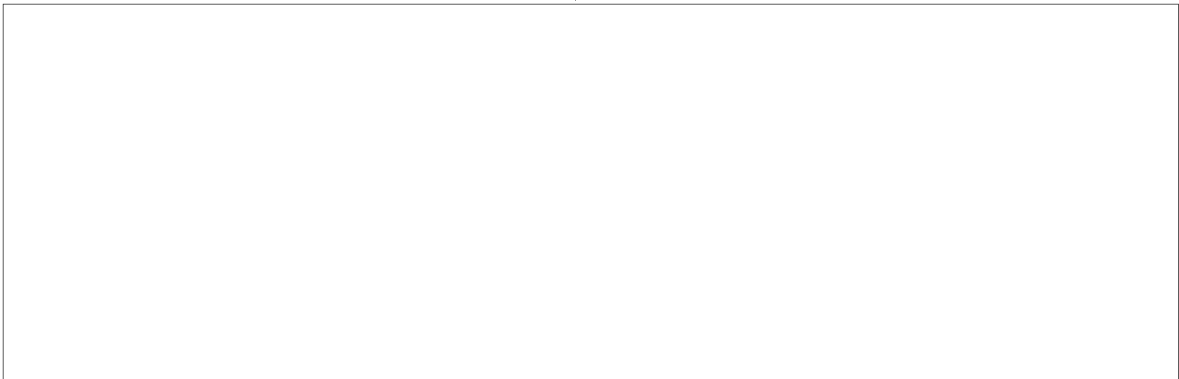
I also understand that all records will be held in accordance with the Access to Medical Reports Act 1988
and the Data Protection Act 2000.

Signed Date

Briefing – Lines to take Home Secretary phone call with Sir Hugh Orde –
21st July 2011

Police Culture and Leadership

- As the Prime Minister set out yesterday, we believe the police system is too closed. We have to look at police culture and leadership.
- The phone-hacking events make a clear case for greater openness and transparency and stronger corporate governance. This is necessary to revive public confidence in the integrity of policing.
- The aspect of this which has received most attention is Tom Winsor's consideration of entry routes to policing. I know ACPO will be feeding into Tom Winsor's thinking. We look forward to his report in January, and the times call for radical proposals.
- There are other issues apart from entry of course: how the service trains and develops its leaders for example. More openness is essential throughout.
- We need now too to think afresh about how we handle training, leadership development and assessments post-NPIA. Grateful for ACPO's submission to the Neyroud consultation. But there is now a new imperative we need to work out how to handle that.
- I know all this is tremendously difficult for you and your membership. However, I urge you and your colleagues to work with us on addressing these vital matters. We won't always agree – but we do want to work with you on this to restore public confidence.



Judicial Inquiry

- The second part of Lord Justice Leveson's inquiry will cover relationship between police and media and specific allegations around payments received by force. Want to be clear that this inquiry will relate to all forces.
- Believe, having Sir Paul Scott Lee on the small panel is a very good thing as he will bring a sound approach, built on years of senior experience in the police service.

Police integrity

- Clearly want to take an honest and positive yet measured approach to assessing the extent to which police integrity has been eroded by corrupting influences including the media.
- That's why I've asked Len Jackson (chair IPCC) to provide a report by the end of the year on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service; and Sir Dennis O'Connor (HMCIC) to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties; and to make recommendations to me about what needs to be done by the end of October.
- I envisage both these reports will not only usefully feed into the Leveson inquiry but may yield some work that we can take forward together in the short to medium term.

Impact of phone hacking etc on PCCs

- Recent events have demonstrated the need for their to be both strong and effective leadership within the police service, but also strong and effective accountability to the public
- That is why the Government's proposed plans for reform and more than ever, in need, and this government remains committed to implementing that model for reform
- It is clear that the police service should be free from fear or favour in all that they undertake. They must respond to both local and national challenges with the up most degree of integrity, and the public should be able to determine and judge their performance and delivery in an open and transparent way.

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21/7/2011 – Phone call with Sir Hugh Orde

Sir Hugh commented that he had a positive meeting with Stephen Rimmer and that there was a plan for HMIC work going forward. In order to ensure that 'shoulders did not drop' in the police service following recent events, he felt it was important to continue to reiterate that the vast majority of police officers were doing a good job. Arrangements had been confirmed for the new president of ACPO TAM. He had been a little surprised by some of the references to matters being considered by the Winsor Review in the PM's speech. The Home Secretary commented that these references were rightly framed as questions, to reflect issues under consideration by the Review; the outcome was of course not predetermined.



Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Rt Hon Keith Vaz MP
Chair, Home Affairs Select Committee
House of Commons
London
SW1A 0AA

22 JUL 2011

Dear Keith,

HOME AFFAIRS SELECT COMMITTEE REPORT: UNAUTHORISED TAPPING INTO OR HACKING OF MOBILE COMMUNICATIONS

I am writing to thank you and the Committee for producing such a thorough report on your phone hacking inquiry so promptly. It was very useful to be able to feed its conclusions into the debate we had in the House of Commons on Wednesday. I want to give your detailed report full consideration and to absorb its analysis properly before I respond formally.

What I can say at this point, however, is that I have already commissioned my officials to take forward work on a number of your recommendations for Government. For example, we have started to consider your recommendations about the Regulation of Investigatory Powers Act 2000; the creation of a single privacy commissioner; how reports from the Information Commissioner might be better disseminated throughout the department; and how we might work with the mobile communications industry on the security of their products and how this can be communicated to the public.

You also recommended that former police officers should not be able to take up employment with companies they had been investigating, at least for a period of time. I agree that this should be a matter for Lord Justice Leveson, but, as a result of this recommendation, I have also asked Her Majesty's Inspectorate of Constabulary to include this issue in their report on police integrity, which I announced in my statement to the House of Commons on 18 July.

I will send you my formal response to the recommendations for Government in the Committee's report as soon as I am able to.

The Rt Hon Theresa May MP



Home Office

Head of Policing Powers and Protection Unit
Home Office, 6th Floor NW, Mailpoint B, Fry Building, 2 Marsham Street, SW1P 4DF
Direct Line [Redacted]
E-mail peter.edmundson@ [Redacted] www.homeoffice.gov.uk

Jane Furniss
Chief Executive
IPCC
90 High Holborn
London WC1V 6BH

Our Ref
Your Ref
Date

16 August 2011

Dear Jane

RE: IPCC POWERS

The Home Secretary's statement to Parliament on 18th July 2011 about the Metropolitan Police Service included a commitment to undertake two pieces of work relating to the IPCC's powers:

1. To consider whether the IPCC needs further powers, including whether it should be given the power to question civilian witnesses during the course of its investigations.
2. To consider whether the commission needs to have a greater role in investigating allegations about institutional failings of a police force or police forces.

I am now writing to set out how I envisage this work being taken forward.

Although these are separate issues I think it makes sense to deal with them together as a package as both strands of work are about increasing the powers of the IPCC. Given that both strands reflect previous discussions you have had with the Home Office I know that you will already have views about what extra powers would be helpful. The more complicated task I think will be working through the detail of how any new powers might work in practice and how they might fit with the current and future policing landscape.

For (1) I think the focus should be on whether the IPCC requires further powers in relation to the investigations it currently conducts to investigate police staff and other civilians contracted by the police. We will need to consider exactly what powers the IPCC would need in order to compel civilians and police officers to answer questions (including whether the IPCC needs powers of arrest), what the sanction would be if they



INVESTOR IN PEOPLE

WORKING TOGETHER TO PROTECT THE PUBLIC

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refuse to answer questions and, if the IPCC were to be given such powers, what safeguards might be put in place to protect civil liberties.

For (2) we will need to consider the sort of institutional failings of police forces that the IPCC might want to investigate in order to increase public confidence in the police bearing in mind direction and control considerations for operational policing. Clearly there will need to be consideration given to how many investigations of this sort the IPCC might be able to conduct each year within current resource constraints, what might trigger such an investigation and how we can ensure that any findings and recommendations are properly followed up and enforced to sustain public confidence. Equally important, will be consideration of how any such investigatory powers might fit with the role of HMIC and Police and Crime Commissioners.

In terms of next steps I would be grateful for your initial response to the issues raised above including a set of options to each of (1) and (2) you would wish the Home Office to consider. It would be helpful if you would take account of the evolving wider policing landscape in offering your thoughts on the additional powers that the IPCC might be given, and how they would operate in the wider evolving policing landscape.

I would be grateful if you could give an indication of a realistic timescale for providing these initial options given the high profile that the outcome of this work will have, while acknowledging the other current demands on IPCC resources such as the report you are putting together on the IPCC's experience of investigating corruption in the police service, and the IPCC's role in supervising the ongoing MPS investigation into allegations that police officers have received payments from the press in return for information. As ever, I know that the IPCC will endeavour to carry out this work from within existing resources, although in the light of the Home Secretary's commitment in her statement on 18th July that additional resources will be made available to the IPCC, if they are needed, we would, of course, consider carefully any request backed by evidence of need.

I am, of course, very happy to discuss any of this work with you at any point and my team stands ready to provide any assistance you might need in working through these issues.

Yours sincerely

[Redacted signature box]

PETER EDMUNDSON

cc Stephen Rimmer
Tyson Hepple

[Redacted name box]

Anna O'Rourke
Lianne Corris



RESTRICTED - SENIOR APPOINTMENTS



Home Office

[Redacted]
Police Productivity Unit
Crime and Policing Group
6th Floor, Fry Building, 2 Marsham Street, London, SW1P 4DF
Direct Line: [Redacted]
Email: [CommissionerAppointment@\[Redacted\]](mailto:CommissionerAppointment@[Redacted])
www.homeoffice.gov.uk

17 August 2011

Dear Panel Member,

APPOINTMENT OF THE METROPOLITAN POLICE COMMISSIONER

Information for Panel members

Dame Helen Ghosh is very grateful to you for agreeing to take part in the selection of the Commissioner. Please find in this folder information for the shortlisting process.

The shortlisting Panel meeting will take place on the 24 August from 10am to 1pm in the Boardroom at the Home Office, 2 Marsham Street, London. Please bring your folder along with you to the meeting.

The selection panel comprises:

- Dame Helen Ghosh, Home Office Permanent Secretary, Chair
- Kit Malthouse, Metropolitan Police Authority
- Stephen Rimmer, Director General, Crime and Policing Group, Home Office
- Jonathan Evans, Director General, Security Service
- Stella Pantelides, Independent Panel Member

Sir Denis O'Connor, HM Chief Inspector of Constabulary, will also attend as professional advisor.

Following the shortlisting meeting, the Panel will reconvene to interview successful candidates on Friday 2 September at the Home Office.

There are 4 applicants for the post:

- [Redacted]
- [Redacted]
- [Redacted]

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[Redacted]

The following items are included in this folder:

- W*
1. ~~The advertisement for the post~~
 2. A guide to the assessment criteria which you may find helpful. This is based on the key requirements for the post as set out in the advertisement.
 3. Based on the above, 4 copies of 'Panel Member's consideration of evidence', which you may find helpful in preparing for the shortlisting meeting.
 4. A covering table with overview information about the applicants' service, noting their assessment of suitability from HM Inspectorate of Constabulary (HMIC). **Note: To follow for 3 candidates.**
 5. For each applicant the following information is provided:
 - The applicant's statement of how they meet the requirements for the post (maximum 3 pages)
 - The applicants CV
 - The applicant's two most recent PDRs. **Note:** [Redacted]
 - [Redacted]
 - An assessment of the applicant's suitability for this post from HMIC
 - A declaration by applicant of any outstanding disciplinary proceeding

As the information enclosed is personal and sensitive, each Panel Member has received an individually-numbered copy. We would be grateful if you could avoid sharing the information in your folder more widely, and please ensure that no further copies are taken.

If you would like any further information on the shortlisting or anything in the folders please do not hesitate to contact me on [Redacted] or [CommissionerAppointment@\[Redacted\]](mailto:CommissionerAppointment@[Redacted])

On arrival for the shortlisting you will be met in reception of the main Peel building and taken to the Boardroom. If there are any problems on the day please contact me.

I am copying this letter to Sir Denis O'Connor, HM Chief Inspector of Constabulary.

Yours sincerely,

[Redacted]

Commissioner Appointments Team

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A GUIDE TO THE ASSESSMENT CRITERIA

Applicants should be serving UK chief constables or of equivalent UK ranks or above, or have recent experience at these levels. Applicants must be British citizens.

The advertisement sets out the successful candidate *will have the duty of ensuring public confidence in police integrity, and be responsible for maintaining and improving services to the public. The successful candidate will demonstrate an outstanding track record in fighting crime; in managing change in policing functions; and in building the public's confidence in the service at all levels. He or she will have proven leadership skills in operational policing, in working with partners and diverse communities, and in managing resources in complex organisations. He or she will be a key leader of policing nationally.*

For the purpose of shortlisting we have prepared an 'evidence' sheet where you can record your thoughts and give consideration to how strongly an applicant has provided evidence in each area.

We have broken down the key areas into the following:

Public Confidence and Integrity

Evidence to demonstrate:

- *track record of building public confidence in the service at all levels*
- *maintaining and improving services to the public*

Leadership Skills

Evidence to demonstrate:

- *managing change*
- *working with partners*
- *working with diverse communities*
- *leader of policing nationally*

Operational Policing

Evidence to demonstrate:

- *track record in countering terrorism*
- *fighting serious and organised crime*
- *fighting serious violent crime*
- *neighbourhood and other policing functions*

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Managing Resources

Evidence to demonstrate:

-
- *managing resources in complex organisations*
 - *managing budgets*

Under each of these four areas, you may wish to consider whether the applicant has provided:

- Very strong evidence
- Strong evidence
- Satisfactory evidence
- Some evidence

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PANEL MEMBER'S CONSIDERATION OF EVIDENCE

Candidate:

Public Confidence and Integrity

(In this area applicants are being assessed against evidence to demonstrate an outstanding track record of building public confidence in the service at all levels; maintaining and improving services to the public)

You may wish to consider whether the applicant has provided:

- Very strong evidence
- Strong evidence
- Satisfactory evidence
- Some evidence

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Leadership Skills

(In this area applicants are being assessed against evidence to demonstrate proven leadership skills in managing change; working with partners, working with diverse communities, and as a key leader of policing nationally)

You may wish to consider whether the applicant has provided:

- Very strong evidence
- Strong evidence
- Satisfactory evidence
- Some evidence

RESTRICTED – SENIOR APPOINTMENTS

Operational Policing

(In this area applicants are being assessed against evidence to demonstrate an outstanding track record in countering terrorism; ~~fighting serious and organised crime; fighting serious violent crime;~~ and in neighbourhood and other policing functions)

You may wish to consider whether the applicant has provided:

- Very strong evidence
- Strong evidence
- Satisfactory evidence
- Some evidence

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Managing Resources

(In this area applicants are being assessed against evidence to demonstrate proven skills in managing resources in complex organisations and managing budgets)

You may wish to consider whether the applicant has provided:

- Very strong evidence
- Strong evidence
- Satisfactory evidence
- Some evidence



Home Office

Dame Helen Ghosh DCB
PERMANENT SECRETARY

2 Marsham Street, London SW1P 4DF

Tel: [redacted] Fax: [redacted]

Email: helenghosh.[redacted]

CONFIDENTIAL – SENIOR APPOINTMENTS

26 August 2011

Dear Panel Member,

APPOINTMENT OF THE METROPOLITAN POLICE COMMISSIONER

Shortlisting report and interview on Friday 2 September 2011

Following our shortlisting meeting on 24 August, I attach a confidential report on the candidates and the areas to explore at interview which we agreed. I would be grateful if Panel members who were at the shortlisting meeting could offer any comments on this as record by close Tuesday 30 August. There will be a further opportunity for us all to discuss our approach to the interviews before they start.

As you know the interview meeting will begin at 9:00am on Friday 2 September at the Home Office, 2 Marsham Street, London SW1P 4DF. If you do not have a Home Office pass, please report to the Home Office main reception and you will be escorted to the interview room. If there are any problems on the day please contact [redacted] on [redacted]

Each interview is scheduled to last for one hour followed by consideration by panel members lasting 20 minutes.

The timetable is:

- 9:00am - Panel preparation
- 10:00am - Interview with [redacted]
- 11:20am - Interview with [redacted]
- 12:40pm Lunch

CONFIDENTIAL – SENIOR APPOINTMENTS

- 1:15pm - Interview with
- 2:35pm - Interview with
- 4:00pm – Panel conclusions

As agreed at the shortlisting meeting candidates have been notified of the first question in advance:

- **What would be your priorities in your first 100 days as Commissioner?**

Candidates have been told that they will have 5 minutes to respond to this question. This will be followed by a further 5 minutes or so for panel members to ask questions which arise. The rest of the interview will be based on the requirements of the post as set out in the advertisement and the areas as a Panel we agreed needed further exploration.

During the interview each of you will have about 10 minutes or so for your questions, but we can vary this according to which candidate we are interviewing and the course of the conversation. As Panel Chair I will play the role of 'sweeper' and may ask questions of a more personal nature if necessary. We agreed that Sir Denis O'Connor may also ask any follow-up questions he wishes.

Allocation and areas for questioning:

Helen Ghosh

- Sweeper; personal issues

Kit Malthouse

- MPA and Mayoral relations; London issues; managing a business/large organisation

Stephen Rimmer

- Relationship with Home Office/Government/media; emotional resilience and adversity; the Olympics

Jonathan Evans

- CT; NCA; operational policing/ Intelligence

Stella Pantelides

- Leadership; managing cultural change; plans for MPS Board; public confidence; reputational issues

Sir Denis O'Connor

- Any follow-up or further questions as required

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I am happy to have any comments before or on the morning of 2 September.
If you have any questions before then please do not hesitate to contact my
office on [redacted] or the Commissioner Appointments Team on [redacted]
[redacted]

I am copying this letter to Sir Denis O'Connor.

I look forward to seeing you on 2 September.

Yours sincerely,

[redacted signature box]

HELEN GHOSH

ipcc

Independent
police complaints
commission

Rt Hon Theresa May MP
Home Secretary
Peel Building

Home Office
2 Marsham Street
London
SW1P 4DF

90 High Holborn
London WC1V 7BH

Tel:

Fax:

Minicom: 020 7404 0431

Email enquiries:

Web: www.ipcc.gov.uk

30 August 2011

Dear Home Secretary

On 13 July 2011 you used your powers under Section 11 (2) of the Police Reform Act 2002, to request a report on the IPCC's experience of corruption within the police service in England and Wales. You requested that initial findings be provided by the end of August 2011, with a full report by the end of the year.

I am pleased to attach our first report on this matter. You may wish to consider whether to lay a copy of this report before Parliament when it returns from recess at the beginning of September. Given the public interest in this report and in the events which led up to its commissioning it is our intention to share it with all forces and to make it publicly available on our website. We hope to do this before the House breaks again for recess on the 15 September 2011 and will work with your officials to identify a suitable date.

Our CEO Jane Fumiss and I stand ready to discuss this report with you if that would be helpful.

We will, as you have requested, be providing a further report by the end of the year. We will liaise with officials over the coming weeks concerning an exact date for this to be submitted.

Yours sincerely

Len Jackson
Interim Chair
Independent Police Complaints Commission (IPCC)

From: [redacted]
Policing, Powers & Protection Unit
5th Floor,
Fry Building,
2MS.

Tel: [redacted]

Date: 7th September 2011

cc: Minister of State for
Policing and Criminal
Justice
Minister of State for
Crime Prevention
PUS Crime and Security
PUS Equalities and
Criminal Information
Permanent Secretary
Stephen Rimmer
Stephen Kershaw
Tyson Hepple

Diana Luchford
Lucan Herberg
[redacted]
Special Advisers

Home Secretary

IPCC's REPORT ON CORRUPTION IN THE POLICE SERVICE IN E&W (PART1)

Issue

To seek your agreement on when IPCC could publish Part 1 of the Report.

Timing

2. **Urgent** – You are due to appear before HAC on 8th September and you may wish to be clear how we intend to handle this report in terms of publication before then.

Recommendation

3. That you note the contents of Part 1 of IPCC's Report and agree it should be published on 15th September - ie. before Conference Recess, but after your HASC appearance and ping pong of the PRSR Bill.

Summary

4. You have commissioned IPCC to prepare a report on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service. The 35 page interim report, (which IPCC have called Part 1 of the report), was received, as expected, in August. The full report is expected by the end of the year. Part 1 of the report is reasonable and clear and it does not contain anything that is unexpected at this stage. It does though draw attention to a number of interesting observations including: in several cases police officers' wrong doing has not been detected due to a lack of, or inappropriate, supervision; many cases have involved computer misuse which have been aided by weak safeguards systems that do not aid detection; and there are several examples of weak or unclear policies in police forces in relation to claiming expenses. In terms of publication of Part 1 of the report, we suggest that it would

be troublesome if IPCC were to publish it before your HASC appearance and instead we suggest it is published alongside our publication of the Government response to the Home Affairs Committee's (HAC) report on phone hacking just before Conference Recess (on or just before 15th September).

Consideration

Report details

5. Part 1 of the report is very much an interim report pointing to further areas of work in the final report. You may, however, wish to note the following, at this stage:
 - i) *Definition of corruption* - There would not appear to be a universally agreed definition of corruption in the UK. There are different definitions that might apply in law, and amongst law enforcement organisations, which may not necessarily chime with the public's concept of police corruption. The IPCC also has its own definition of serious corruption in their statutory guidance, which requires forces, under the Police (Complaints and misconduct) Regulations 2004, to refer such cases to the IPCC. The IPCC then determine what mode of investigation follows (independent, supervised, managed or local).
 - ii) *IPCC's role in investigating corruption* – Notably the report indicates that whilst IPCC has conducted a serious corruption inquiry into HMRC (Op. Venison), and carries out various thematic investigations, in particular into deaths and very serious injuries arising in relation to police contact which remain high profile issues (eg. Mark Duggan), it has so far relied predominantly on police forces (eg. force's own Professional Standards Departments) to investigate allegations of corruption, including serious corruption. It justifies this by pointing out that IPCC does not have the capacity to include investigations of police corruption alongside its other priorities. Nor does it have the capability, particularly in relation to covert investigations that require surveillance and technical support and are therefore normally best placed with the forces themselves, for it to carry out complex corruption investigations.
 - iii) *Initial analysis of referrals of corruption from police forces* – Corruption referrals to IPCC have been across all ranks, including the most senior officers. The report says that out of a total of 2,400 referrals they received in 2010/11, 200 were overt referrals relating to serious corruption. A similar number were received in each of 08/09 and 09/10. It also says that IPCC received 44 covert referrals (ie. where the individual or individuals are unaware of the investigation) relating to serious corruption in 2010/11, which is a steady rise from the previous two years. They make clear that police forces themselves are responsible for assessing whether or not to refer a covertly investigated case, but that the investigations into serious corruption are often supervised or managed by the IPCC until such time as the investigation moves to an overt phase (to direct criminal proceedings) at which point IPCC may re-determine that it become an independent investigation.

- iv) *Initial analysis of corruption cases* – The IPCC has dealt with a number of corruption cases covering a wide range of behaviour including: widespread granting of exemptions for traffic offences, (eg. Surrey); misuse of corporate credit cards (eg. MPS); inducements to encourage prisoners to admit offences (eg. Cheshire); involvement in criminal conspiracy with organised crime in relation to drug supply and abuse (eg. South Wales); abuse of power in relation to sexual assault/ inappropriate relations with vulnerable individuals (eg. Northumbria); and impropriety in relation to recruitment (North Yorkshire). However, they had not, till July this year, received any referrals about police officers receiving payments from journalists. IPCC have not, to date, done a thematic study on corruption in the police service; they have passed on specific recommendations in relation to cases to the relevant forces.

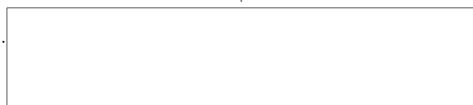
Publication of the report

6. IPCC have indicated they wish to publish the report before Conference Recess (ie. by 15th September) and to share it with all forces. They have powers under s.11 of the Police Reform Act to do so. As is the norm with their reports, they also intend to publish it on their website; and we understand that they might accompany this with a short, albeit low key, press release.
7. Were the report to appear before your appearance in front of HASC on 8th September (on public disorder during Summer), it would be an unwelcome distraction for the inquiry and would risk unbalancing the HASC session unhelpfully towards phone hacking and integrity issues. It may well also re-ignite interest in the phone hacking and the related issue of police corruption, particularly as the report, being an interim report, raises more questions than answers at this stage. Informal soundings from IPCC suggest that they are content to publish the report after your HASC appearance.
8. Nevertheless, IPCC are keen to publish the report before HMIC provide you with their report on police corruption which you also commissioned at around the same time – you asked for that report by October and it is unlikely that we will receive that before the end of October. Rather than have Part 1 of IPCC's report published on its own, or wait to publish it together with the HMIC report which could be into November, it would appear sensible that its publication was tied to the publication of the government response to HAC report on phone hacking, which also refers to the IPCC report. We expect to publish that response by the 15th September (just before Conference Recess). This would also ensure the report doesn't get tangled up with the ping pong stages of the PRSR Bill – for example, in relation to questions about investigations of complaints against PCCs, or chief officers investigating complaints against police officers that do not relate to serious corruption.

9. Section 11 of the Police Reform Act 2002 also enables you, should you think it appropriate, to lay reports, like Part 1 of IPCC's report, before Parliament. IPCC pose the question that you may wish to do so given the high profile nature of the subject matter (police corruption and phone hacking). Were you to decide to lay the Government's response to HAC's inquiry into phone hacking before Parliament, (separate advice on handling publication of the response to the HAC report will follow); we would suggest that you lay this report alongside that response at the same time.

Media Handling

10. Media interest in police corruption, fuelled by coverage of the News of the World hacking scandal, remains high. There are no new revelations in the IPCC report, which merely refers to previous investigations as being indicative of the overall picture. However, we can expect journalists to seek a story from the document, even if it means rehashing old information. The media could use references to a lack of supervision of possible corrupt practices within the service; concerns about the misuse of computer equipment; or forces not having robust enough anti-corruption measures in place. They might also focus upon statistics showing there are more than 2,000 corruption referrals to the IPCC annually, with more than 200 generally deemed serious.
11. If approached by the media, we will stress the government's determination to root out corruption in the police service. We will refer to the establishment of the Leveson Inquiry, the second part of the IPCC report and the HMIC investigation into corruption as evidence that we are taking firm and decisive action.
12. A reactive statement and Q&A will be provided for clearance ahead of the release of the IPCC report.



Supplementary Briefing – Police Corruption

- Ensuring the integrity of our police is vital for their work and any allegations of corruption, undermines public confidence in the police. That is why this government will not stand idly by following the recent allegations against police officers receiving payments.
- Several pieces of work are already underway including:
 - the independent Judicial Inquiry led by Lord Justice Leveson;
 - the report being prepared for the Home Secretary, the first part of which is being published today (15th September), by the Independent Police Complaints Commission on its experience of investigating corruption in the Police Service and any lessons that can be learned for the Police Service; and
 - the report, with recommendations, being prepared by Her Majesty's Inspectorate of Constabulary to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties.
- Police officers are subject to the criminal law when it comes to receiving corrupt payments. In addition to the common law offence of misfeasance in a public office (sometimes known as misconduct in a public office), the Bribery Act 2010 came into force on 1 July 2011, updating the law on bribery, by introducing two general offences of:
 - offering, promising or giving a bribe and
 - requesting, agreeing to receive or accepting a bribe.
- The Professional Standards Departments in police forces currently have a key role to play in maintaining the integrity of the service within the police service. All Police Officers are subject to a Code of Professional Standards that specifies the standards of conduct expected of them. Failure to reach those standards, including corrupt actions, could lead to disciplinary action being taken by their police force, and disciplinary action may lead to dismissal.
- Where a police officer has breached those standards and been convicted of a criminal offence, it would be for the Chief Officer of the Force concerned to consider what, if any, disciplinary action should take place. The Chief Officer has sole responsibility for the policies and day to day running of the Force and the deployment of officers and so will want to consider each case on its merits, to consider whether that officers action make it inappropriate for them to continue to hold the office of a constable.

RESTRICTED – SENIOR APPOINTMENTS

From: [redacted]
Police Workforce Policy Team
Police Productivity Unit
Policing Directorate

Minister of State for Policing
and Criminal Justice
PUSS Crime and Security
Dame Helen Ghosh
Stephen Rimmer
Stephen Kershaw
Andrew Wren
Gareth Hills

[redacted]
7 September 2011

[redacted]
Press Office SMT

[redacted]
Press Office diary
Special Advisors

Home Secretary

METROPOLITAN POLICE COMMISSIONER APPOINTMENT –
ANNOUNCEMENT

Issue

Handling for the announcement of the appointment of the new Metropolitan Police Commissioner.

Timing

2. You are interviewing candidates on Monday, September 12 and flying to the US on Wednesday, September 14. We recommend an announcement is made before your flight to America, assuming Royal approval has been received.

Recommendation

3. That you:
- i) agree proposals for the announcement and handling
 - ii) agree the draft letter to the Prime Minister (Annex A) and draft submission for the Palace (Annex B); and
 - iii) agree draft letters to successful and unsuccessful final candidates (Annex C and D)

Consideration

4. You are due to interview the final candidates on 12 September with the Mayor of London. Once you have selected the successful candidate we suggest you immediately seek the Prime Minister's agreement to the appointment before making a final recommendation to the Queen. A draft

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letter to the Prime Minister is at Annex A. A draft submission for the Palace is at Annex B. The Palace box deadline is 3pm. Your Private Office will try to get the submission to the Palace by 3pm on Monday if at all possible, although it is more likely to be Tuesday 13 September. Your office has spoken to No10 and the Palace and they are lined up to expect a letter.

5. We suggest you telephone the successful and unsuccessful candidates following the receipt of Royal approval. Draft letters to the successful and unsuccessful candidates are attached (Annex C and Annex D). This will need to be tied closely to the public announcement.

Media Handling

6. There will be great media interest in the announcement of the new Met Commissioner. This would be the case at any time, but the attention will be heightened by the backdrop of the riots and the hacking inquiry, with its consequent accusations of corruption within the force.

7. Press office recommends making an announcement as soon as possible after we have Royal approval. There is a substantial risk the news will leak to the media once a decision is reached. A speedy announcement increases the chances that we can publicise the decision before it is widely known.

8. In his appearance at the Home Affairs Select Committee on September 6, Boris Johnson said the announcement would be made on Monday, September 12; No 10 have expressed a preference for Tuesday, September 13; and you are due to fly to the US on Wednesday, September 14. Press office recommends you make the announcement before you fly to America, if Royal approval has been received.

9. Press office recommends the announcement is made by way of a press release. If you agree, press office will provide a draft for clearance tailored to the successful candidate. Subject to your agreement, they will also approach the Mayor's press office and the MPA for a supportive quote and include a statement from the successful candidate. It is likely there will be interview bids following the announcement. Press office will provide advice tailored to each bid, but it is unlikely there will be anything to add to your statement in the press notice welcoming the new appointment.

10. Press office will also prepare a story for the Home Office website and use the Twitter account to publicise the decision – given the widespread interest in this topic, there is the potential for a significant number of re-Tweets from Home Office followers, enabling us to reach a wider audience.

11. The Mayor's private office has approached your private office to discuss the possibility of a photocall outside New Scotland Yard on the day. The last appointment was announced via a press release, with a photocall following on the new commissioner's first day in the job. Press office will provide further advice once the decision on the candidate has been reached.

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ANNEX A

DRAFT LETTER FROM THE HOME SECRETARY TO THE PRIME
MINISTER

The Prime Minister
No 10

APPOINTMENT OF A NEW COMMISSIONER OF THE METROPOLITAN
POLICE

Following a recent selection process, I am minded to recommend xx for appointment as the next Commissioner of the Metropolitan Police Service, after the previous Commissioner Sir Paul Stephenson stepped down in July 2011.

I would welcome your urgent agreement to xx appointment, before I seek royal approval.

Four candidates applied for the Commissioner post in response to an advertisement placed in Police Professional and elsewhere. My Permanent Secretary chaired a selection panel consisting of Kit Malthouse (Metropolitan Police Authority), Stephen Rimmer (Director General, Crime and Policing Group, Home Office), Jonathan Evans (Director General, Security Service) and Stella Pantelides (former Civil Service Commissioner and Independent Panel Member). Sir Denis O'Connor, HM Chief Inspector of Constabulary was the professional adviser to the panel. The panel interviewed all four candidates, and they were also interviewed by a panel of MPA members.

I then interviewed all four candidates with the Mayor.

In making a final decision on this appointment I have considered the assessment of my Permanent Secretary's panel, the recommendations of the MPA's panel and the views of the Mayor. To this effect I would welcome your urgent agreement to the appointment of xx as a prior step to seeking royal approval. Once royal approval has been received I will then announce this appointment publicly.

I am copying this letter to Sir Gus O'Donnell.

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DRAFT LETTER FROM THE HOME SECRETARY'S PRINCIPAL PRIVATE
SECRETARY

ANNEX B

The Private Secretary to Her Majesty the Queen
Buckingham Palace
London
SW1A 1AA

APPOINTMENT OF THE NEW COMMISSIONER OF POLICE OF THE
METROPOLIS

I enclose a submission from the Home Secretary inviting the Queen's
agreement to the appointment of xx as Commissioner of Police of the
Metropolis.

Following an open competition for selection of a new Commissioner of Police
of the Metropolis, the Home Secretary is satisfied that xx [the current Chief
Constable of] is well fitted for the post.

The Home Secretary has no hesitation in recommending xx to Her Majesty for
appointment as Commissioner of Police of the Metropolis.



RESTRICTED – SENIOR APPOINTMENTS

DRAFT SUBMISSION FOR SIGNATURE BY THE SECRETARY OF STATE

~~Mrs Secretary May, with her humble duty to Your Majesty, has the honour to~~
recommend that xx be appointed as Commissioner of Police of the Metropolis
in replacement of Sir Paul Stephenson QPM, who stepped down in July 2011.

September 2011

RESTRICTED – SENIOR APPOINTMENTS

ANNEX C

DRAFT LETTER TO SUCCESSFUL CANDIDATE FOLLOWING FINAL
INTERVIEW

I am very happy to formally confirm that you have been successful in your application for the post of Commissioner of Police of the Metropolis.

Royal approval has been given for this appointment and you will be issued with a Royal Warrant in due course. Terms and conditions of service for this appointment, which I expect to be for a period of five years, will be discussed with you separately by the Metropolitan Police Authority and in accordance with Home Office Police Regulations.

My warmest congratulations on your appointment. I wish you every success and look forward to working with you in your role as Commissioner.

THERESA MAY

RESTRICTED – SENIOR APPOINTMENTS

ANNEX D

DRAFT LETTER TO UNSUCCESSFUL CANDIDATES FOLLOWING FINAL
INTERVIEW

Thank you for your application for the post of Metropolitan Police
Commissioner and for coming to interview yesterday [on Monday].

The field of applicants was a strong one, and as I mentioned on the
telephone, I am sorry to confirm that you have not been selected for the post.

I would like to thank you again for your interest in this post and for your
participation in the application and interview process.

THERESA MAY



Home Office

Helena Helen Ghosh DCM
PERMANENT SECRETARY

2 Marsham Street, London SW1P 4DF

Tel: [redacted] Fax: [redacted]

Email: helenghosh.[redacted]

7 September 2011

Home Secretary

APPOINTMENT OF METROPOLITAN POLICE COMMISSIONER

As you know, I chaired the Panel last Friday which interviewed the four candidates for the role of Commissioner of the Metropolitan Police. Our report on the content of the interviews and the performance of each candidate is at Annex A.

The Panel concluded that all the candidates were potentially appointable, though with different strengths across the range of essential qualities and experience. It is for you now to consider which of the candidates to invite for a final interview with you and the Mayor next week. You will be receiving separately a report from the Metropolitan Police Authority, who also interviewed all four candidates earlier this week.

We were ably supported by Denis O'Connor of HMIC as our Specialist Adviser, who provided in advance the very helpful summary of suitability and statistics on crime reduction that are at Annex B in the pack, together with the application and CV of each candidate.

[redacted signature box]

HELEN GHOSH

SENIOR APPOINTMENTS

CONFIDENTIAL – SENIOR APPOINTMENTS

REPORT OF THE PANEL FOLLOWING INTERVIEWS N 2
SEPTEMBER 2011 FOR THE POST OF METROPOLITAN
POLICE COMMISSIONER

Background

For all candidates, the Panel considered the evidence presented in the candidates' applications (including HMI assessments) and at interview.

Considering the qualities set out in the job advert, the panel identified the overall essential qualities for the successful candidate as:

- Single-minded crime fighter
- Handling a complex web of relationships
- Managing a big business
- Openness to criticism/not defensive/ability to change culture
- Emotional resilience/ability to handle pressure/leadership in a crisis.

The interviews each began with the candidate giving a brief presentation on:

- What would be your priorities in your first 100 days as Commissioner?

Other particular areas probed at interview included: the Olympics; counter-terrorism; the National Crime Agency; police leadership reform, including direct entry to the police service; media handling; and interactions with News International (or other comparable media company) executives.

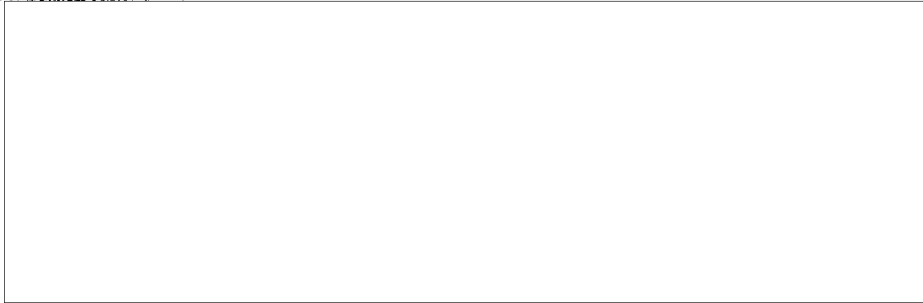
The panel members were:

- Dame Helen Ghosh, Permanent Secretary, Home Office (Chair)
- Kit Malthouse, Deputy Mayor for Policing and Chair of the Metropolitan Police Authority
- Stephen Rimmer, Director General, Crime and Policing Group, Home Office
- Jonathan Evans, Director General, Security Service
- Stella Pantelides, Managing Director of Lysis Consulting Services, Independent Panel Member.

The interviews took place in the following order:

-

CONFIDENTIAL – SENIOR APPOINTMENTS



PHONE HACKING**Answer**

- Welcome the Committee's report into phone hacking. Currently seeking collective Ministerial clearance for the Government response, which will be made available before Conference Recess.
- Committee's report makes a number of interesting conclusions and recommendations and think it is a valuable contribution to the wider debate around the changes needed to police culture.

Key stats/facts

HAC published its report into phone hacking on 20th July. (We are currently awaiting HA clearance and intend to make the response publically available on 15th September before Conference Recess).

Sir Paul Stephenson announced his resignation on 17th July. Tim Godwin was in place very soon thereafter as Acting Commissioner.

John Yates announced his resignation on 18th July 2011. He has formally given notice of his intention to resign, and is currently on a period of leave. He is no longer Assistant Commissioner, Specialist Operations.

Dick Fedorcio (Director Public Affairs) was referred by the MPS to the IPCC for investigation on 19th July. He was given extended leave by MPS on 12th August. IPCC are continuing to conduct an independent investigation into his role in relation to the awarding of the contract to Chamy Media for senior level media advice and support.

MPA referred Sir Paul (along with Yates, Clarke and Hayman) to IPCC for investigation on 18th July. IPCC concluded no evidence of wrongdoing in relation to phone hacking in relation to Sir Paul, Yates, Clarke and Hayman on 17th August. IPCC are conducting a separate independent investigation into Yates in relation to the appointment of the daughter of Neil Wallis by MPS.

(Full timeline attached)

Useful quotes

APA letter of 4th August to the Home Secretary (re work on police integrity): "The APA very much welcomes the announcement of the measures that have been taken by Government in response to the phone hacking scandal, including both the establishment of a Public Inquiry, the report which has been commissioned from the IPCC, and the review which HMIC has

been asked to undertake"

Potential follow-up questions

Does the government agree with any of the Committee's conclusions and recommendations?

- Cannot yet give you an answer to that. Can say that we are considering all the recommendations very seriously and we will respond fully before Conference Recess.
- Have already written to you expressing some sympathy with your recommendation in relation to police officers taking on employment with organisations that they have previously investigated and that I have asked HMIC to cover this in their report to me on police corruption.
- There are likely to be other recommendations that we sympathise with too.

Contact

Name:
Telephone number:

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Timeline of events – phone hacking

Date	Event
2005	
Nov 2005	The News of the World Royal editor Clive Goodman writes a story about Prince William suffering a knee injury.
Dec 2005	Members of the Royal Household at Clarence House report security concerns to Royalty Protection Department of the MPS; MPS launch investigation focussing on alleged security breaches within telephone networks over a significant period of time – investigation initially focussed on complaints from three people within the Royal Household.
2006	
8th August 2006	Goodman and private investigator Glenn Mulcaire arrested.
2007	
26th January 2007	Successful prosecution and jailing of Goodman for hacking into the mobile phones of staff in the Royal Household; and of Mulcaire for hacking into the phone of Gordon Taylor (CE PFA). At the time News International said Goodman had been acting without their knowledge.
6th March 2007	Les Hinton a senior aide to Rupert Murdoch tells the Culture, Media and Sports (CMS) Committee that a "rigorous internal investigation" found no evidence of widespread hacking at the paper.
May 2007	Press Complaints Commission report (since withdrawn) supports NOTW in not finding evidence of widespread hacking at NOTW.
2009	
8th July 2009	Guardian story that NI had paid £1m to keep secret its illegal methods of obtaining material for stories; and that information from that case had been suppressed by the police and the High Court.
9th July 2009	Urgent Question from Dr.Evan Harris MP (Lib Dem). David Hanson MP responded for the Government; AC John Yates asked by Commissioner to establish the facts around MPS inquiry into the alleged unlawful tapping of

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	<p>phones by Goodman and Mulcaire;</p> <p>AC John Yates assesses the allegations and concludes that no further investigation is required – commenting on the original investigation, Yates said that Goodman and Mulcaire's targets ran into hundreds of people; but that the MPS inquiries showed they used hacking tactics against a smaller number of individuals and that in the vast majority of cases there was insufficient evidence to show that hacking had actually been achieved;</p> <p>DPP orders urgent examination of the material that was supplied to the CPS by the police in 2006.</p>
14th and 21st July 2009	David Hanson MP makes two written Statements to the Commons based on reassurances received by the MPS.
September 2009	Second Press Complaints Commission report, now withdrawn formally, concludes that it was not misled by NOTW; News International Chairman Les Hinton appears before CMS Select Committee.
2010	
24th February 2010	CMS Select Committee publishes report on press reporting which included examination of the phone hacking episode. Highly critical of both the NOTW and the police and stated they did not think it credible that such activity was limited to one rogue reporter.
1st September 2010	New York Times article quotes an ex-NoTW reporter - Sean Hoare - who had said that phone hacking was encouraged at the tabloid. Mr Hoare also told the BBC that phone hacking was "endemic" at the paper and that Mr Coulson asked him to do it. Another ex NOTW reporter, Paul McMullan, alleged to the Guardian that other there were other illegal activities which were rife.
6th September 2010	Home Sec answers an urgent question in the House from Tom Watson MP explaining that any further action was an operational matter for the police.
7th September 2010	<p>HASC launches its inquiry, with an emphasis on the operation of RIPA 2000;</p> <p>AC Yates, at HASC, confirmed that MPS would be talking to Sean Hoare (as this appeared to amount to new information not previously available to the police).</p>
8th	Chris Bryant MP secures debate on whether to refer the

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September 2010	matter to The Parliamentary Committee on Standards and Privileges which was agreed by the House (with Government support).
13th September 2010	Chris Bryant MP with Brian Paddick (formerly of MPS) and Brendan Montague (writer and journalist) lodge Judicial Review application, seeking the court's view on whether the MPS has provided complete disclosure and conducted an effective investigation into violations of their privacy.
17th September 2010	Lord Prescott also lodges Judicial Review application (several others have also followed since).
12th November 2010	MPS submitted information to the CPS seeking advice on the likelihood of being able to pursue prosecutions based on the New York Times information.
10th December 2010	The Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution. None of those interviewed had been prepared to provide information about wrongdoing or provided fresh information. The DPP's statement included the following: "I have made it clear that a robust attitude needs to be taken to any unauthorised interception. But a criminal prosecution can only take place if those making allegations of wrongdoing are prepared to cooperate with a criminal investigation and to provide admissible evidence of the wrongdoing they allege."
2011	
5th January 2011	Reported that NOTW suspends Ian Edmondson assistant editor; also reported that Mulcaire says that he was commissioned by Edmondson to hack phones.
January 2011	In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation (including that not originally passed to the CPS by the police). Alison Levitt QC (who had no previous involvement in the case) had been asked to take a robust approach with a view to advising whether the MPS should carry out any further investigation or deciding whether any prosecutions can be brought.
21st January 2011	Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.
26th January	The Metropolitan Police announced that in the light of fresh

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2011	<p>information supplied by the News of the World Newspaper (and following suspension of another editor), likely triggered by disclosure requirements for civil actions at the time, they would be conducting a new investigation into phone hacking allegations at the newspaper;</p> <p>This is being led by the Specialist Crime Directorate (a different unit within the Metropolitan police to that which carried out the original investigation in 2006) under the command of DAC Sue Akers. She has already announced that the new information has enabled additional people to be notified that their details were held by the MPS in connection with the original inquiry (including former DPM Lord Prescott) although as yet there has been no confirmation that they were actively subject to hacking. All such individuals are now being contacted by the new team.</p>
25th March 2011	Reports that the High Court orders former private investigator, Mulcaire, to reveal who commissioned him to hack phones.
29th March 2011	Following HASC session, Chair Keith Vaz MP writes to Rebekah Brooks requesting information on the number of Police officers paid by Sun Newspaper whilst she was editor; and to AC Yates requesting release of legal advice received before and after 1 October 2010 meeting.
5th April 2011	<p>HASC takes oral evidence from DPP;</p> <p>Three former NOTW journalists arrested (Ian Edmondson, the former news editor at the Sunday tabloid, and Neville Thurlbeck, a senior reporter, are arrested on suspicion of conspiring to intercept communications and unlawfully accessing voicemail messages); News International admits liability and apologises "unreservedly" to several public figures.</p>
14th April 2011	James Weatherup another NOTW journalist also arrested.
23rd May 2011	Lord Prescott, Chris Bryant MP, Brian Paddick, and Brendan Montague win right to Judicial Review.
June 2011 and early July 2011	Fresh allegations appear in newspapers (primarily The Guardian) of NOTW hacking into the phone of the missing schoolgirl Milly Dowler, of the phones of the families of the Soham murder victims, of some of the families of 7/7 victims and of soldiers killed in Iraq, as well the alleged authorisation by Andrew Coulson of payments to the Police and allegations that MPS officers received payments from journalists. This sparks the current, significant and ongoing media and

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	parliamentary interest in the issue.
20th June 2011	MPS alerted to possible receipt of payments by MPS police officers from journalists; Reports that some 300 NOTW emails from News International's solicitors Harbottle & Lewis are given to Scotland Yard allegedly showing that Mr Coulson had authorised payments to police officers.
22nd June 2011	MPS holds meeting with IPCC and they agree to keep in liaison on this issue.
7th July	An SO24 emergency debate on phone hacking in the Commons; IPCC receive formal referral from MPS to investigate possibility that MPS officers received payments from journalists and IPCC decide to conduct a supervised investigation under Deputy Commissioner Deborah Glass and to review the matter if an individual is identified; Murdoch announces that NOTW will close.
8th July 2011	PM holds a press conference clarifying that there would be two inquiries and gave a few more details on what he expected those inquiries to cover; Andrew Coulson arrested by MPS; Clive Goodman rearrested.
10th July 2011	An interview with AC John Yates is reported In The Sunday Telegraph as saying that his decision not to reopen an investigation into News International in 2009 had been 'a pretty crap one', which he now regretted. He refers to Scotland Yard's reputation being 'very damaged' by its failures and accuses News International executives of failing to cooperate with the original 2005 enquiry. He describes mistakes as 'cock-up, not conspiracy'.
11th July 2011	The DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on BSkyB merger.
12th July 2011	HASC takes evidence from senior MPS police officers involved in the investigations and review – Lord Blair, Andy Hayman, John Yates, Peter Clarke and Sue Akers. Includes revelation that both Lord Blair's and John Yates' phones are likely to have been hacked, but unknown by whom.
13th July 2011	PM announces further details of an inquiry in two parts on this matter (first on press ethics etc including regulating the press;

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	<p>second on the police relations with press and failings of original investigations and allegations of corrupt payments to police by journalists) and announces Lord Justice Leveson as the chair of the inquiry;</p> <p>PM also met with the Dowler family; and with the Select Committees and Opposition to agree draft TOR for the inquiry;</p> <p>Rupert Murdoch withdraws BSkyB merger bid.</p>
14th July 2011	<p>Neil Wallis former deputy editor of NOTW arrested. Reports that he had worked as a consultant for the MPS;</p> <p>Home Sec writes to the Commissioner for clarification;</p> <p>Mayor meets with the Commissioner.</p>
15th July 2011	Rebekah Brooks resigns from News International
17th July 2011	<p>Rebekah Brooks arrested and questioned for a reported nine hours</p> <p>Sir Paul Stephenson announces his resignation.</p>
18th July 2011	<p>AC John Yates announces his resignation (it is as yet unclear whether he had already been suspended by MPA when he resigned)</p> <p>MPA refers 4 senior officers to IPCC for investigation. IPCC have determined to undertake an independent investigation.</p> <p>Sean Hoare, ex-NOTW journalist, who was the first to allege that Andy Coulson knew of phone hacking by NOTW, found dead. Police are not treating his death as suspicious.</p>
19th July 2011	MPS refer Dick Fedorcio OBE (Director Public Affairs) for investigation by the IPCC
20th July 2011	PM Statement and speech on phone hacking in extended session of Parliament – questions focus on his hiring of Andy Coulson
28th July 2011	Lord Justice Leveson launches his inquiry – presents his supporting panel to the public and calls for evidence (CO providing secretariat)
29th July 2011	MPS announce Op. Kalmyk, arising out of Op. Tuleta (see below) – investigation of allegations of hacking by NOTW journalists and private investigator into computer of ex-army intelligence officer in NI (Ian Hurst). Likely that others' computers were also hacked and so the operation may broaden. Some of those involved are agents, or handlers of agents in British Army intelligence.

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1st August 2011	MPS announce Op. Tuleta – Op. to assess information, (eg. from Op. Weeting, disclosures in relation to civil actions, and numerous correspondence) to assess if any merit progression to a formal investigation on matters outwith Op. Weeting (which is specifically about interception of phone messages). This would include computer hacking (see Op. Kalmyk above). Op. Tuleta is being led by Nigel Mawers under DAC Sue Akers, is separate to Op. Weeting, and currently has 5-10 officers assigned to it.
2nd August 2011	Eleventh individual arrested under Op. Weeting – 71 year old man (released on bail, with bail hearing set for later in August)
8th August 2011	Surrey police make referral to IPCC regarding allegations that an officer received payment, from journalists, for information whilst working on the Milly Dowler investigation in 2002 – IPCC decide to treat this as an independent investigation (this investigation is separate to Op. Elveden but the two investigations will maintain close links)
10th August 2011	Twelfth person arrested under Op. Weeting – 61 year old male (reported as Greg Miskiw) Dick Fedorcio given extended leave by MPS
17th August 2011	IPCC commissioner Deborah Glass concludes her investigation into referrals relating to 4 senior ex police officers by MPA (Sir Paul Stephenson, Andy Hayman, John Yates, and Peter Clarke) and publishes her report. She finds that in the cases of Paul Stephenson, Andy Hayman and Peter Clarke, there will be no misconduct or criminal proceedings. For John Yates, there will be a misconduct investigation into the circumstances surrounding the employment of Neil Wallis' daughter. Elizabeth Filkin begins her work to examine the ethical considerations that should, in future, underpin the relationships between the Metropolitan Police and the media, how to ensure maximum transparency and public confidence, and provide advice. Interim report due in end of October with final report due at the end of November.
18th August 2011	MPS Directorate of Professional Standards Anti Corruption Unit arrest a serving MPS officer from Operation Weeting on suspicion of misconduct in a public office relating to unauthorised disclosure of information as a result of a proactive operation. The male Detective Constable, aged 51 years, was arrested at work. He has been bailed to return on 29 September 2011 pending further inquiries. The case has been referred to the IPCC who will be managing the investigation (ie. an IPCC investigator will have direction and control). IPCC will keep their level of involvement under close review as the investigation progresses.

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19th August 2011	51 year old officer who was arrested on 18th August 2011 is suspended Thirteenth person arrested under Op. Weeting - 35-year-old News of the World journalist arrested by appointment
2nd September 2011	Fifteenth person arrested as a result of Op. Weeting.
7th September 2011	Sixteenth person arrested under Operation Weeting – 35 year old journalist currently working for the Guardian

From:
Policing, Powers & Protection Unit
5th Floor,
Fry Building,
2MS.

Tel:

Date: 12th September 2011

cc: Minister of State for
Policing and Criminal
Justice
Minister of State for
Crime Prevention and
Anti-Social Behaviour
Reduction
PUS Crime and Security
PUS Equalities and
Criminal Information
Permanent Secretary
Stephen Rimmer
Stephen Kershaw
Tyson Hepple

Diana Luchford
Lucan Herberg

Special Advisers

Home Secretary

GOVERNMENT'S RESPONSE TO HAC'S REPORT ON PHONE HACKING

Issue

To seek your agreement on how to publish our response to the HAC report.

Timing

2. **Urgent** – We have received clearance from No.10 to publish our response on 15th September, the day before Conference Recess. We would therefore be grateful for a response tomorrow (13th September) to enable us to make the final arrangements.

Summary

3. Following your write round to HA seeking clearance for our proposed draft response to HAC's report on phone hacking, we have now received nil responses from all HA members – we await formal clearance from the DPM as chair of HA. In the meantime, we have agreed, at official level with colleagues from BIS, MoJ and DPM, some minor drafting changes to the document as circulated to HA. The slightly revised final draft is attached. Given the high profile nature of the subject, our response is likely to attract some media attention. Therefore we suggest that you write to HAC with the Government response to HAC's report, indicating that you will lay the Government response in Parliament together with a Written Ministerial Statement. A draft letter to the chair of HAC for your signature is attached at Annex A; and a draft WMS is attached at Annex B.
4. You have already agreed that Part 1 of IPCC's report on their experience of police corruption, should be published on the same day, and that you will lay this before Parliament alongside the Government response to HAC report on phone

hacking. The letter to the chair of HAC also mentions this. We will liase with IPCC to choreograph the publication of Part 1 of their report on both our websites.

Recommendation

5. That you agree to write to HAC as attached at Annex A, together with an embargoed copy of the final response, indicating that you will lay a copy of the Government response before Parliament together with a Written Ministerial Statement (as at Annex B).

Handling

6. We will provide further media and handling advice for both the Government response to HAC and part 1 of IPCC's report nearer the time. As is customary, we intend to provide HAC with an embargoed copy of the Government response the day before we lay it before Parliament. We will do likewise with IPCC.



ANNEX A – LETTER TO KEITH VAZ MP (CHAIR OF HOME AFFAIRS COMMITTEE) FOR HOME SECRETARY'S SIGNATURE

Keith Vaz MP
Chair of Home Affairs Committee
House of Common
London

I enclose the Government's response to the thirteenth report of the House of Commons Home Affairs Committee on "Unauthorised tapping into or hacking of mobile communications" which was published on 20th July. I would like to take this opportunity to thank the Committee for their Inquiry into this matter and producing a report which can sit usefully alongside other work that the Government has commissioned in relation to this matter. The report is also a valuable contribution to the wider debate on changes needed to police culture.

I intend to lay the Government response to the Committee's report before Parliament, together with a Written Ministerial Statement, and provide copies to the House libraries on 15th September. The Committee will wish to be aware that at the same time I intend to lay before Parliament and provide the House Library with copies of Part 1 of the Independent Police Complaints Commissions report to me about their experience of investigating police corruption, which I commissioned from them in my statement to Parliament on 18th July.

Copies of this letter go to members of the Home Affairs Committee.

Rt. Hon. Teresa May MP

**ANNEX B – WRITTEN MINSITERIAL STATEMENT FOR THE GOVERNMENT'S
RESPONSE TO HOME AFFAIRS COMMITTEE'S REPORT INTO PHONE
HACKING**

Thursday 15th September 2011

HOME OFFICE

**Government response to Home Affairs Committee's Report on Phone Hacking
– "Unauthorised tapping into or hacking of mobile communications"**

Home Secretary (Teresa May): Today we are publishing the Government's response to the 13th Report of the Home Affairs Committee into the "Unauthorised tapping into or hacking of mobile communications".

The Committee's report highlights a number of issues arising from the activities of journalists at News International and their associates, as well as the failings of the police investigations into those activities.

The Government believes that the report sits usefully alongside other work that it been commissioned in this area, including:

- the Inquiry judge-led Lord Justice Leveson, commissioned by the Prime Minister;
- Her Majesty Inspectorate of Constabulary's report considering instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties, commissioned by the Home Secretary; and
- the Independent Police Complaints Commission's report into their experience of investigating police corruption and any lessons that can be learned for the police service, also commissioned by the Home Secretary.

Whilst the government does not share the Committee's view that the legislation and the regulatory framework, including the regulatory authority, relating to phone hacking needs changing, we agree with the Committee, that more could be done by the mobile phone companies and mobile network providers to increase the awareness of security of mobile phones and engaging with potential victims of such hacking.

Many of the issues highlighted by the report are for the police service and the Government believes that the report is a valuable contribution to the debate around changes needed to police culture.

Alongside the Government's response to the Home Affairs Committee's report, we are also publishing Part 1 of the Independent Police Complaints Commissions report on their experience of police corruption. Both documents will be available on the Home Office website and will be placed in the House libraries.



Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

The Rt Hon Keith Vaz MP
Chair
Home Affairs Committee
House of Commons
London
SW1A 0AA

14 September 2011

Dear Keith

I enclose the Government's response to the thirteenth report of the House of Commons Home Affairs Committee on "Unauthorised tapping into or hacking of mobile communications" which was published on 20th July. I would like to take this opportunity to thank the Committee for the thoroughness of their report and for producing it so quickly after the final evidence sessions, so that it could inform the Parliamentary debate in July and also sit usefully alongside other work that the Government has commissioned on this issue. The report is also a valuable contribution to the wider debate on changes needed to police culture.

I intend to lay the Government's response to the Committee's report before Parliament, together with a Written Ministerial Statement, on 15th September. The Committee will wish to be aware that, at the same time, I intend to lay before Parliament, the First Report by the Independent Police Complaints Commission on their experience of police corruption, which I commissioned from them in my statement to Parliament on 18th July.

Copies of this letter go to members of the Home Affairs Committee.

Yours sincerely



THE RT HON THERESA MAY MP

From: [redacted]
Policing Powers and Protection Unit
5th Floor, Fry Building
2 Marsham Street

Tel: [redacted]

14th September 2011

cc: Minister of State for Crime
Prevention and ASB
Reduction
PUSS for Crime & Security
PUSS Equalities & Criminal
Information
Helen Ghosh
Stephen Rimmer
Charles Farr
Yasmin Diamond
CPG Directors
Tyson Hepple
Gareth Redmond
Ziggy MacDonald
Richard Thompson
Andrew Wren
Chris Blairs
Diana Luchford
[redacted]
Harry Carter
Lucan Herberg
[redacted]
Special Advisers

Minister of State for Policing & Criminal Justice
Home Secretary

}
} Simultaneous

**PUBLICATION OF THE GOVERNMENT'S RESPONSE TO HASC'S
REPORT INTO PHONE HACKING AND THE IPCC'S REPORT ON POLICE
CORRUPTION**

Issue

Handling advice for the publication of the two documents.

Timing

2. Both documents will be laid before Parliament on Thursday 15th September, at 10:30am.

Summary

3. You have agreed that both the Government's response to the HASC's report on phone hacking and the first report by the IPCC on their experience of investigating police corruption with lessons learned for the police service, will be laid before Parliament with an accompanying WMS. The WMS at Annex A

has now been cleared by Home Office Special Advisors and is awaiting final clearance by No.10 overnight. As is customary, we have provided the chair of HASC with an embargoed copy of the Government response today (the day before publication). We will also publish the Government response to HASC on the Home Office website, with a hyperlink to the HASC website (for the HASC report) and IPCC's website (for the IPCC report), once they have been laid before Parliament.

4. In response to my submission of 7th September seeking your agreement to publish the IPCC's report, you (Home Secretary) also requested further handling advice, along with confirmation that your Ministerial colleagues would be available to handle media enquiries if required.
5. In terms of media handling, press office advise that we should do reactive press briefing, and respond to any media queries on IPCC's report with the statement as attached at **Annex B** (The statement has been cleared by Special Advisors). The statement echoes the words spoken by the PM when the IPCC report was commissioned. We will also draw from the WMS on the Government response to the HASC report on phone hacking and the previously cleared Q and A on the terms of reference for the IPCC report - a Q and A pack with top lines is also attached – but we do not intend to do a press statement for the Government's response to HASC's report.
6. We have spoken to your (Nick Herbert) office and they have confirmed that you (Nick Herbert) are considering your availability to respond to any media enquiries over the course of the day tomorrow (Thursday). In addition we have received confirmation that Len Jackson will be available tomorrow to manage any media enquiries regarding their report into their experience of corruption. IPCC plan to issue a press notice, and send their report to all Chief Constables in England and Wales, as well as put the report on their website.
7. We have also been in touch with MPS and HMIC to alert them about the publications tomorrow. Home Office press colleagues will be in touch with MPS and ACPO press office.

Recommendation

8. That you note our approach to handling the publication of the two documents.



Annex A – Final version of Written Ministerial Statement

Thursday 15th September 2011

HOME OFFICE

Government response to the Home Affairs Committee's Report on Phone Hacking – "Unauthorised tapping into or hacking of mobile communications"

Home Secretary (Theresa May): Today I am publishing the Government's response to the 13th Report of the Home Affairs Committee into the "Unauthorised tapping into or hacking of mobile communications".

The Committee's report highlights a number of issues arising from the activities of journalists at News International and their associates, as well as the failings of the police investigations into those activities.

The Committee is to be commended for producing such a thorough report and for producing it so quickly after the final evidence sessions, so that it could inform the Parliamentary debate in July and also sit usefully alongside other work that the Government has commissioned in this area, including:

- the Inquiry being led by Lord Justice Leveson, commissioned by the Prime Minister;
- Her Majesty's Inspectorate of Constabulary's report considering instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties, which I have commissioned; and
- the Independent Police Complaints Commission's report into their experience of investigating police corruption and any lessons that can be learned for the police service, which I have also commissioned.

Many of the issues highlighted by the report are for the police service and the Government believes that the report is a valuable contribution to the debate around changes needed to police culture.

Alongside the Government's response to the Home Affairs Committee's report, we are also publishing the First Report by the Independent Police Complaints Commission on their experience of police corruption. Both documents will be available on the Home Office website and copies will be available from the Vote Office.

Annex B – Proposed lines to take in response to Press Enquiries

HO SPOKESPERSON SAID:

"This summer saw a torrent of revelations and allegations involving some of this country's most important institutions. The phone hacking scandal shook people's trust in not only the media but in the police.

"The vast majority of our police officers are beyond reproach, and serve the public with distinction, but where it exists, police corruption must be rooted out. That is why the Home Secretary commissioned the IPCC to report on their experience of investigating police corruption including what lessons may be learned by police services.

"Today's first report by the IPCC will help establish what went wrong and why. Along with the work being done by the Leveson Inquiry and HMIC, this work will help ensure that it never happens again."



Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
www.homeoffice.gov.uk

Sir Denis O'Connor CBE, QPM
Her Majesty's Chief Inspector of Constabulary
6th Floor
Globe House
89 Eccleston Square
London
SW1V 1PN

POLICE INTEGRITY

In my Oral Statement to Parliament yesterday on the Metropolitan Police Service, I noted that the current allegations about phone hacking are not, unfortunately, the only recent example of alleged corruption in the police service.

I announced that I was asking Her Majesty's Inspectorate of Constabulary to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties; and to make recommendations to me about what needs to be done.

The purpose of this letter is formally to commission you to undertake this work. In doing so, you will wish to take into account other investigations or proceedings that may be taking place.

I would be grateful if this work could be completed by the end of October.

Rt Hon Theresa May MP

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Her Majesty's Inspectorate of Constabulary
6th Floor, Globe House, 89 Eccleston Square, London SW1V 1PN
Direct Line: [REDACTED]
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Inspecting policing
in the public interest

Sir Denis O'Connor CBE QPM
Her Majesty's Chief Inspector of Constabulary

Rt. Hon. Theresa May MP
Home Secretary
Home Office
2 Marsham Street
London SW1P 4DF

5th October 2011

Dear Home Secretary

Police Integrity Review – Interim Update

Following your Oral Statement to the House on 18 July about the Metropolitan Police Service, you commissioned HMIC to undertake some work on police integrity. I thought you would find it helpful to have this update of progress and emerging themes.

Roger Baker and his team have now completed field work in the majority of forces and remain on track to complete the review with recommendations in time to meet your end of October deadline.

In summary we have found that:

- The majority of police officers and staff are striving to act with integrity and we did not find evidence to support any contention of endemic corruption.
- Instances of deliberate malpractice in relation to these matters are infrequent and not widespread.
- Officers, police staff and authority members are not helped by a lack of certainty in a number of areas about the boundaries between the acceptable and the unacceptable in day to day activities, whether in relation to dealing with the media or conflicts of interest generated by relationships or situations such as secondary employment.
- Support in terms of training and education is inconsistent and fails to identify appropriate values and standards.
- Forces take action against instances of malpractice once identified.

However, in reaching these findings HMIC have, in places, had to rely on evidence provided by force oversight and control mechanisms that are not always comprehensive. This includes proactively seeking out malpractice, intrusive leadership and police authority oversight as well as guidance and training. These gaps, where they exist, limit the level of assurance that forces are able to provide on the extent of

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malpractice. As integrity is core to the policing mission and public scrutiny is set to increase, these limitations are significant.

Generally, where there are force policies they do not add to the clarity about the boundaries for relationships. There is also a lack of consistency of approach across policing and an apparent lack of a standard for promoting and ensuring integrity. There is, however, a willingness to report wrong doing where it is obvious and there are good anonymous systems in place with a positive reactive commitment from Professional Standards Departments (PSDs). We found minimal PSD proactive capacity to do other than to respond to reports. There is little evidence of sharing intelligence with the wider organisation, for example, profiles of the most vulnerable officers are available but there is no evidence that the value of the profiles is being fully exploited.

In forces where the Chief Constable personally advocates the importance of integrity and takes positive action there is consequential awareness and focus on these issues. Yet again the value of intrusive and visible leadership cannot be underestimated. There is clearly read across to the work being carried out on police leadership.

There is limited focus by Police Authorities on their own organisations with infrequent meetings of their standards committees and little evidence of profiling vulnerabilities whether in terms of policies or individuals. They have basic oversight of police complaints and misconduct by way of complaints committees but do not scrutinise information in relation to risks. Scrutiny of force files, records and systems tends to be ad hoc and unfocused. Clearly there are potential lessons to be learnt for the new landscape with Police and Crime Commissioners if they are to hold Chief Officers to account effectively.

I am, however, conscious in taking this review forward that while part of the issue is patchy or non-existent guidance the answer must not be more unnecessary bureaucracy. Indeed, many of the principles which can provide signposts to help staff act with integrity already exist elsewhere. Nor will we seek refuge in codes or systems alone, for as I have indicated, leadership is what makes the difference.

Governance and Control

A nationally agreed framework, requiring a strategic risk assessment requires each force to regularly assess the threats and vulnerabilities from corruption and breaches of integrity so plans to mitigate the risks can be developed. These assessments are completed by all forces but in a few cases they are out of date and not used as the focus for action. The lack of an assessment and understanding of the risk leads to a perception that no significant integrity issues could occur within the force. Too often in the smaller, non metropolitan forces, the comment "it would not happen here" was used by senior managers although the evidential basis for the assertion was often unclear.

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Guidance on the following areas is patchy:-

- Relationships with the media.
- Accessing the internet for private use in the workplace.
- The use of social networking (both on and off duty).
- Acceptance of gratuities and hospitality.
- Disclosure of information (i.e. what can be discussed with whom, and to what degree).
- Requirements to report associations, such as second jobs and relationships with known criminals (what needs to be reported, when and to whom?).

Police authority scrutiny of issues is not generally based on risks identified in the PSD Strategic Risk Assessments, and HMIC did not find much commonality between force and authority risk registers.

Procurement

HMIC found appropriately qualified staff fulfilling key procurement roles in all forces. However, some goods and services are obtained without the use of these procurement specialists; and when this happens, there is inconsistency of thinking about where the boundaries for relationships between contractors and police officers and staff lie.

We found clear evidence that major procurements and contracts are being professionally and consistently managed in accordance with EU guidance. However, there are significant inconsistencies below prescribed EU goods and services thresholds. Of particular concern is the apparent lack of controls in approximately one-third of forces for low-level spend (e.g. up to £5,000). This has resulted in different approaches to purchasing goods and services at a BCU or departmental level, with no professional overview, guidance and scrutiny. This escalates the risk of multiple low-level frauds going undetected.

All forces have either embarked upon procurement collaborations, or are in the process of doing so. This ranges from 13 forces involved in a forensic services consortium, to smaller scale arrangements with local authorities and neighbouring forces with the aim of sharing back office functions. The objective behind all of these arrangements is to achieve better value for money and economies of scale. However, any integrity concerns and risks arising from these collaborations appear subordinate to the commercial drivers. There is also little evidence of police authorities proactively considering potential procurement risks (horizon

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scanning) and holding the force to account accordingly. Apart from providing vetting functions, there is no evidence that force PSDs are proactively engaging with procurement and the associated probity risks as a core part of the business over which they should be exercising oversight

Media Relations

Outside London the widely held view is that "There is no national media here" and that the local media have a different approach to relationships with forces and authorities.

We found that 31 forces have policy or guidance around media handling. However, the rank at which staff are permitted to engage with the media (for instance, by giving interviews) varies from area to area: some forces allow constables and sergeants to engage, while, other forces restrict this to senior officers only. The emerging theme is that supervisors can talk about "local issues" but corporate issues need to be channelled through the HQ Press office.

This inconsistent approach is mirrored in that taken to training. All forces have some degree of media training: but few include this as an element of induction courses, with many taking a more role-specific approach. For example, it forms a key element of courses for Senior Investigating Officers, BCU Commanders and those aspiring to ACPO rank. Such training that does exist concentrates on the delivery of the interview rather than providing an understanding of the boundaries for media relations and an ethical approach to information disclosure.

Whilst HMIC has found no evidence at this point of officers purposefully trading information for reward (whether financial or in terms of hospitality), there is always the potential for unauthorised disclosures. It is of concern that no force cross checks individual hospitality registers. Such checks could potentially identify cases where senior officers are meeting media or contractors in circumstances that could be interpreted as inappropriate.

Senior officers stated that they were not aware of inappropriate relationships with the media. However, it is unclear whether they are proactively looking for it and if such assessments are being made on the basis of evidence.

Information Disclosure

There can be tension between the desire to be transparent and the need for information security. While there was good evidence in around half of forces of the importance of information security, we found varying levels of staff awareness of information security issues, despite a commitment by forces to

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increasing this (for example, through posters, automatic reminder messages at PC log-on stage, policies etc).

The degree of training on information security and data protection also varied, both between forces and between roles. However, we only found evidence in one force that training was poor or non-existent.

Evidence was found that at least 11 forces circulate 'lessons learned' bulletins from PSDs and legal services departments. There are good examples that members of staff who leak information or inappropriately access information are prosecuted: for instance, a PCSO was jailed after he leaked information from his Chief Constable's daily summary.

Controls on the ability to copy information from systems (whether via print outs, USB memory sticks, CDs or DVDs) are highly variable. One force reported the loss of a USB stick; they have now clamped down heavily on this aspect of security, but this is unlikely to be the only case of this happening.

In another force, command and control operators undertake awareness training in relation to possible bogus callers requesting information (blagging). It also has in place a quality assurance process around telephone requests for information, which sees all calls logged on a call manager system, and checks made before any disclosure. However, such policies and preventative measures have so far proved the exception rather than the rule.

Recent national events have led to forces reviewing their policies and procedures. Indeed one senior management team had previously seen regular dinners with media contacts as acceptable but that view is no longer held. There was no evidence of any force having their systems externally hacked, or of inappropriate third party access to systems. However, there was evidence of inappropriate access to information through legitimate systems access by staff.

Social Media

Forces recognise that in terms of police integrity the use of social media by staff is a significant and increasing risk.

Based on our sample, staff were found to have a common sense approach to appropriate use of social networking sites, e.g. "You should not put anything on there that you would not be happy to write with the Chief Constable looking over your shoulder.". However, there remains a lack of clear understanding of what is and is not acceptable.

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Policies and guidance around social networking and other social media are apparent in some forces but not others. The level of clarity provided by such policies and understanding of staff is limited and inconsistent across the service. Staff associations felt a consistent and clear policy in relation to social media was required.

Some forces encourage managed and corporate use of social media to engage better with the public and have provided training for relevant staff.

The monitoring of staff use of social networking sites is sporadic, and may be undertaken by either communications departments or PSDs. Generally, as with other integrity issues, monitoring is reactive rather than proactive, and based on profiling individuals and roles on a risk basis.

A number of forces confirmed that inappropriate use of social networking sites by staff has resulted in disciplinary action. Such measures are again applied inconsistently. For example, scrutiny of one force Twitter feed shows senior officers both tweeting personal information (asking for recommendations for pubs in area where he was on holiday) and providing commentary on events that could be interpreted as "political". This type of misuse would normally be dealt with by way of advice and guidance. However, in respect of senior officers it appears a 'blind eye' is often turned. Such elasticity in the application of policies only further muddies the waters, and could suggest to more junior staff that there are gradations of integrity depending on rank.

Gratuities and Hospitality

The 1999 HMIC report on police integrity, *Securing and Maintaining Public Confidence*, contained a focus on gratuities and hospitalities. At the time there was a wide variation in the quality of policies on acceptance of hospitality and handling gratuities. While all forces have taken action and do now have policies in place, there is strong evidence that these are not always communicated to staff or reviewed, or that they guide any action, with compliance and audit processes being notable by their absence.

In the absence of clear guidance, police officers and staff endeavour define what should and should not be accepted based upon their own concept of what is right and what is wrong and where the boundaries of appropriateness lay. There is good evidence that in doing so those junior staff interviewed did understand the impact on their own and the force's reputation. However, they looked to senior management to lead by example and in many cases did not consider that there was such a lead.

Supporting this view, it is apparent that senior management teams do not consistently record gratuities and hospitality. In one force, 147 of the 193 entries recorded over the last five years related to the chief constable.

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While all forces have gratuities and hospitality registers these are not consistently completed in most cases, and there are many examples of departments and BCUs not recording anything at all (even though focus groups and interviews confirmed that hospitality had been received). It is perhaps surprising that in a time of increased transparency, forces do not ensure compliance in the completion of registers and that staff do not appreciate the protection that properly recorded offers, acceptances and non-acceptances can provide.

No force was found to use the registers for any proactive purposes. Most simply retain them as a matter of record, with no further scrutiny or checks. There is consequently no evidence that the guidance and registers are used as a basis for appropriate intervention, or that links are made with forces' contract or business interests registers, even though this could help to identify any potential concerns regarding integrity and appropriateness of relationships.

Additional Employment

Twenty-six forces see this as a key risk area in view of the current economic climate. Many have had presentations from the PMAS giving them an assessment of the vulnerability of officers. The PMAS analysis of members who are "financially stressed" provides an excellent profile against which staff can be assessed for risk and vulnerability. However, only five forces visited have implemented anything approximating to formal intelligence-gathering or enforcement plans to address the issue head-on. There is a broad acceptance that professional standards units are under-resourced and unable to take anything other than reactive steps when faced with dubious secondary occupations or associations.

Decisions about the nature and type of additional employment are based upon vague guidance which relies upon the chief officers' discretion. However, not all chief officers are involved in, or become aware of, the decisions being made at other levels of the force. The consequence is that there is often significant variation both within and between forces as to what is acceptable and what constitutes unacceptable additional employment.

Senior managers in general believe they know where the boundaries lie and generally cite such occupations as public house licensees, doorman and taxi drivers as being impermissible. However, this is more through common sense than guidance.

There is no requirement on police staff to register business interests, although some forces encourage police staff to comply with the same policies as apply to police officers.

Seven forces ensure detailed consideration of secondary employment applications in a forum led by the Head of PSD, with Staff Association representatives. In one case the deputy chief constable is the appeal

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authority. Other forces are more ad hoc and have no PSD involvement, seeing additional employment as an HR issue.

No evidence has been found of forces taking additional employment or conflicts of interest into account when determining suitability for recruitment and progression. Equally there was little evidence of "cooling off" periods being required for senior staff leaving to take up posts with commercial or other bodies with related issues. In only one force has the authority attempted to restrict retiring chief officers from taking up immediate employment with commercial organisations connected with the force. In this case, the officer requires the authority's permission if such a request is made within two years of retirement (although at this time we have not established whether such a requirement is enforceable).

Pro-activity

All forces have a method of anonymously and confidentially reporting integrity issues (whistle blowing), either by telephone or email or both: but the success of this approach depends on it being widely known within the force and staff having confidence in its anonymity. All forces have an anti-corruption capability, albeit to varying degrees. This is predominately limited to responding to reports and incidents. There is evidence of PSDs conducting intelligence-led and speculative searches on force landline and mobile telephone systems against identified groups such as media or organised crime, in order to identify inappropriate contacts. In the past, there has been limited capacity to dip sample other systems that might reveal abuse. However, forces are now buying software such as 3 AMI, which has the ability to carry out mass auditing of all systems by capturing access by every member of staff and individual use. This can be interrogated at any time for any period, either as a dip sample, as part of an investigation, in relation to a specific target or as part of a random search. Eleven forces have an integrity training programme for police officers and staff. Others have identified risks in relation to specific staff concerning debt and the vulnerability for corruption, and are thus able to take preventative steps (such as offering welfare, support etc). All forces carry out drug and alcohol testing, with specific groups targeted (e.g. recruits, and roads policing and firearms officers). All forces share organisational learning in varying forms, such as printed newsletters, PSD web pages and banner messages on force intranets. Regional PSD and anti-corruption meeting structures are in place in some areas to aid consistency and promulgate lessons. Norfolk and Suffolk have collaborated as have Bedfordshire and Hertfordshire, forming single PSD anti-corruption units.

Next Steps

Our focus is now moving on to benchmarking forces and authorities against other organisations in order to identify opportunities for learning and the identification of "Best Practice". Frameworks and guidance on some issues (such as procurement, bribery, hospitality and contracts) are straightforward. However other

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matters (including relationships with the media, use of social media, second jobs) are more problematic. In the next phase of this review we will endeavour to separate and identify:

- The values and standards that foster the right ethics and culture.
- The clearest and best framework.
- The issues in more contested complex matters.

As part of this process our public consultation has commenced and will identify public perceptions and (more importantly) expectations of the police on these matters.

Looking forward, following the best guidance and practice beyond policing we expect to recognise the value of a general framework to guide staff in doing the right thing in the public interest. But this alone is not sufficient. Success requires leadership that educates all on the centrality of integrity to the legitimacy and reputation of the service. To be prudent it requires an active application to gather intelligence and a willingness to enforce that is transparent to all. That degree of rigour in the round is more likely to secure trust in a sceptical world.

In line with our agreed terms of reference it is our intention to submit our report by the end of October with a view to publication late autumn. That will enable the issues we identify to be addressed, either by the service in the short term, or Lord Justice Leveson's Inquiry going forward. Should you require anything further I will be happy to arrange an appropriate briefing.

Yours sincerely



Sir Denis O'Connor

Her Majesty's Chief Inspector of Constabulary

cc. Rt Hon Nick Herbert MP, Minister of State for Policing and Criminal Justice



Home Office

HOME SECRETARY
2 Marsham Street, London SW1P 4DF
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Rt Hon. Keith Vaz MP
Chair Home Affairs Select Committee
House of Commons
London
SW1A 0AA

07 OCT 2011

Dear Keith

Phone Hacking

Thank you for your letter of 27 July. I am sorry that it has taken time for me to reply. In your letter you asked what action the Government has taken to follow up on its response to particular recommendations in the report produced by the Culture, Media and Sport Select Committee in the 2002-2003 Session (*"Privacy and Media Intrusion"*). I would like to deal with each in turn.

Recommendation relating to changes to the Press Code of Conduct to update it to cover more modern forms of inter personal communications, to empower journalists to refuse and report on assignments that might breach the code, and to ban payments to the police or the use of intermediaries who would pay the police for information (para 63 in 2003 Report; clauses 4.7 to 4.9 in the Government response to the Report)

This, along with a number of the Committee's other recommendations relates to the Editors' Code of Practice which is enforced by the Press Complaints Commission (PCC) and is central to press self-regulation. This is drafted by the industry and periodically reviewed by a special committee of editors. **It is not a Government code and changes to the Code are therefore not a matter for Government.**

For the Committee's ease of reference, however, I also include some details of the Code of Practice, which are available in full on the PCC website. Since the Committee's report, the Code was updated in June 2004 to reflect

changes in technology, and in particular Clause 3 (Privacy) was amended to state that 'everyone is entitled to respect for his or her private...correspondence, including digital communications'.

In August 2007, Clause 10 of the Code of Practice was revised to state:

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

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

Recommendation relating to payments to police officers i) banning newspapers' payments to the police in the Press Code of conduct and ii) the PCC investigating instances of payments by newspapers to the police (para 96 in 2003 Report; clauses 4.34 to 4.39 in the Government response to the Report)

This Government believes that banning newspapers' payments to the police in the Code would raise the question of whether the Code should be duplicating the law. The Government's response to the Committee's recommendations at the time pointed to several common law and statutory offences that might be engaged were someone to make payment to the police and for the police to receive payments. Since then the Bribery Act 2010 has come into force (on 1 July 2011), and has updated the law on bribery, in addition to which the common law offence of misfeasance in a public office (sometimes known as misconduct in a public office) still applies.

In light of the revelations earlier this year, the Prime Minister also announced in July a judge-led Inquiry which, amongst other things, will look at the failure of the current system of regulation of the press and will make **recommendations on new ways of regulating the press**. Whilst it is for Lord Justice Leveson to consider what areas the Inquiry will focus on within its broad terms of reference, no doubt this is likely to include consideration of whether a strengthened Press Code would be appropriate.

The Leveson Inquiry will also look into the issue of **corrupt payments to police officers; and implications of all this for relations between police and the press**. In the meantime, I have also asked:

i) The Independent Police Complaints Commission (IPCC) to provide me with a report on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service. The first part of this report was received in September and is available on the IPCC website.

ii) Her Majesty's Inspectorate of Constabulary (HMIC) to consider and provide me with a report, with recommendations, on instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties.

Arguably, when the original report was written it may have been reasonable for the Committee to ask whether the PCC should take the initiative and investigate matters where payments may have been made to and received by police officers. However, since then the Independent Police Complaints Commission (IPCC) has been established as a powerful independent body which makes its decisions independently of the police, Government, complainants and interest groups. It has the power to investigate complaints and misconduct as well as criminal wrongdoing by police officers and staff, and follows the evidence wherever it leads, including, where appropriate, referring any possible criminal actions to the Crown Prosecution Service.

Indeed, the IPCC has been closely supervising the investigations into the allegations that police officers received payments from journalists in relation to "phone hacking" which surfaced in July this year.

Yours ever



Rt Hon Theresa May MP

[Redacted]

From:
Sent:
To:
Cc:
Subject:
Attachments:

[Redacted]

[Redacted]

From: [Redacted]
Sent: 10 October 2011 20:45
To: Rimmer Stephen
Cc: Kershaw Stephen; [Redacted] Hammond Katharine; [Redacted] Campbell
[Redacted] andie; Russell Justin; DG OSCT; [Redacted]; Raine Robert (OSCT Net); Timothy Nick; Cunningham Fiona;
[Redacted] dmond Gareth; Home Secretary (Submissions); Samant Jaee; Webb Stephen (CPG Fin & Strategy)
Subject: MEETING NOTE: HS/BHH Bilateral on Thursday 6th October

Stephen,

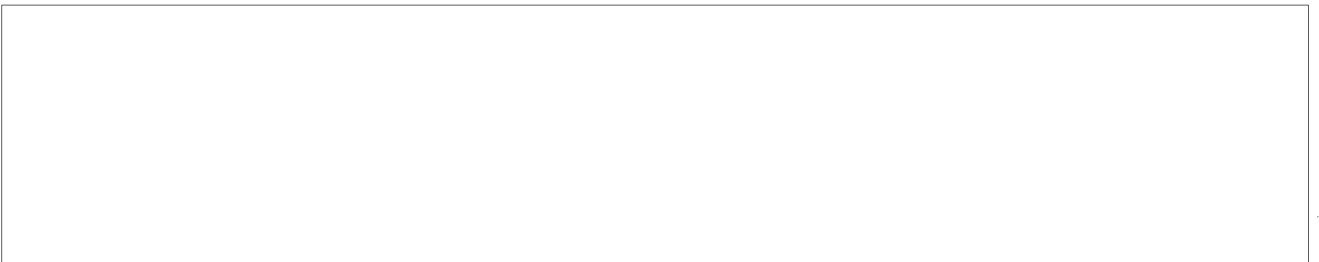
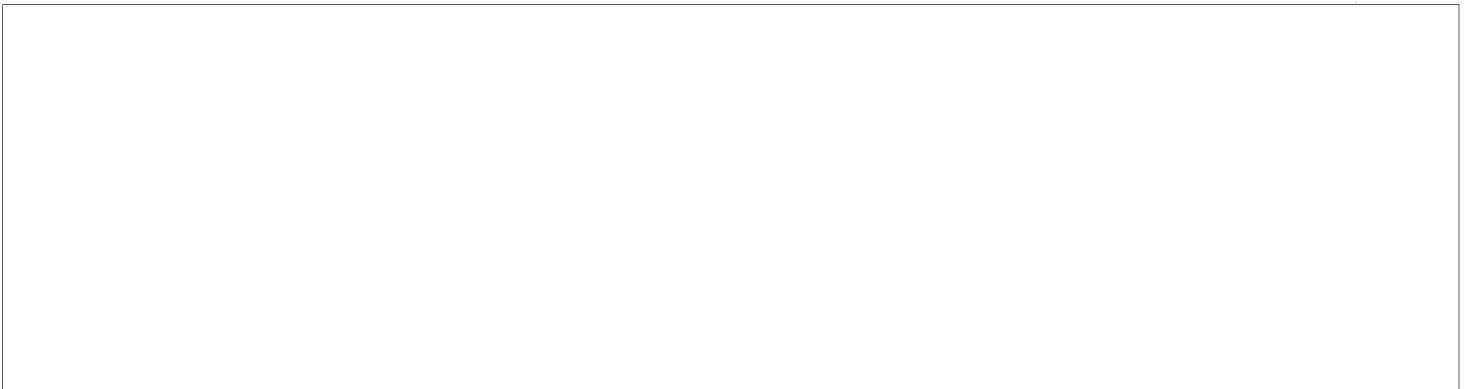
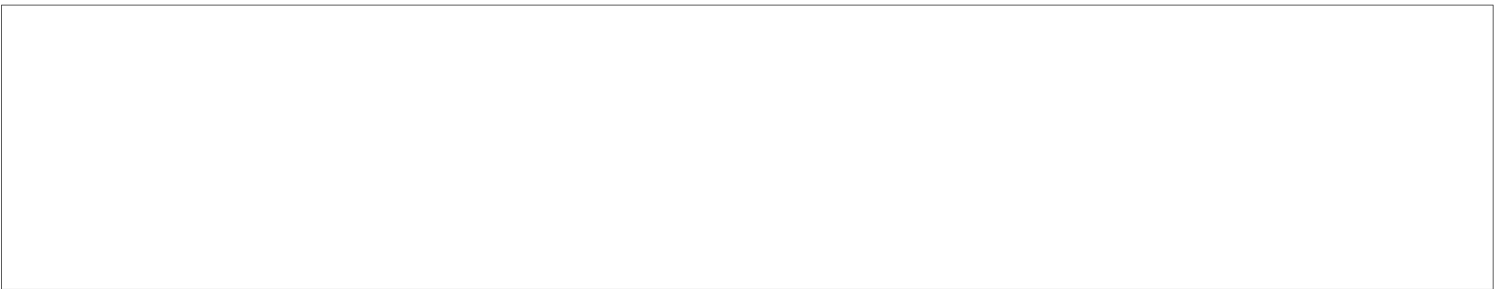
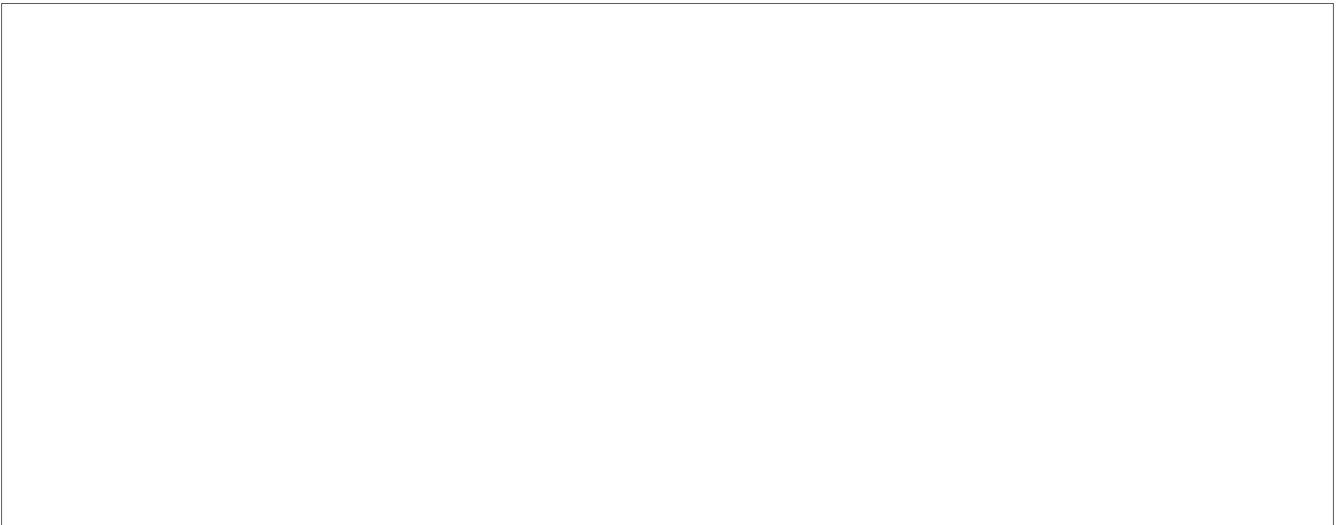
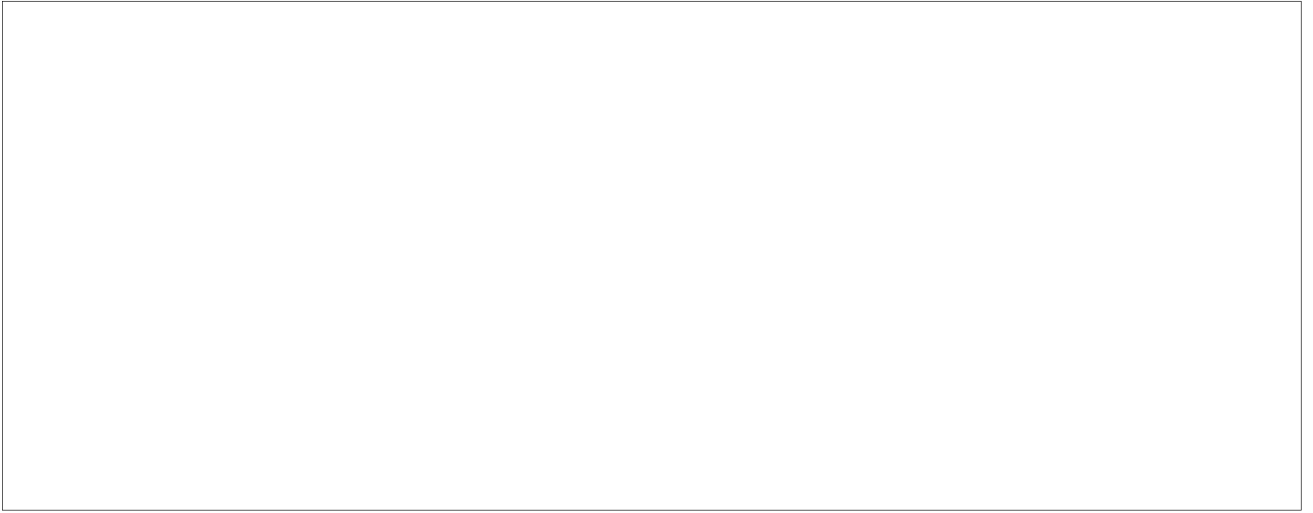
The Home Secretary met with Bernard Hogan-Howe on Thursday 6th October. You, Caroline Murdoch and I were also present. The main points and actions were as follows:

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[Redacted]

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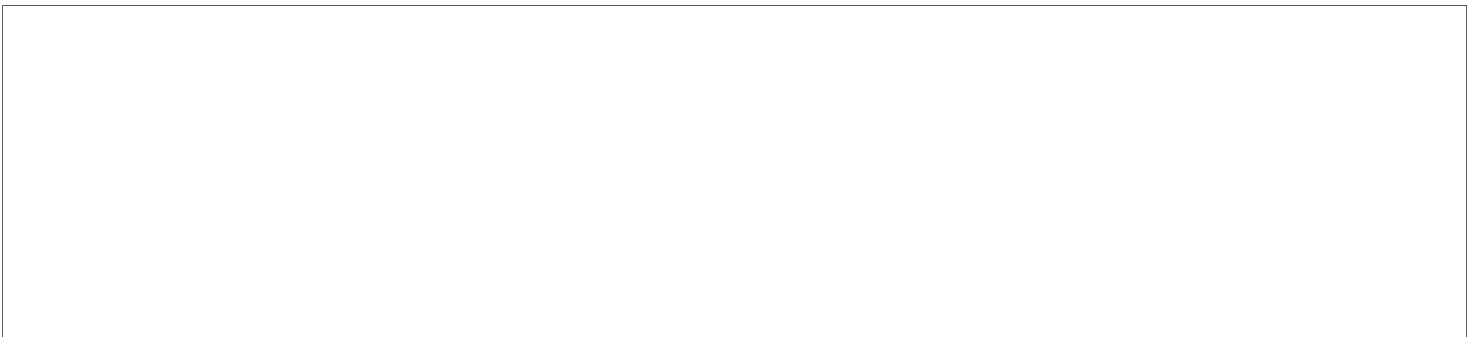
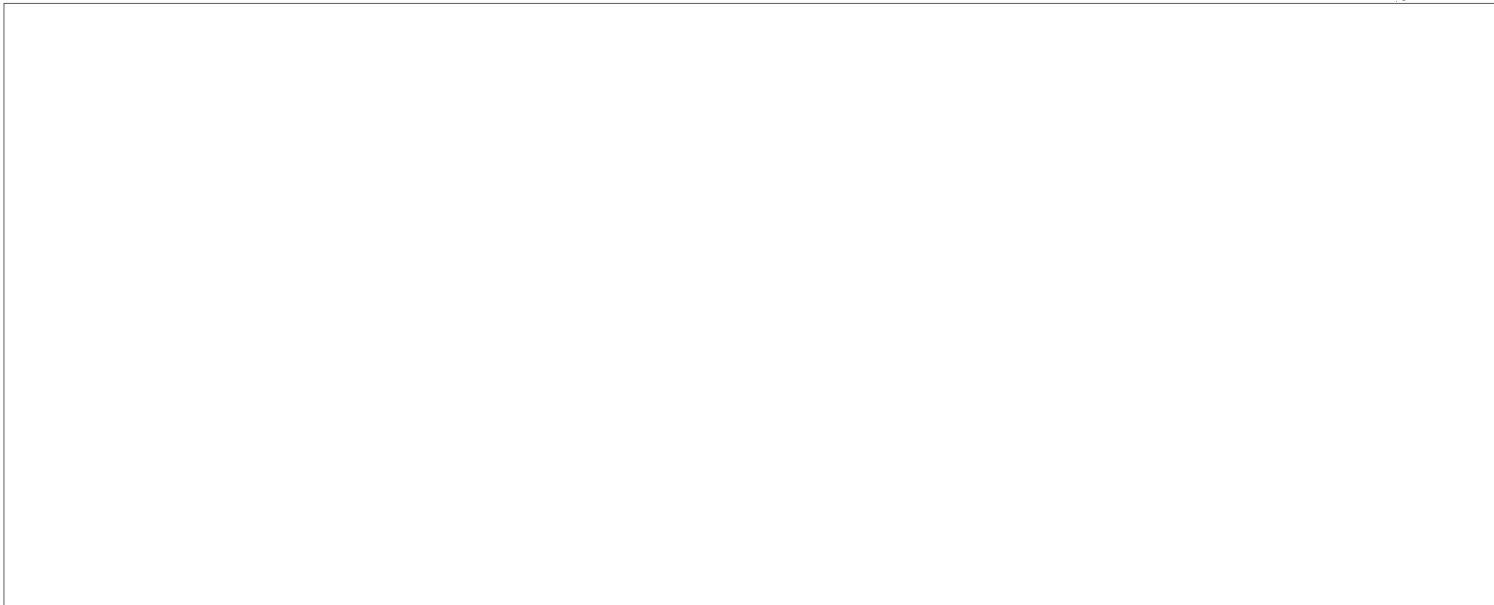
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5. Operation Weeting

- BHH explained that the MPS currently had 130 ppl dedicated to this work (double the number normally committed for a murder investigation). He explained that the main challenge was the magnitude of the task (e.g. potentially 4,000 victims, plus a further 1,000 people who have been in touch, so far the MPS has dealt with approx 1,400 victims). News International had handed-over 11 million emails and there is currently 18,000 relevant documents.
- BHH said he had asked John Stoddart (CC Durham) to do a review of the investigation and his interim report had largely been reassuring).
- BHH remarked that his appearance at HASC on 11th Oct would be his opportunity to publicly convey the magnitude of the task (including the fact that there are currently 30 separate investigations into phone hacking – Gareth, please see the attached document from the MPS).



[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Many thanks,

[Redacted]

PS to the Home Secretary | 3rd Floor Peel Building | 2 Marsham Street | SW1P 4DF

[Redacted]

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06/10/11 - TO HS PO
FOR BILAT

LIST OF CURRENT INQUIRIES/ENQUIRIES/REVIEWS RE PHONE
HACKING (AS AT 04-08-11)

1. Public Inquiry led by Lord Justice Leveson.

Part 1 - will look into "culture, practices and ethics of the press" as well as relationships and conduct both now and in the future between press/politicians and police.

Part 2 - will look into media standards and the regulation of the press the role of politicians and others and will inquire into the original police investigation Op Caryatid and payments/inducements to police.
2. Operation Weeting - a police investigation into allegations of phone hacking by the NOW.
3. Operation Elveden - a police investigation, supervised by the IPCC, into e-mails received from News International that allegedly show payments being made to police by the NOW.
4. Operation Tuleta - a police investigation into hacking in general terms and so far involves consideration of hard drives, and other documentation seized in historic Operations (including Op's Glade, Motorman, Millipede, Abelard 2, Nigeria, Two Bridges, Abelard 1 and Russia).
5. Operation Oceangrove - Jon Stoddart, Chief Constable of Durham Constabulary conducting an independent review of Operation's Weeting/Elveden/Tuleta.
6. Operation Kilo - MPS Directorate of Professional Standards investigation into alleged leaks from within the Operation Weeting enquiry to the Guardian Newspaper
7. CPS - Alison Levitt QC reviewing and assessing all evidence gathered during the original phone hacking investigation and subsequent advice given to senior police officers, together with all recent and new allegations/evidence.
8. Dame Elizabeth Filkin - examining the ethical considerations that should underpin relations between the MPS and the press in the future.
9. MPA - conducting an anti corruption research project.
10. Operation Rubicon - Strathclyde Police investigating allegations that witnesses gave perjured evidence in the trial of Tommy Sheridan and into alleged breaches of data protection and phone hacking.

11. IPCC - have considered referral of four former senior MPS officers (Sir Paul Stephenson, John Yates, Andy Hayman and Peter Clarke) over their role and handling of the phone hacking investigation and have concluded the conduct of none of these officers amounts to a recordable conduct matter.
12. IPCC - have determined in relation to the potential involvement of John Yates in securing employment in the MPS for the daughter of the former News of the World Deputy Editor, Neil Wallis, that this will be the subject of an independent investigation.
13. IPCC - have determined in relation to the conduct issues regarding Dick Fedorcio in awarding a contract to Chamy Media (Neil Wallis), that this will be the subject of an independent investigation.
14. IPCC - have determined in relation to allegations that a police officer in the Surrey Constabulary gave the News of the World information about the Milly Dowler murder case, that this will be the subject of an independent investigation.
15. IPCC - considering whether it needs wider powers e.g. greater role in investigating allegations about institutional failings of forces, including the power to question civilian witnesses.
16. ACPO - Deputy Chief Constable, Northamptonshire Police - lead for Covert Investigation Steering Group - considering legal guidance to officers on the issue of unauthorised access to voicemail and other stored communications as defined under Part 1 of the Regulation of Investigatory Powers Act 2000 (RIPA).
17. HMIC - conducting a review into instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties.
18. The Commons Home Affairs Select Committee - looking into phone hacking in 2006 and the Met's review of that in 2009. (Report published 19 July 2011).
19. The Commons Culture, Media and Sports Committee - looking into phone hacking and alleged payments to police.
20. The Standards and Privileges Committee - considered the hacking of members' mobile phones and whether that would be a contempt of Parliament. (Report published 29 March 2011).
21. News Corporation - internal inquiry into management and standards headed by Lord Grabiner.
22. The Press Complaints Commission - establishing a phone-hacking review committee.

23. Solicitors Regulatory Authority - investigating conduct of Harbottle & Lewis
24. Trinity Mirror (publisher of Daily Mirror) - reviewing its editorial controls and procedures.
25. Ofcom - Communications Regulator - conducting an inquiry into whether BSKyB is a fit and proper company to hold a broadcasting licence in Britain under the direction of Rupert Murdoch.
26. FBI, Department of Justice - conducting an investigation into allegations that News Corporation tried to hack into mobile phones of 9/11 victims and claims that Murdoch publications paid inducements to police officers and others. News Corporation, a US company which trades in the US stock exchange as a parent company, can be liable for the acts of foreign subsidiary companies (News International/News of the World etc).
27. Australian Government considering whether to investigate the direct or indirect ramifications for Australia of the criminal matters affecting News Corporations British subsidiary, News International.

Ongoing Litigation

28. Civil Actions - civil proceedings issued by approximately 42 individuals against News Group Newspapers for breach of confidence and/or misuse of private information and/or invasions of privacy. Specific disclosure has/is being sought from the MPS. Mr Justice Vos is case managing these claims and a trial of "generic issues" has been listed for Jan/Feb 2012.
29. Judicial Review - brought by Chris Bryant MP, Lord John Prescott, Brian Paddick, Ben Jackson and HJK against the MPS. The claim is for :- a failure to inform the Applicants that they might have been victims of unlawful invasions of privacy; a failure to provide full information in response to requests from the Applicants and a failure to conduct an effective investigation. Leave to bring the proceedings has been granted and a directions hearing is to take place on 6 October 2011.
30. Defamation Action - Mark Lewis claims damages against the MPS and PCC for defamation arising from an e-mail of 11 November 2009 written by a lawyer in the DLS and sent to Mr Toulmin, a Director of the Press Complaints Commission. The subject matter of the e-mail relates to the potential number of victims of hacking. The PCC have settled the claim against them, the claim against the MPS remains outstanding.

*Naz Saleh
Assistant Director, DLS
5 October 2011*

07/11/11

Topical Question Briefing

Phone Hacking

Lines to take

- The ongoing police investigations led by Deputy Assistant Commissioner Sue Akers are making good progress and are thorough and well resourced. There are now **129** police officers and staff working across Op Weeting and the related investigations of Op Elveden and Op Tuleta. There have so far been **sixteen** arrests. We must let those investigations, which may lead to criminal charges, run their course.
- The investigation is going through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers. On July 12th at Home Affairs Committee DAC Akers stated that 170 victims whose name appeared in the material had been contacted by police. As at the end of October this figure had grown to **452**. However, because of the publicity this has led to vast numbers of speculative enquiries and the team have been in contact with over **1401** victims or potential victims as at the end of October. The team remain committed to contacting everyone named in the documents.
- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- IPCC have made clear that if an officer is identified as having received corrupt payments they will ramp up the investigation to an independent investigation and deploy their own investigators to carry out the investigation.
- IPCC have full powers to investigate any police wrongdoing and will follow the evidence wherever it leads them. Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.

Q & A

What police investigations are currently take place in relation to phone hacking?

- There are currently a number of MPS police investigations taking place that relate to the News of the World.
 - Operation Weeting is the police investigation into alleged interception of mobile phone messages – ie. phone hacking.
 - Operation Elveden is the investigation into allegations of corrupt payments to police by journalists which is being closely supervised by the IPCC.
 - Operation Kalmyck is the investigation (also under DAC Akers) of allegations of hacking by NOTW journalists and private investigators into the computer of ex-army intelligence officer in Northern Ireland (Ian Hurst).
 - Operation Tuleta is MPS investigation into hacking in general terms covering the consideration of hard drives, and other documents in historic Operations (including Op's Glade, Motorman, Millipede, Abelard 2, Nigeria, Two Bridges, Abelard 1 and Russia).
- These are all operational matters - all these investigations are led by the Met all under DAC Sue Akers; Op.Elveden remains under close supervision by the IPCC. So any questions about ensuring the right officers are involved in these matters are for them – the Home Office cannot interfere in how these investigations are conducted.

What work is the IPCC doing in all this?

- The IPCC is currently carrying out several discrete but related areas of work in relation to this matter:
 - i) it is closely supervising the MPS's Operation Eleveden led by Sue Akers, which is investigating the receipt of corrupt payments by Met police officers by journalists. As soon as individuals are identified the IPCC will move to fully independent investigations, calling in its own investigators
 - ii) The IPCC is also continuing, at present to independently investigate, the referral of a senior member of staff referred to it by the MPS on 19th July (Dick Fedorcio)
 - iii) In relation to the separate matter of John Yates alleged involvement in securing the employment of Neil Wallis's daughter, the IPCC is carrying out an independent investigation;
 - iv) IPCC is separately and independently investigating a further referral by Surrey police of allegations that a police officer received payments in exchange for information whilst investigating the Milly Dowler case in 2002.
 - v) The IPCC are conducting a managed investigation (ie. an IPCC investigator will have direction and control) following referral by the

The MPS Directorate of Professional Standards Anti Corruption Unit who recently arrested a serving MPS officer from Operation Weeting on suspicion of misconduct in a public office relating to unauthorised disclosure of information as a result of a proactive operation. The IPCC will be keeping their level of involvement under close review as the investigation progresses; and

- vi) the IPCC is providing the Home Secretary with a report by the end of the year on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service. The first part of that report was published on 15th September.
- vii) And the IPCC are working with the Home Office to identify any further powers that may be necessary in particular to compel civilians to answer questions and to investigate institutional failings in a force or forces

[In relation to the referrals by the MPA in relation to the conduct of the four senior officers in the phone hacking investigation, following an independent assessment of the referrals, the IPCC has notified the officers on 17 August that none of their actions amounted to recordable conduct (ie. conduct for which the officers should be disciplined or a criminal matter). In relation to Sir Paul Stephenson's alleged role in the "phone hacking" investigation by the police, the IPCC have found that his conduct did not amount to recordable conduct and so his behaviour neither amounts to criminal behaviour nor behaviour for which he should be disciplined]

Can the IPCC investigate officers if they are no longer serving?

- Anyone, whether a police officer or member of police staff currently under the direction of a Chief Officer is subject to the complaints system, and their actions fall within the remit overseen by the IPCC.
- An officer's resignation or the fact that he is no longer a serving officer does not automatically prevent an investigation being carried out, a report being prepared, conclusions being reached or indeed a complaint being upheld.
- In order for a police force not to deal with a complaint it is required to apply to the Independent Police Complaints Commission (IPCC) to dispense with the need to investigate (if an investigation has not already begun) or discontinue an investigation (if an investigation has already started). The IPCC can only provide dispensation for the force not to complete an investigation if the reason falls within a category of matters set out in regulations.
- If the IPCC investigation is criminal in nature, any person who has ceased to serve with the police cannot prevent it being pursued. They can still be arrested, questioned, have their person or property searched and if the circumstances warrant, be charged and prosecuted.

Does the IPCC have sufficient powers and resources to get the immediate work at hand done?

- The Home Secretary has spoken to Jane Furniss, the chief executive of the IPCC, to see whether she has the required power and resources to do the work that is needed. Jane has assured the Home Secretary that she has, but as the Home Secretary made clear on 18th July, additional resources will be made available to the IPCC if they are needed.
- The Home Secretary has also commissioned work to consider whether the IPCC needs further powers. One issue the Government will need to consider as part of this is whether the IPCC require the same powers as police officers when it comes to compelling civilian witnesses to answer questions.
- Given the IPCC can at present only investigate specific allegations against individual officers, this work will also need to consider whether the IPCC needs to have a greater role in investigations about institutional failings of a police force or police forces.

Will the government ensure that police officers who have received hospitality or other payments from the News of the World are not involved in the ongoing investigations in to the affairs of that organisation?

- It is for the Metropolitan Police to ensure the proper and right resourcing for the investigations
- Need to point out that all the referrals about senior officers to IPCC in relation to phone hacking were in relation to officers who are no longer part of the MPS and therefore the ongoing investigations. And the IPCC has already independently concluded that the referrals relating to the allegations about the conduct of 4 senior ex-Metropolitan Police Service officers by the MPA, in relation to phone hacking investigations, are not a disciplinary or a criminal matter.
- The independent investigation into a senior member of MPS staff referred to the IPCC on 19th July is ongoing, as is a separate independent investigation into John Yates alleged involvement in securing employment for Neil Wallis's daughter
- The MPS Directorate of Professional Standards Anti Corruption Unit has also arrested a serving MPS officer from Operation Weeting on suspicion of misconduct in a public office relating to unauthorised disclosure of information as a result of a proactive operation. The officer has been suspended and the case has been referred to the IPCC who will be managing the investigation (ie. an IPCC investigator will have direction and control) and keeping their level of involvement under close review as the investigation progresses.

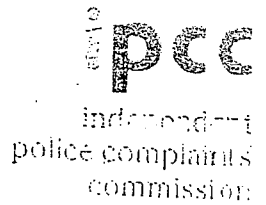
What arrangements has the Government put in place which govern the conduct of police officers who receive gifts and hospitality?

- There are a number of criminal offences that might apply in relation to a person making payments to, and/or police officers accepting payments for, services or privileges, depending on the circumstances of the case. For example there is the **Common law offence of misfeasance in a public office** (sometimes known as **misconduct in a public office**) or the two general offences of (i) offering, promising or giving a bribe and (ii) requesting, agreeing to receive or accepting a bribe as well as the specific offence of bribery of foreign public officials, and a corporate offence of failure of institutions to prevent bribery under the Bribery Act 2010 that are now in force and which repealed the common law offence of bribery and other statutory offences like the Prevention of Corruption Act 1916. It would be for the CPS to select the appropriate charge.
- In addition to this Home Office Guidance on *Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures* requires all police officers to act with honesty and integrity. This guidance states that:-
 - ***“Police officers never accept any gift or gratuity that could compromise their impartiality.”*** [Para 1.15]
 - ***“...police officers always consider carefully the motivation of the person offering a gift or gratuity of any type and the risk of becoming improperly beholden to a person or organisation.”*** [Para 1.15]
 - ***“...all gifts and gratuities must be declared in accordance with local force policy”.*** Para 1.16]
- Regulation 2 of the Police (Complaints and Misconduct) Regulations 2004 sets out the categories of complaints which are required to be referred to the IPCC. The list includes ‘serious corruption’ as defined by the IPCC statutory guidance as follows:-

The term ‘serious corruption’ refers to conduct that includes:

 - *any attempt to pervert the course of justice or other conduct likely seriously to harm the administration of justice, in particular the criminal justice system;*
 - ***payments or other benefits or favours received in connection with the performance of duties amounting to an offence in relation to which a magistrates’ court would be likely to decline jurisdiction;***
 - *corrupt controller, handler or informer relationships;*
 - ***provision of confidential information in return for payment or other benefits or favours where the conduct goes beyond a possible prosecution for an offence under Section 55 of the Data Protection Act 1998;***
 - *extraction and supply of seized controlled drugs, firearms or other material;*
 - *attempts or conspiracies to do any of the above.*

- The chief officer may also refer to the IPCC any complaint which is not set out in regulations where the chief officer considers it would be appropriate to refer it by reason of the gravity of the subject matter of the complaint or any exceptional circumstances.
- The IPCC has the power to require a chief officer to refer any complaint to it for its consideration.
- Once a complaint has been referred to the IPCC, it is entirely a matter for the IPCC to determine whether the matter will be independently investigated by the IPCC or will be subject of a managed or supervised investigation by the police.



Rt Hon Theresa May MP
Home Secretary
Peel Building
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SW1P 4DF

2011
Director
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17 November 2011

Dear Home Secretary

Corruption in the Police Service in England and Wales

As you are aware we submitted the first part of our report on the IPCC's experience of police corruption at the end of August. You asked us to report in greater detail by the end of the year. I am writing to propose that we submit our second stage report before the end of the financial rather than calendar year, for three reasons:

Firstly, you asked that we work with your officials to identify whether the IPCC needed additional powers and resources if it is to undertake a greater role in investigating police corruption in future. We are already working with officials on these points and it makes sense for us to incorporate any final proposals into this second stage report.

Secondly, the data we have collected, particularly on the public's views of corruption, are more extensive and significant (and indeed "rich") than I had anticipated. I want us to do further analysis to draw out the themes and consult on any resulting recommendations.

Thirdly, when you commissioned our reports, I had anticipated that we would be able to consult the new IPCC Chair before submission. It seems likely that significant issues for our future strategic direction will emerge. As you are aware we are now not likely to be able to have those discussions until Jan/Feb 2012 and I feel it would be a mistake not to engage the future Chair prior to finalising the Commission's position.

For these reasons I should like to take a little longer and anticipate being able to submit the report to you before the end of March. We will continue to work with your officials to keep them informed of progress and firm up any proposals. Len Jackson and I stand ready, of course, if you or the Minister would like a briefing in the meantime.

Yours Sincerely

[Redacted signature box]

Jane Fumiss

[Redacted contact information box]



Home Office

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Jane Furniss
Independent Police Complaints Commission (IPCC)
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08 DEC 2011

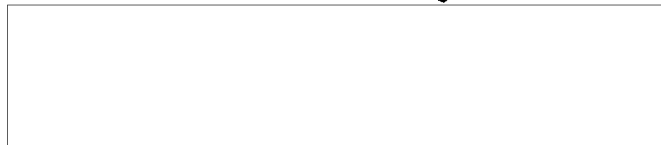
Dear Jane

Thank you for your letter of 17th November proposing that you now provide me with your final report on your experience of police corruption before the end of March 2012.

I recognise the importance and depth of the report you are preparing as outlined in your letter, as well as the importance of including the new chair. Therefore, I am content that this substantial report will be available to me before the end of March.

As you know, by that time both Her Majesty Inspectorate of Constabulary's report into policing integrity and Dame Elizabeth Filkin's report into police press relations should have been published, and the Leveson Inquiry will have started looking into police press relations. I would be grateful therefore if your final report took this other work into account too.

Yours sincerely



The Rt. Hon Theresa May MP

From: Gareth Redmond
Head of Police Transparency Unit
Policing Directorate
Crime and Policing Group

cc: as at annex A

8 December 2011

Minister of State for Policing and Criminal Justice
Home Secretary

HMIC'S REPORT ON INTEGRITY IN THE POLICE SERVICE

Issue

You have asked for:

- clarity on the date and publication plans for Her Majesty's Inspectorate of Constabulary's (HMIC) report into integrity in the police service; and
- revisions to be made to the Written Ministerial statement (WMS).

Timing

2. Immediate – the proposed date for publishing the report is now Tuesday 13 December.

Recommendation

3. That you:
- note and agree the publication date of Tuesday 13th December;
 - note HMIC's media handling plans at paragraph 8 below;
 - agree the amended press notice at paragraph 9 below;
 - agree the revised WMS at annex B.

Summary

4. In a statement in the House of Commons on 18th July on the resignation of Sir Paul Stephenson and John Yates from the Metropolitan Police Service, you announced that you had "asked Her Majesty's Inspectorate of Constabulary to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties". You wrote to Sir Denis O'Connor, HM Chief Inspector of Constabulary, the following day to commission this, also asking him to make recommendations as to what needed to be done. Sir Denis submitted the final draft of the report to you on 21 November, requesting your permission to publish it.

5. My submission of 30 November set out the report's headline findings, included a draft written Ministerial statement for you to lay on the day the report is to be published and a draft response letter from you to thank Sir Denis for delivering the report.

6. The revised letter to Sir Denis was sent on 6 December.

Publication and handling

7. The recommended publication date for the report is Tuesday 13 December. This has been cleared with both No.10 and Special Advisors, and HMIC have agreed to publish

on this date subject to your approval. **Are you happy for HMIC to publish the report on this date?**

8. HMIC will obviously be the main initial focus of media interest, and are leading on the media handling arrangements. We have been informed by their press office that, contrary to standard procedure, this report will not be issued under embargo to journalists. Instead, HMIC are planning to invite journalists to a launch event on the morning of publication where Sir Denis will front a press conference and conduct interviews afterwards.

9. Whilst the media are likely to approach HMIC in the first instance, we have revised our suggested press notice should journalists seek a Home Office view. **Are you happy with our recommended statement?**

A Home Office spokesperson said:

"Police officers are rightly judged by the very highest standards and there is guidance in place to make sure they are met. Forces must do better in following those rules.

"From next year, directly elected police and crime commissioners will help set those standards – and be accountable at the ballot box if they fail to meet them.

"The service also needs to see better leadership at all ranks and a new professional body of policing will help to deliver it across the board."

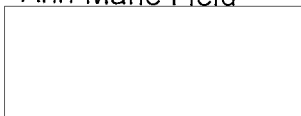
10. To accompany the publication of this report, you have agreed to lay a WMS, in which you want to send strong signals to the leaders of the service of the need for stronger standards of integrity. Following your steer on an earlier draft, I include a revised WMS at annex B. You wanted it to include a reference to the fact that government is considering how to develop a professional policing body. However, you will be announcing that on Thursday 15 December in the WMS that you intend to lay in the House on the future of the National Policing Improvement Agency functions. Parliamentary Team have advised that this WMS can trail this announcement as it will be laid first. **Are you happy with the draft?**

11. Conditional to your agreement on the above, I will work with Press Office and HMIC to make any necessary changes.

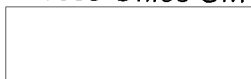
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Lord Wasserman

DRAFT WRITTEN MINISTERIAL STATEMENT

The Secretary of State for the Home Department (Theresa May):

On 18th July, I informed the House that I was asking Her Majesty's Inspectorate of Constabulary (HMIC) to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties and to make recommendations as to what needs to be done. I am pleased to tell the House that HMIC have concluded their review and have today published their report: *Without Fear or Favour: a review of police relationships*.

The integrity of the men and women who work in the police service of England and Wales is critical to public trust in policing. Real or perceived conflicts of interest dent that trust and make policing by consent more difficult. HMIC conclude that corruption is not endemic in the police service, but identify a range of integrity issues on which the service is neither robust enough nor consistent in its approach. They find that police force and authority leaders have, on the whole, failed to grasp the importance of integrity and are therefore insufficiently compelling in setting the values and standards that should apply across all aspects of policing, as well as in setting a personal example to their staff.

Where forces and authorities get this right and police officers and staff operate to the highest standards of integrity, it is because of the presence of strong and effective leadership by example, setting both the direction and the tone. I want all forces and authorities to recognise this and to aspire to the standards of the best. I welcome HMIC's work and accept the recommendations they have made. It is now time for all police service leaders to work together urgently and constructively to agree and apply a coherent set of national standards of integrity and behaviour for police officers and staff.

HMIC's findings will be supplemented in the next few months by the work that Elizabeth Filkin has been undertaking in the Metropolitan Police Service and by the view of the Independent Police Complaints Commission as to whether there are further powers necessary to enhance their ability to be able to hold the police service to account. The Serious Organised Crime Agency (SOCA) will also be concluding a review next summer into the extent of corruption by organised criminals operating in the public and private sectors, including recommendations for addressing this. The police service's leaders should draw on these, as well as the findings that will emerge next year from the inquiry being led by Lord Justice Leveson. The standards they set need to give the public confidence in the integrity of those who police their communities, and the service's leaders themselves. I will expect a clear set of proposals to be ready for wider consultation by April 2012.

To support police leaders in this, the Government has been consulting on establishing a national professional body for policing, the scope of which I intend to say more on to this House shortly. This is in addition to legislating to make the Inspectorate itself more robust, better equipped to act and to shine an expert light on policing.

I intend to accept the offer made by HMIC to re-visit these issues next October. In doing so, they will be able to offer the public, and the police and crime commissioners who will be elected in November 2012, a clear view as to the effectiveness of the service's leadership on these matters, as well as the progress made towards both operating, and being clearly seen to operate, to the highest standards of integrity.

12.12.11

Topical Question Briefing

Phone Hacking

Top Lines

- The ongoing police investigations, being led by Deputy Assistant Commissioner Sue Akers of the Metropolitan Police Service (MPS), are making good progress and are thorough and well resourced. We must let those investigations, which may lead to criminal charges, run their course.
- The investigations are an operational matter for the police and the Government has not sought to influence or direct them
- Operation Weeting is one of the police investigations – the focus of which is on the alleged interception of mobile phone messages ie/ phone hacking.
- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- IPCC have full powers to investigate any police wrongdoing and will follow the evidence wherever it leads them. Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.
- The Government has no plans to provide any additional resources to support the investigations, but it is open to the MPS to make an application for additional support, which the Government will consider.
- The Leveson Inquiry will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- The Government will carefully consider any recommendations arising from the Leveson Inquiry.

Q & A

What progress has been made in Operation Weeting in recent months?

- The investigation is going through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers.
- Since DAC Sue Akers gave evidence to the HASC on 12 July, there has been a further uplift in the numbers of police officers and staff working on Operation Weeting and related investigations to around 120
- There have so far been 17 arrests; and over 1800 people have been contacted of whom around 800 are likely victims of phone hacking, the remainder being speculative inquiries by people who think their phones may have been hacked.
- IPCC have made clear that if an officer is identified as having received corrupt payments they will ramp up the investigation to an independent investigation and deploy their own investigators to carry out the investigation.

What is the Government doing to address the concerns around phone hacking?

- The Leveson Inquiry which was announced by the Prime Minister in July will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- The Government will consider any reports made by the Inquiry, particularly where they make recommendations for legislative change or touch on aspects of government policy
- In July 2011, the Home Secretary requested a report on the Independent Police Complaints Commission's (IPCC) experience of corruption in the police service in England and Wales. The first part of the report was published on 15 September 2011 and the second part is due to be published in March 2012.
- Also in July, the Home Secretary asked Her Majesty's Inspectorate of Constabulary (HMIC) to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties and to make recommendations about what needs to be done. HMIC's report was published on 13 December 2011.
- The Government provided a formal response on 15 September to the recommendations in July in the Thirteenth Report by the Home Affairs Committee in July entitled 'Unauthorised tapping into or hacking of mobile communications.'

Doesn't the law need to be changed?

- The intentional interception of communications or phone tapping without lawful authority is illegal. The Regulation of Investigatory Powers Act 2000 (RIPA) includes a criminal offence for unlawful interception.
- We believe there already is a comprehensive framework for legislation to deal with unlawful hacking of communications and that the law itself does not need changing.
- Interception can be carried out lawfully by a limited number of agencies and for strictly defined purposes under a warrant issued by the Secretary of State, namely where necessary in the interests of national security, for the purpose of detecting or preventing serious crime and for the purpose of safeguarding the economic well-being of the UK.

What police investigations are currently take place in relation to phone hacking?

- There are currently a number of MPS police investigations taking place that relate to the News of the World.
 - **Operation Weeting** is the police investigation into alleged interception of mobile phone messages – ie. phone hacking.
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- These are all operational matters - all these investigations are led by the Met all under DAC Sue Akers; Op. Elveden remains under close supervision by the IPCC. So any questions about ensuring the right officers are involved in these matters are for them – the Home Office cannot interfere in how these investigations are conducted.

What work is the IPCC doing in all this?

- The IPCC is currently carrying out several discrete but related areas of work in relation to this matter including:
- i) Supervising the MPS's Operation Eleveden led by Sue Akers, which is investigating the receipt of corrupt payments by Met police officers by journalists. As soon as individuals are identified the IPCC will move to fully independent investigations, calling in its own investigators
 - ii) Separately and independently investigating a further referral by Surrey police of allegations that a police officer received payments in exchange for information whilst investigating the Milly Dowler case in 2002.
 - iii) Conducting a managed investigation (ie. an IPCC investigator will have direction and control) following referral by the MPS Directorate of Professional Standards Anti Corruption Unit who arrested in August a serving MPS officer from Operation Weeting on suspicion of misconduct in a public office relating to unauthorised disclosure of information. The IPCC will be keeping their level of involvement under close review as the investigation progresses; and
 - iv) Provided the Home Secretary in September 2011 with the first part of a report on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service. The second part of the report is due to be published in March 2012.
 - v) Working with the Home Office to identify any further powers that may be necessary in particular to compel civilians to answer questions and to investigate institutional failings in a force or forces.

GK email to us on
Filkin

From:
Sent:
To:
Cc:
Subject:

[Redacted]

From: [Redacted]
Sent: [Redacted]
To: [Redacted]
Subject: [Redacted]

[Redacted]

[Redacted]

From: Redmond Gareth (London and South East)

Sent: 22 December 2011 14:48

To: [Redacted] Home Secretary (Submissions); Nick Herbert (Submissions)

Cc: Ghosh Helen; Rimmer Stephen; Kershaw Stephen; Hills Gareth; Tiohe Andy; Field Ann-Marie; Wren Andrew; Riley Richard; Severn Sarah; [Redacted] Timothy Nick; Cunningham Fiona

Subject: MG-RESTRICTED | FILKIN REVIEW INTO MEDIA RELATIONSHIPS IN THE MET

Home Secretary

Nick Herbert

Elizabeth Filkin has submitted an advance copy of her report on the investigation that she has conducted for the MPS into 'the ethical issues arising from the relationship between police and media'; it is due for publication at 11am on 4th January.

Filkin has interviewed people in the MPS and beyond, as well as drawing heavily on evidence to Leveson, Home Affairs Committee and others. She starts from the premise that: "it is necessary for the MPS to have a good working relationship with the media" for scrutiny and public information reasons, but that "the tasks of the police and the media will often be different and, on occasions, may conflict."

Her findings around lack of consistency and robustness of processes, as well as poor leadership, guidance and training, echo those of HMIC across the service. Her recommendations, in summary, involve MPS leaders' gripping these; again, similar to HMIC. However, she is clear that the MPS' focus should be on more and better engagement with media, at all levels, and through a range of channels. She is particularly critical of the directorate for public affairs (DPA) and the leadership of Dick Fedorcio. He is still suspended whilst the IPCC investigate his role in the letting of a contract to a former employee of News International; that process is likely to be concluded in January at some point.

The MPS' view is that the report contains nothing particularly surprising and is, in fact, more balanced than some of the earlier, emerging work. Lots of what is set out in the recommendations has been started. For instance, under new leadership, the DPA has been working to address the communications balance between different channels, national and local; Bernard Hogan-Howe has also, since taking office, set out very clearly his expectations in terms of ethics and integrity more generally. They have some issue over the proposed 'champion' roles to lead on specific areas, preferring to take these issues on in a way that makes them everyone's responsibility, rather than one person's. Overall they believe that attitudes have changed in the Met over recent months and this has been led by the much stronger direction that Bernard has set. He is likely to join Elizabeth Filkin at a press conference to publish this on 4th January. He will welcome the report, accept the recommendations and set out some of what he has already put in place.

Press office colleagues will look at the report and consider whether there is more needed in terms of our response shortly. But our view just now is that the Home Office's role should be limited to welcoming the report, making the links with the work that HMIC published recently, and reiterating the importance for the service's leaders that they get to grips with the challenges set out clearly in both. Given the risk that the focus on media relationships could scare police officers and staff away from the very important contact that they need to have as part of delivering effective policing, and given the emphasis that Filkin places on this herself, it may be helpful also to reiterate her point around the scrutiny and public information value of a functional and transparent relationship with the media.

Her findings, recommendations and some of the more striking quotes from the report are set out here.

Problems she identifies in the MPS.

Improper disclosure of information resulting from:

- Personal advantage: "vanity ... sense of power and control and professional advantage ... or to gain future employment elsewhere" – sometimes linked to hospitality or favours but rarely to cash.
- Trading: information given to dilute or prevent publication of other information which could be damaging to the MPS or senior MPS staff.
- Tip-offs: generally understood to be wrong.
- Disaffected staff: she finds whistle-blowing mechanisms not to be adequate.
- "Sufficient unregulated or unethical contact that is both hidden from scrutiny and harmful to the public and the MPS, to cause serious concern".

Relationships with the media:

- Unequal access for some journalists to senior officers, through closed briefings, drinks at the pub etc – Nick Hardwick cites unhealthy relationships involving senior officers briefing against the IPCC and each other.
- "Hospitality which is now widely considered inappropriate was accepted".
- Different rules for senior staff and national functions than for junior and local officers – mixed messages that undermined corporate leadership.

- No declaration policy for those with friends/family in the media.

Organisational context – internal regulation:

- No clear, straightforward guidance or training on acceptable dealings with the media – “we shut stable doors when horses have bolted ... I don't think we as an organisation know how to set a framework for decision-making at the most individual level for people that encompasses something around integrity and ethics” (DAC Mark Simmons).
- Disproportionate investment in central, national reactive press handling at the expense of local communications and improper use of local information by national officers, undermining local relationships.
- Opportunities missed to use officers and staff as local ambassadors for MPS
- Internal perceptions that leaks are prevalent and tolerated and poor discipline arrangements that don't lend themselves to taking action against leakers.
- Lack of consistency in senior relationships with the media and senior view on hospitality and gifts – gives mixed messages to staff (cf. HMIC): “[the staff view is] that the bosses are filling their boots” (DAC Simmons).

External environment:

- Media seen to be capable of making or breaking MPS careers – creates pressure for briefing the media which builds risk of MPS becoming politicised and providing information to reduce or avoid scrutiny – exacerbated by leaks.
- Close contact with media leads MPS to overestimate compatibility of their interests with those of the media.
- ‘Police source’ as a term creates sense of more leaking than there actually is.
- Former employees retain links to MPS staff as a source of information for them in other roles – including private investigation.
- Confusion about who is responsible for providing information between the MPS and IPCC – cf. HMIC public order report – Filkin sets out some detail around information on Duggan/Tottenham over several weeks as an example.

Recommendations

Recommendation 1: a new approach to communication based on more extensive, open and impartial provision of information to the public is needed. Relationships with the media need to be part of this, but not the driving force. I recommend the Commissioner delegates responsibility and resources to a member of his senior team to champion a new approach to providing information. Increasing openness for the public should be monitored through performance indicators.

Recommendation 2: the MPS senior team must signal a change in culture and set a consistent example for all staff on the ethical standards they expect, including how they relate to the media and the interpretation of the gifts and hospitality register.

Recommendation 3: that the commissioner delegates responsibility and resources to a member of his senior team to initiate change in the way the MPS approaches integrity and ethics issues at all levels. This role will provide the support and direction for staff to implement change and ensure improvements are tracked. This role holder will collaborate with the public information champion (rec 1). Responsibility for leadership on these issues is shared by all as peer pressure is the most effective way of improving behaviour.

Recommendation 4: I recommend that all police officers and staff who provide information to the media should make a brief personal record of the information they provide. This record should be available if required by a line manager. Some of these records will be audited on a random basis. Wherever possible, published information should be attributed to the person giving it, or more generally to the MPS.

Recommendation 5: the MPS must establish the core principles which should underpin contact with the media. I recommend that contact with the media is permissible but not unconditional. This should be the overarching principle. Police officers and staff need to have new guidance that helps them understand the value of providing information to the public and supports them in making ethical decisions when doing so. Advice on contact with the media is an essential part of this. So are improved training, supervision and appraisal to ensure the principles become embedded.

Recommendation 6: The MPS must reinforce the public service responsibilities of the directorate of public affairs (DPA) and local communications work. These functions must operate collaboratively and with equal status. The MPS must make better use of alternative routes for communicating with the public and there must be a predisposition to release much more information than in the past, both to the external and internal audience.

Recommendation 7: The MPS must create an environment where the improper disclosure of information is condemned and deterred. Senior managers should make messages of deterrence strong and effective. Where leaks cannot be proved to the evidential standard required for a criminal prosecution, robust management action should nevertheless be pursued. However, whether there has been genuine harm should always be assessed before proportionate action is taken. Investigations should be seen as an important but subsidiary part of a broader preventative approach.

Some quotes from her findings

- "...some journalists told me they have several hundred police officers and staff on their phone contact lists".
- "MPS has not been effective enough in providing information to the public".
- "I consider more, not less, contact with the media as a whole is essential, providing it is open and recorded. However, it is important that the public are informed through all media outlets, not just the national print press, because different sections of the public use media in different ways".
- "If greater openness is achieved in the information that the MPS gives to the public, police officers and staff will be less likely to operate outside the rules".
- "The MPS senior team has not provided consistent leadership on the issues of media contact ... mixed messages to staff ... eroded public trust."
- "The MPS has not taken enough notice of some of the issues which present the greatest ethical challenges for police officers and staff."
- "Contact between the MPS and the media has not been transparent enough. This has contributed to a lack of trust internally ... and a corresponding mistrust in some parts of the media and the public".
- "Police officers and staff ought to see extensive and open contact with the public, sometimes through the media, as a part of their job".
- "access provided to the media by the DPA has not been impartial ... this perception appears to have grown as a result of a particular style of leadership [that] legitimised informal contact, lacking in transparency, and allowed exclusionary practices to develop. The contents of the gifts and hospitality register ... reinforced this view." (criticism of Dick Fedorcio).
- "MPS has a widespread reputation for leaking, but has not developed a coherent prevention strategy [that should involve] standard setting, effective management, and monitoring supported by deterrence and enforcement".

Thanks,

Gareth

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In April 2012, I'm cycling from London to Paris to raise money for  British Red Cross. If you would be willing to sponsor me, please click [here](#) to get to my site.

09/01/12

Phone Hacking – Filkin Report

Top Lines

- Dame Elizabeth Filkin's recently published report is a valuable contribution on improvements needed on police integrity and leadership.
- The integrity of forces is critical to public trust in policing. The vast majority of officers behave appropriately, but we need to ensure that all forces are operating to the standards of the best.
- Government expects leaders in both the police service and police authorities to compellingly set these values and standards to apply across all aspects of policing, as well as to lead by example.
- I would encourage all police forces not just the Metropolitan Police Service (MPS) to look at its findings and recommendations even though the review was commissioned in relation to the MPS.
- Dame Elizabeth's report is a useful reminder that the police have a lot to do to in this regards. We expect the Police Service to draw on the recommendations in the Filkin Report and other reports including Her Majesty's Inspectorate of Constabulary recent report on police integrity, when drawing up proposals for national standards this spring.

Background

- In July 2011 the then Commissioner Sir Paul Stephenson asked Dame Elizabeth Filkin to review the relationships between the MPS and the media.
- On publication of the report on 4 January, Dame Elizabeth said that the relationship between the MPS and the press included "sufficient unregulated or unethical contact that is both hidden from scrutiny and harmful to the public and the MPS to cause serious concern".
- Key recommendations from the report include:
 - Greater openness in providing information to the public – this should be driven by two new roles – public information and integrity and ethics champions – who will make media contact permissible but not unconditional.
 - All police officers and staff who provide information to the media should make a brief personal record of the information they provide.
 - The MPS must create an environment where the improper disclosure of information is condemned and deterred.
- Following publication of the report the MPS Commissioner Bernard Hogan-Howe said that the report had been commissioned by the force "in acknowledgement of the fact that our relationship with the media needed to change".
- He also indicated the MPS have already started to adjust their relationship with the media, and moving forward will need to ensure that they are more open and transparent, whilst balancing this with the need to retain confidentiality and respect the privacy of those who come into contact with the police.

HOUSE OF LORDS ORAL QUESTION FOR ANSWER
Wednesday 18 January 2012

Lord Henley, Minister of State for Crime Prevention and
Antisocial Behaviour Reduction

Lord Fowler (Conservative):

To ask Her Majesty's Government what is the latest police estimate of the number of individuals whose phones have been hacked by newspapers, and how many arrests have been made.

SUGGESTED RESPONSE

My Lords, the latest estimates by the Metropolitan Police Service indicate that there may be about 800 likely victims of phone hacking. There have been 17 arrests as a result of the continuing police investigation.

[35 words]

Drafting Official:
Approving HoU: Stephen Kershaw (Director)
Telephone:
Date last revised: Tuesday 10 January 2012
Version Number: 2.0

TOP LINES

Police investigations

- The ongoing police investigations, being led by Deputy Assistant Commissioner Sue Akers of the Metropolitan Police, are making good progress and are thorough and well resourced. We must let those investigations, which may lead to criminal charges, run their course.
- Operation Weeting is one of the police investigations – the focus of which is on the alleged interception of mobile phone messages ie/ phone hacking
- The investigations are operational matters – the Government cannot interfere in how the investigations are conducted or provide a running commentary on progress.

If pressed

- Since DAC Sue Akers gave evidence to the HASC on 12 July, there has been a further uplift in the numbers of police officers and staff working on Operation Weeting and related investigations to around 120; there have so far been 17 arrests; and over 1800 people have been contacted of whom around 800 are likely victims of phone hacking, the remainder being speculative inquiries by people who think their phones may have been hacked.

Sir Paul Stephenson/John Yates pay-offs

- The Government is unable to comment on recent media reports of pay-offs to Sir Paul Stephenson and John Yates. That is a matter for the Metropolitan Police Authority.

TOP LINES

Inquiries/Reports

- The Leveson Inquiry which was announced by the Prime Minister in July, will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- The Government will consider any reports made by Inquiry, particularly where they make recommendations for legislative change or touch on aspects of government policy
- The Government provided a formal response on 15 September to the recommendations in the Thirteenth Report by the Home Affairs Committee in July entitled 'Unauthorised tapping into or hacking of mobile communications.
- The integrity of forces is critical to public trust in policing. The vast majority of officers behave appropriately, but we need to ensure that all forces are operating to the standards of the best.
- Government expects leaders in both the police service and police authorities to compellingly set these values and standards to apply across all aspects of policing, as well as to lead by example.
- Dame Elizabeth Filkin's recently published report (published 4th January) is a useful reminder that the police have a lot to do to in this regards.
- We expect the Police Service to draw on the recommendations in the Filkin Report and other reports including Her Majesty's Inspectorate of Constabulary recent report on police integrity, when drawing up proposals for national standards this spring.

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CORE BRIEFING

POLICE INVESTIGATIONS

Top Lines

- The investigations are an operational matter for the police and the Government has not sought to influence or direct them.

Background

- A number of police investigations on phone hacking are underway:
 - **Operation Weeting** – investigation into alleged interception of mobile phone messages.
 - **Operation Elvedon** – investigation into allegations of corrupt payments to police by journalists (supervised by Independent Police Complaints Commission)
 - **Operation Kalmyck** – investigation of allegations of hacking by News of the World journalists and private investigators into the compute or ex-army intelligence officer in Northern Ireland (Ian Hurst)
 - **Operation Tuleta** – investigation into hacking in general terms covering the consideration of hard drives, and other documents in historic Operations (inc Operations Glade, Motorman, Millipede, Abelard 2, Nigeria, Two Bridges, Abelard 1 and Russia)

Key Facts

- There are around 129 police officers and staff working across Operation Weeting and related investigations Operation Elvedon and Operation Tuleta.
- The MPS are sifting through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers.
- Deputy Assistant Commissioner Sue Akers who leads all the investigations; advised the Home Affairs Select Committee on 12 July that 170 victims whose names appeared in the material had been contacted by the police.
- Since then the MPS have indicated that 5800 or so names have so far been identified in the Mulcaire files; and that by around the first week of November they had contacted a little over 1800 individuals of whom around 600 are identified victims or potential victims of phone hacking.
- Since November, there has been a further uplift in numbers of potential victims. As of January 2012, the MPS report that there may be up to 835 likely victims of phone hacking, with 17 arrests.

CORE BRIEFING

LEVESON INQUIRY

Top Lines

- The Government will consider any reports made by the Leveson Inquiry, particularly where they make recommendations for legislative change or touch on aspects of government policy.

Background

- The Prime Minister set out details of the judicial inquiry in his statement to the House on 13 July. The Inquiry is being led by Lord Justice Leveson who will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- Lord Justice Leveson is being assisted by a panel of senior independent figures (including with expertise in media, broadcasting, regulation, Government and policing).
- The Inquiry will be in two parts:
 - **The First part of the inquiry is covering a range of issues including:** culture, practices and ethics of the press; relationship of the press to the police; the failure of the current system of regulation; the contacts made and discussions between national newspapers and politicians; and why previous warnings of misconduct were not heeded; and
 - **The second part of inquiry will examine the:** extent of unlawful or improper conduct at the News of the World and other newspapers; way in which management failures have allowed it to happen; original police investigation and its failings; issue of corrupt payments to police officers; and implications of all this for relations between police and the press
- Following a call for evidence from anyone wishing to be identified as a 'core participant' within the meaning of Rule 5 of the Inquiries Rules 2006, Lord Justice Leveson announced on 14th September, the full list of the core participants – 46 celebrities, politicians, sportsmen, members of public who may have been victims.
- Part 1 of the Inquiry will proceed in 4 modules relating to the press and public, the press and police, the press and politicians and the future.
- The Leveson Inquiry has already had public hearings and events on the first module. (For example we are aware that the Inquiry has sought evidence from the Security Industry Authority in relation private investigators). We understand the Inquiry will start work in earnest on the second module relating to the press and the police shortly.
- The Inquiry also started hearings to take formal evidence from those identified as core participants. It recently gathered evidence from potential victims of phone hacking.

CORE BRIEFING

FUNDING OF THE POLICE INVESTIGATIONS

Top Lines

- The resourcing of the Metropolitan Police Service (MPS) operation is a matter for the MPS and the Metropolitan Police Authority (MPA) to consider.
- The Government has no plans to provide any additional resources to support the investigations. However, should they consider it necessary it is open for the MPS to make an application for additional support which the Government will consider.

Background

- Forces can bid for funds through Special Grant for events or unforeseen circumstances that would pose a serious threat to their capacity to deliver routine policing.
- These Special Grants are available where there is clear evidence that the expenditure incurred creates a serious threat to the authority's financial stability and their capacity to deliver normal policing.
- The bids get submitted to the Home Office after the events.
- It would seem appropriate, not least in light of additional pressures arising from the recent public disorder, to not altogether exclude the option for the any force to make an application for additional support for this investigation which would be considered by Home Office Ministers.

Key Facts

- Bids for Special Grant funding are assessed against the 1% rule. This means that funding is restricted to expenditure exceeding 1% of the Force's overall annual budget.

CORE BRIEFING

LAW ON PHONE HACKING

Top Lines

- The intentional interception of communications, or phone tapping without lawful authority is illegal. The Regulation of Investigatory Powers Act 2000 (RIPA) includes a criminal offence for unlawful interception.
- We believe there already is a comprehensive framework for legislation to deal with unlawful hacking of communications and that the law itself does not need changing.
- Interception can be carried out lawfully by a limited number of agencies and for strictly defined purposes under a warrant issued by the Secretary of State, namely where necessary in the interests of national security, for the purpose of detecting or preventing serious crime and for the purpose of safeguarding the economic well-being of the UK.

Key Facts

Relevant laws/guidance

- **The Regulation of Investigatory Powers Act 2000 (RIPA)** – provides the framework that governs lawful interception of communications. The Government introduced regulations in June 2011 which mean that RIPA now provides a civil sanction for unlawful communications where the interception does not meet the threshold of the RIPA criminal offence.
- **The Computer Misuse Act 1990** creates other offences relating to unauthorized access to data held in any computer. Penalties range from 12 months up to 5 years imprisonment and an unlimited fine.
- **The Data Protection Act** also creates an offence of the unlawful obtaining of personal data.
- There is also a **Code of Practice** which most newspapers choose to sign up to which contains a clause forbidding the acquisition and publication of material by intercepting private or mobile telephone calls, messages or emails.

CORE BRIEFING

HOME AFFAIRS SELECT COMMITTEE REPORT

Top Lines

- The Government welcomed the publication of the Thirteenth Report of the Home Affairs Committee on "Unauthorised tapping into or hacking of mobile communications" which was published on 20 July. The Government published its response to the Report on 15th September.
- The report posed some serious questions around the governance and leadership of the police service and highlights concerns around the relationship between the police and the press. In doing so, it mirrored the public unease about these relationships.
- The Government therefore welcomed the report as a valuable contribution to the wider debate around the changes needed to police culture.
- We are looking at the recommendations and how to take them forward and in particular will ensure that the Committee's concerns around how the Independent Commissioners' work together are reflected in our work to develop the Commissioners' roles and functions.

Background

- The Home Affairs committee published on 20 July a report on the "Unauthorised tapping into or hacking of mobile communications."
- The Committee's report draws attention to a number of different issues arising from the unacceptable activities of journalists at the News International and their associates to intercept phone messages illegally, and the failings of the police investigations relating to those activities.
- The Government published a formal response to the Committee's recommendations and conclusions on 15 September.

CORE BRIEFING

PHONE HACKING TIMELINE

Key Facts

Nov/Dec 2005	<p>The News of the World Royal editor Clive Goodman writes a story about Prince William suffering a knee injury.</p> <p>Members of the Royal Household at Clarence House report security concerns to Royalty Protection Department of the MPS</p> <p>MPS launch investigation focussing on alleged security breaches within telephone networks over a significant period of time – investigation initially focussed on complaints from three people within the Royal Household.</p>
8th August 2006	Goodman and private investigator Glenn Mulcaire arrested.
26th January 2007	Successful prosecution and jailing of Goodman for hacking into the mobile phones of staff in the Royal Household; and of Mulcaire for hacking into the phone of Gordon Taylor
6th March 2007	Les Hinton a senior aide to Rupert Murdoch tells the Culture, Media and Sports (CMS) Committee that a "rigorous internal investigation" found no evidence of widespread hacking at the paper.
May 2007	Press Complaints Commission report (since withdrawn) supports NOTW in not finding evidence of widespread hacking at NOTW.
9th July 2009	<p>Urgent Question from Dr.Evan Harris MP (Lib Dem). David Hanson MP responded for the Government;</p> <p>AC John Yates asked by Commissioner to establish the facts around MPS inquiry into the alleged unlawful tapping of phones by Goodman and Mulcaire;</p> <p>AC John Yates assesses the allegations and concludes that no further investigation is required</p>
14th and 21st July 2009	David Hanson MP makes two written Statements to the Commons based on reassurances received by the MPS.
September 2009	Second Press Complaints Commission report, now withdrawn formally, concludes that it was not misled by NOTW; News International Chairman Les Hinton appears before CMS Select Committee.
24th February 2010	CMS Select Committee publishes report on press reporting which included examination of the phone hacking episode. Highly critical of both the NOTW and the police and stated they did not think it credible that such activity was limited to one rogue reporter.
7th September 2010	<p>HASC launches its inquiry, with an emphasis on the operation of RIPA 2000;</p> <p>AC Yates, at HASC, confirmed that MPS would be talking to Sean Hoare (as this appeared to amount to new information not previously available to the police).</p>
8th September 2010	Chris Bryant MP secures debate on whether to refer the matter to The Parliamentary Committee on Standards and Privileges which was agreed by the House (with Government support).
10th December 2010	The Director of Public Prosecutions made clear that the information provided fell below the threshold for bringing a successful prosecution.
January 2011	In the light of ongoing media interest, the Director of Public Prosecutions announced that the Crown Prosecution Service would conduct an independent review of all evidence relating to the original investigation
21st January 2011	Andrew Coulson announced that he would be stepping down from his role as communications director to No10 given the continuing press interest in his personal position.
29th March 2011	Following HASC session, Chair Keith Vaz MP writes to Rebekah Brooks requesting information on the number of Police officers paid by Sun Newspaper whilst she was editor; and to AC Yates requesting release of legal advice received before and after 1 October 2010 meeting.
5th April 2011	<p>HASC takes oral evidence from DPP;</p> <p>Three former NOTW journalists arrested. News International admits liability and apologises "unreservedly" to several public figures.</p>
23rd May 2011	Lord Prescott, Chris Bryant MP, Brian Paddick, and Brendan Montague win right to Judicial Review.

CORE BRIEFING

June 2011 and early July 2011	Fresh allegations appear in newspapers (primarily The Guardian) of NOTW hacking into the phone of the missing schoolgirl Milly Dowler, of the phones of the families of the Soham murder victims, of some of the families of 7/7 victims and of soldiers killed in Iraq, as well the alleged authorisation by Andrew Coulson of payments to the Police and allegations that MPS officers received payments from journalists. This sparks the current, significant and ongoing media and parliamentary interest in the issue.
20th June 2011	MPS alerted to possible receipt of payments by MPS police officers from journalists; Reports that some 300 NOTW emails from News International's solicitors Harbottle & Lewis are given to Scotland Yard allegedly showing that Mr Coulson had authorised payments to police officers.
22nd June 2011	MPS holds meeting with IPCC and they agree to keep in liaison on this issue.
7th July	An SO24 emergency debate on phone hacking in the Commons; IPCC receive formal referral from MPS to investigate possibility that MPS officers received payments from journalists and IPCC decide to conduct a supervised investigation under Deputy Commissioner Deborah Glass and to review the matter if an individual is identified; Murdoch announces that NOTW will close.
8th July 2011	PM holds a press conference clarifying that there would be two inquiries and gave a few more details on what he expected those inquiries to cover; Andrew Coulson arrested by MPS; Clive Goodman rearrested.
11th July 2011	The DPM met with Milly Dowler's family; Statement from Jeremy Hunt (SoS DCMS) on BSkyB merger.
12th July 2011	HASC takes evidence from senior MPS police officers involved in the investigations and review – Lord Blair, Andy Hayman, John Yates, Peter Clarke and Sue Akers. Includes revelation that both Lord Blair's and John Yates' phones are likely to have been hacked, but unknown by whom.
13th July 2011	PM announces further details of on inquiry in two parts on this matter (first on press ethics etc including regulating the press; second on the police relations with press and failings of original investigations and allegations of corrupt payments to police by journalists) and announces Lord Justice Leveson as the chair of the inquiry; PM also met with the Dowler family; and with the Select Committees and Opposition to agree draft TOR for the inquiry; Rupert Murdoch withdraws BSkyB merger bid.
14th July 2011	Neil Wallis former deputy editor of NOTW arrested. Reports that he had worked as a consultant for the MPS; Home Sec writes to the Commissioner for clarification; Mayor meets with the Commissioner.
15th July 2011	Rebekah Brooks resigns from News International
17th July 2011	Rebekah Brooks arrested and questioned for a reported nine hours Sir Paul Stephenson announces his resignation.
18th July 2011	AC John Yates announces his resignation (it is as yet unclear whether he had already been suspended by MPA when he resigned) MPA refers 4 senior officers to IPCC for investigation. IPCC have determined to undertake an independent investigation. Sean Hoare, ex-NOTW journalist, who was the first to allege that Andy Coulson knew of phone hacking by NOTW, found dead. Police are not treating his death as suspicious.
28 July 2011	Leveson Inquiry launched and is currently taking evidence from core participants

CORE BRIEFING

SUMMARY OF INVESTIGATIONS/INQUIRIES

Key Facts

Investigations

- IPCC's independent investigation into John Yates following referral by MPA on his role in securing employment in the MPS for the daughter of the former News of the World Deputy Editor, Neil Wallis, [the IPCC have notified Mr. Yates that they have found no evidence that misconduct proceedings should be brought against him on this matter – they have not yet published their report].
- IPCC's independent investigation into Dick Fedorcio following referral by MPS in awarding a contract to Chamy Media (Neil Wallis), [the IPCC has concluded its investigation into Stephenson, Hayman, Clarke and one of the referrals relating to Yates;
- IPCC independent investigation following referral by Surrey police that an officer received payment, from journalists, for information whilst working on the Milly Dowler investigation in 2002
- IPCC's independent investigation following arrest and suspension of member of Op. Weeting team on suspicion of misconduct in a public office relating to unauthorised disclosure of information.
- Operation Kilo - MPS Directorate of Professional Standards investigation into alleged leaks from within the Op. Weeting enquiry to the Guardian Newspaper
- Operation Rubicon - Strathclyde Police investigating allegations that witnesses gave perjured evidence in the trial of Tommy Sheridan and into alleged specific breaches of data protection and phone hacking in Scotland.

Ongoing reviews and inquiries

- Independent review by CPS's Alison Levitt QC reviewing and assessing all evidence gathered during the original phone hacking investigation and subsequent advice given to senior police officers, together with all recent and new allegations/evidence.
- Press Complaints Commission review of the emerging information and its own conduct in relation to the original allegations (although unclear whether this is still going on).
- Judge-led Inquiry under Lord Justice Leveson into i) media ethics/behaviours including press regulation and ii) police relations with press; and specific allegations of corrupt payments received by police from journalists.
- Serious Organised Crime Agency Review – to insert
- IPCC report on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service (the first part was published on 15th September; the final version is due to report end of March 2012).
- Review of IPCC powers (ie. in relation to compelling civilians to answer questions and to investigate institutional failings in a force or forces).
- Op. Oceangrove - Peer review led by CC John Stoddard, Durham Constabulary of Op. Weeting/Elveden/Tuleta.
- Metropolitan Police Authority conducting an anti corruption research project - begun in February 2011, this is a focussed review of internal Met processes, policies and systems to promote ethical standards and prevent corruption. It does not examine the actions of individuals or specific cases. Due to complete December 2011.
- ACPO - considering legal guidance to officers on the issue of unauthorised access to voicemail and other stored communications as defined under Part 1 of the Regulation of Investigatory Powers Act 2000 (RIPA).
- News Corporation - internal inquiry into management and standards headed by Lord Grabiner.

CORE BRIEFING

- **Solicitors Regulatory Authority** - investigating conduct of Harbottle & Lewis
- **Ofcom - Communications Regulator** - **conducting an inquiry** into whether BSKyB is a fit and proper company to hold a broadcasting licence in Britain under the direction of Rupert Murdoch.
- **FBI, Department of Justice** - conducting an investigation into allegations that News Corporation tried to hack into mobile phones of 9/11 victims and claims that Murdoch publications paid inducements to police officers and others. News Corporation, a US company which trades in the US stock exchange as a parent company, can be liable for the acts of foreign subsidiary companies (News International/News of the World etc).
- **Australian Government considering whether to investigate** the direct or indirect ramifications for Australia of the criminal matters affecting News Corporation's British subsidiary, News International.

Reviews/Inquiries etc that have reported

- **HMIC report** on instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties (published 13 December 2011).
- **Elizabeth Filkin's report** to the MPS Commissioner on the ethical considerations that should, in future, underpin the relationships between the Metropolitan Police and the media – including providing advice on ensuring maximum transparency and public confidence (published 4 January 2012)
- **Home Affairs Select Committee** inquiry into phone hacking – now reported; Government published response on 15th September 2011
- **The Commons Home Affairs Select Committee** - looking into phone hacking in 2006 and the Met's review of that in 2009 (Report published 19 July 2011).
- **The Standards and Privileges Committee** - considered the hacking of members' mobile phones and whether that would be in contempt of Parliament. (Report published 29 March 2011).

Ongoing Litigation

- **Civil Actions** - civil proceedings issued by approximately 42 individuals against News Group Newspapers for breach of confidence and/or misuse of private information and/or invasions of privacy. Specific disclosure has/is being sought from the MPS. Mr Justice Vos is case managing these claims and a trial of "generic issues" (including 6 key cases to assess the scale and range of damages) has been listed for Jan/Feb 2012.
- **Judicial Review** - brought by Chris Bryant MP, Lord John Prescott, Brian Paddick, Ben Jackson and HJK against the MPS. The claim is for :- a failure to inform the Applicants that they might have been victims of unlawful invasions of privacy; a failure to provide full information in response to requests from the Applicants and a failure to conduct an effective investigation. Leave to bring the proceedings has been granted and a directions hearing took place on 6 October 2011.
- **Defamation Action** - Mark Lewis claims damages against the MPS and PCC for defamation arising from an e-mail of 11 November 2009 written by a lawyer in the DLS and sent to Mr Toulmin, a Director of the Press Complaints Commission. The subject matter of the e-mail relates to the potential number of victims of hacking. The PCC have settled the claim against them, the claim against the MPS remains outstanding.

RELEVANT BACKGROUND

PREVIOUS PARLIAMENTARY QUESTIONS

Oral Questions from Lord Fowler

To ask HMG what action they are taking to prevent telephone hacking
27 January 11

Lord Wallace of Saltaire: My Lords, the intentional, unauthorised interception of communications in the course of their transmission is illegal under the Regulation of Investigatory Powers Act 2000. The police are responsible for the investigation of unlawful interception, including telephone hacking, and the Crown Prosecution Service is responsible for the prosecution of such cases.

Lord Fowler: My Lords, I thank my noble friend for that reply. Does he remember the Watergate scandal, in which one brave newspaper protected the public interest? Has not exactly the opposite happened in the phone hacking scandal, in which one newspaper-and possibly others-has not exposed injustice but instead directly conspired against the public? Does he agree that after any further criminal proceedings there will be a need for a full-scale inquiry to ascertain what happened and how the public can be protected?

Lord Wallace of Saltaire: My Lords, the House will appreciate that this is a topical question that is almost too topical for me to be able to answer-I am up to date with the "Today" programme but not entirely up to date with what may or may not have happened since. Noble Lords will be aware that the Metropolitan Police announced yesterday that, in light of the fresh information supplied by the *News of the World*, the police will conduct a new investigation into phone hacking allegations. The investigation will be led by the specialist crime directorate, which is a different unit within the Metropolitan Police from that which carried out the original investigation. The investigation will be led by Deputy Assistant Commissioner Sue Akers. In addition, the Director of Public Prosecutions announced earlier this month that a comprehensive assessment of all the material in the possession of the police in relation to phone hacking would be carried out by an independent reviewer, Alison Levitt QC.

Lord Soley: Given that, as the Minister says, telephone hacking is unlawful and always has been, does he accept that there is an underlying problem here within the culture of journalism? This started with fishing expeditions to see whether any interesting stories could be pulled up, but these expeditions are also carried out in other ways, as was the case in the incident concerning Vince Cable MP. Bizarrely, the editor of that newspaper then tried to hush up the story because it was not its policy to draw attention to Rupert Murdoch's takeover of BSkyB. Will a major effort be made at some stage to get journalism to recognise that it has a cultural problem here, which the PCC is not addressing in the way that it should?

Lord Wallace of Saltaire: My Lords, I think that we all understand that the press as a whole now faces a crisis of trust that is at least as great as the crisis of trust in politics, which we need to address. We look to the press to act up to its own responsibilities, which it is very clear many of its members have failed to do.

Lord Dholakia: My Lords, will the Minister have a word with the chairman of the Press Complaints Commission on how it has addressed this issue? Will he further inquire how it intends to deal with such matters so that in future people's privacy is not breached?

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Lord Wallace of Saltaire: My Lords, it is evident that the role of the Press Complaints Commission and the extent to which its code of practice is observed and enforced are questions that we will have to address. While the Government believe that a press free of state intervention is fundamental to our democracy, there is no place for illegal activity.

Lord Hunt of Kings Heath: My Lords, it has taken the police five years to take this matter seriously. Is the noble Lord aware of the comments today from the former assistant commissioner Brian Paddick, who said that the reason for police inaction was fear of upsetting newspaper editors? Does that not argue for greater media plurality in this country? Why are the Government so reluctant to refer the proposed takeover by News Corporation of BSkyB to the Competition Commission?

Lord Wallace of Saltaire: My Lords, we are all aware that this raises large questions about the future of the press, the relationship between the press and the police and the role of a plural press in our democracy. We will return to these issues on a number of occasions. We will certainly return to the question of police accountability when we debate the Police Reform and Social Responsibility Bill.

Lord Prescott: My Lords, now that the Government accept that this was a criminal act, do they also accept the excuse that was given that it was the work of a single rogue operator? That proposal was put forward by the Metropolitan Police, the newspaper editors, the Press Complaints Commission and the Crown Prosecution Service. After a number of inquiries, they still came to that conclusion. That is unacceptable. I ask the honourable, I mean noble, Lord—I knew that I would fall over—whether he accepts that these acts were commissioned to undermine the human rights of the individuals? In a debate in this House in July last year on the Defamation Bill introduced by the noble Lord, Lord Lester, the Government promised that they would investigate and bring in legislation to deal with defamation. Are they now prepared to consider how the conflict between Article 8 and Article 10 of the European Convention on Human Rights works against the individual's rights? Will the Government put that in their promised consultation document or in a future Bill?

Lord Wallace of Saltaire: My Lords, we all recognise that this goes very wide. I say to noble Lords opposite who tend to slip into saying "honourable Member" that one member of staff said to me the other day that they feared that the Benches in this Chamber were about to be reupholstered in green rather than red. We all understand why that is being said. The serious questions of defamation and who should have been informed are very important. My understanding is that the police have informed all those about whom they have evidence that their phones were hacked. In addition, they have found a great many other names of people who were clearly targets of inquiry, but they do not have information on whether their phones were hacked. This is part of the ongoing and widening inquiry in which the police now have to be engaged.

RELEVANT BACKGROUND

To ask Her Majesty's Government whether they will set up an inquiry into telephone hacking in the United Kingdom and how it can be combated

1 March 11

Lord Wallace of Saltaire: My Lords, individuals and businesses are responsible for protecting their own data and communications. Mobile phone operators already offer ways of protecting access to voicemail. In addition, the police will investigate unlawful activity and work with the CPS to bring prosecutions where appropriate. The Metropolitan Police are conducting a new investigation of evidence relating to the News of the World and the CPS is conducting a comprehensive assessment of all material in the possession of the MPS. A number of inquiries are, therefore, under way.

Lord Fowler: Obviously, my Lords, any criminal charges must be disposed of first, but is it not the case that we now know that the victims of phone hacking include members of the Royal Family, a former Prime Minister, a former Deputy Prime Minister, several serving Members of Parliament and many others? Is not this kind of organised intrusion entirely indefensible? While it may be true that, for some unaccountable reason, parts of the press do not seem to be very keen on an inquiry, there is in reality no other way of discovering the extent of the abuse or what can be done to prevent it.

Lord Wallace of Saltaire: My Lords, Deputy Assistant Commissioner Akers announced on 9 February that she recognises that she faces, "clearly a major task with a considerable amount of work to be done which will take a significant amount of time and resources". I understand that she has met a number of those whose names have appeared in the investigation, including Members of this House, and that she will continue to work on that. Perhaps I should also mention that the Press Complaints Commission has set up its own phone-hacking inquiry.

Lord Prescott: Does the noble Lord recognise that this phone hacking—a criminal act—has undermined the public's trust not only in the Murdoch press but in the Metropolitan Police? Senior officers and the commissioner attended private social functions given by Murdoch at the time of the investigation. Is that not unacceptable? Is he aware that the Murdoch defence of a rogue reporter was exposed by the production of e-mails by the Murdoch press that were not made available to the original inquiry, causing further inquiries by the Metropolitan Police, the Crown Prosecution Service and, my God, now even the Press Complaints Commission? God knows what will happen to that one. Therefore, can the Minister assure this House that no consideration will be given to the BSkyB application by the Murdoch press until the results of these inquiries are known?

Lord Wallace of Saltaire: My Lords, I am answering this Question for the Home Office; that question strays rather a long way towards the Department for Culture, Media and Sport. I stress simply that the specialist crimes unit of the Metropolitan Police, which is conducting the new inquiry, is a different unit from the previous one. I understand that Deputy Assistant Commissioner Akers has met the noble Lord, Lord Prescott. This is intended to be a very thorough inquiry, which will also include relations between the Metropolitan Police and the press.

Baroness Bonham-Carter of Yarnbury: My Lords, my first question for the Minister is more of a riddle than a question, so I do not expect him to answer: which came first, the scoop or the journalist? Speaking as someone who has been a journalist, trained by the BBC, I know that the means are as important as the ends. Is my noble friend not very

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concerned that it has taken five years for this fact to be properly recognised by both proprietors and the police? I hope that I am not being too clever by half, but I end by citing Evelyn Waugh. Has there not been too much of: "Up to a point, Lord Copper"?

Lord Wallace of Saltaire: My Lords, this is one of a number of questionable practices used by members of the press in obtaining information. When I spoke to the Information Office yesterday, the information officer told me that blagging is as important a problem as hacking. "Blagging" means receiving information through deception but not necessarily by hacking phones. I will read the relevant clause 10 of the Press Complaints Commission's *Editors' Code of Practice*:

"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".

That is very much what the current Press Complaints Commission inquiry, which has a majority of lay members, intends to look at.

Baroness Farrington of Ribbleton: My Lords, will the Minister accept it from me that, when I occupied the Benches on which he now sits, what I dreaded most were Starred Questions? That is because one is answerable for the whole Government, not merely the brief on which the Question rests. Will he give me an assurance that in future all Members on the government Front Bench will abide by that convention?

Lord Wallace of Saltaire: I stand corrected. I had a member of the DCMS brief me on this Question yesterday. However, moving over to the B SkyB issue is a little wide, even for this Question.

Lord Rosser: My Lords, with one honourable exception, there is no prospect of our national newspapers investigating the issue of phone hacking. The growing evidence of their own considerable involvement in the practice means that their interest lies not in exposing it but in covering it up. Do the Government believe that the hidden and murky world of private investigators and their techniques—and that of those who employ them and why—now needs further investigation? Would the proposal, which we support, of the noble Lord, Lord Fowler, on phone hacking not be a useful contribution, in addition to what should be current thorough and comprehensive police investigations?

Lord Wallace of Saltaire: My Lords, I must remind the noble Lord that the murky relationship between government and the media and between the police and the media is not a new issue that has arisen with this new Government; it has been with us for some years. We all need to look at this. A large number of inquiries and a number of civil actions are under way with regard to the responsibility of the press. This issue will not go away.

Lord Pannick: My Lords, does not this whole episode demonstrate the need to replace the PCC with a statutory body with effective powers of enforcement against the press?

Lord Wallace of Saltaire: My Lords, this morning I read the report issued in February of last year by the Culture, Media and Sport Committee of another place on exactly this point, in which it makes a number of criticisms of the current situation. However, as I understood the report, it did not go so far as to propose a statutory replacement.

Lord West of Spithead: My Lords, have the Government got any further with the investigation of deep packet inspection of all our nation's e-mails by private firms, which read those e-mails and pull out key words for advertising? The previous Government were

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investigating this. Have the present Government got any further with that because it is very worrying that all these e-mails are being exposed to that sort of scrutiny?

Lord Wallace of Saltaire: My Lords, I have not been briefed on that matter, which takes us into some very large issues about the whole question of privacy of e-mails. However, I asked a number of questions about privacy settings on Facebook, YouTube and Twitter. The technology is taking us further forward in a whole range of areas where questions of privacy and unauthorised access to information continue to move forward. In time we may well need to adjust the law to cope with what technology is providing.

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To ask Her Majesty's Government what assessment they have made of the evidence of telephone hacking by newspapers, and what action they propose to take.

6 April 2011

Lord Wallace of Saltaire: My Lords, the task of assessing evidence of potentially unlawful activity is a matter for the police and the Crown Prosecution Service. The Metropolitan Police, as noble Lords will be well aware today, is currently conducting an investigation into allegations of telephone hacking and it would be inappropriate to comment or speculate on any particular aspects of that active investigation pending its outcome.

Lord Fowler: My Lords, leaving aside the two arrests yesterday, is it not already clear that there has been a total abuse of power involving some parts of the press in this area? Have we not also seen a five-year delay in investigation, a public dispute now taking place between the DPP and the Metropolitan Police, and the utter failure of any system to prevent such wrongdoing? Will the noble Lord give an assurance that, once criminal proceedings are complete, there will be an independent inquiry into what has happened and how scandals of this kind can be prevented?

Lord Wallace of Saltaire: My Lords, on reading the newspapers this morning, I wondered whether the noble Lord has the power of the curse of Gnome, given that every time he puts down a Question in this House something moves in the investigation. He raises some broad questions about the future relationship between the press and politics and it is fair to say that we will need to return to those questions once current investigations are complete. The relationship between the press and the Government rests on the idea that a free press in a democracy is free but should be responsible—just as bankers in a free market ask for light regulation, with the expectation that they will also behave responsibly. Newspapers, like bankers, have not always been as responsible in relation to their obligations as they might have been in recent years.

Lord Prescott: My Lords, the Minister will be aware that on 3 March I asked the noble Baroness, Lady Rawlings, whether the Government would delay the decision on the acquisition of BSkyB by the Murdoch press until all these investigations and inquiries had been completed. In her supplementary reply, the noble Baroness said: "The phone-hacking allegations are very serious, but they are matters for the criminal courts ... They have no bearing on the separate matter of media plurality and a decision on the merger". Is the noble Lord aware of the decision yesterday, following the imprisonment of two employees of the Murdoch press, to arrest two senior employees of the Murdoch press? We learnt yesterday that, in the parliamentary committee in the other place, conflicting evidence was given by the Director of Public Prosecutions and Mr Yates, who was in charge of the original inquiry. Is the Minister also aware that Ms Rebekah Brooks gave evidence as the chief executive of the Murdoch press and said that it paid the police for information—an admission of a criminal act? Are the Government aware, in making the decision on BSkyB, that it would be totally unacceptable for a company that is actively involved at all levels in criminal acts to be given control of BSkyB? Will they now delay the decision until all these investigations have been completed?

Lord Wallace of Saltaire: My Lords, I am well aware of the strong feelings that many people have about the broader issues involved in this matter. The noble Lord raised the issue of payments to the police. Clearly they would have been illegal and I know that some have now been admitted. Of course it is necessary for the police to have a close relationship with the media, because the media can help to solve crimes, but payments for

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information are clearly illegal. I should add that the two senior journalists arrested yesterday have been bailed.

Lord Cormack: My Lords, do not these very regrettable events underline the need for a statutory Press Complaints Commission?

Lord Wallace of Saltaire: My Lords, that is very much one of the larger issues that it would be appropriate for the sort of general inquiry for which the noble Lord, Lord Fowler, is calling to look at once the current investigations are complete.

Lord Hunt of Kings Heath: My Lords, does the noble Lord not agree that it would give a great deal of reassurance if the Government were to say today that they would be prepared to commission an independent inquiry? If they were to do so, would that inquiry look into the appropriateness of social contacts between the police force and certain members of a newspaper publishing empire? Would it also look at the appropriateness of senior police officers, after retirement, ending up on the payroll of those certain newspaper publishers?

Lord Wallace of Saltaire: My Lords, I am happy to give the assurance that I will take the strength of feeling of this House back to senior Ministers. We are all aware of the complexities of this case. This is something with which the previous Government had to deal, as well as this Government. There are many aspects of concern to people in this House, the other place and more widely.

Lord Elystan-Morgan: My Lords, can the Minister tell the House whether at any stage during this inquiry Assistant Commissioner Yates sought the advice of the Director of Public Prosecutions with regard to the interpretation of the criminal offence? If so, when, and what was the nature of the advice given?

Lord Wallace of Saltaire: My Lords, I think that it would be inappropriate to comment on issues that may indeed be subject to some concern of the courts.

Baroness Bonham-Carter of Yarnbury: My Lords, my question covers a slightly different angle. Moves to regulate the private investigation industry began in 2001. Ten years on, the Security Industry Authority, set up under the Act, has yet to implement a licensing framework for that industry. Can the Minister tell us why we have been waiting so long for this to happen?

Lord Wallace of Saltaire: My Lords, that is another question that arises from the broadest aspect of this inquiry. I shall take that question, too, back to Ministers and, if necessary, write to the noble Baroness with a more informed reply.

Lord Tebbit: My Lords, will the noble Lord be very careful in his use of the words "responsible" and "irresponsible" in relation to the press? Of course, the press and the media generally must be held responsible for any unlawful acts, but there is no more reason for the press to be responsible in its comments than there is for politicians to be responsible in theirs. Daily, even in this House, we hear irresponsible comment, so we should be a little bit careful before we condemn the press.

Lord Wallace of Saltaire: My Lords, the question of who is careful in condemning whom is something that perhaps the press also needs to think about. With regard to the right of privacy for politicians, celebrities and others, which I know is a contentious issue at present, I had in my notes an interesting distinction between the concept of public interest, which is

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in the PCC code of conduct, and the question of what may be thought by newspaper editors to interest the public. Those concepts are not in any way the same.

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To ask her Majesty's Government, in view of the public concern over phone hacking following the latest reports, whether they will immediately undertake to set up an independent inquiry once criminal proceedings are complete

5 July 2011

Lord Fowler: My Lords, I beg leave to ask a Question of which I have given private notice.

Baroness Browning: my Lords once again our thoughts are with the Dowler family. As the Prime Minister said, these allegations are truly dreadful and the police should pursue their investigations wherever they lead them. A police investigation into allegations of phone hacking is currently under way. It is important that the investigation is allowed to proceed and that the conclusions be made public. A number of parliamentary inquiries and other reviews are also underway, and a number of individual cases are currently before the courts. This represents a broad span of activity across several aspects of this issue and the Government believe it most appropriate to consider the outcome of the police investigations and these various inquiries before deciding whether any further steps are necessary.

Lord Fowler: My Lords, I thank my noble friend for the reply, but I urge her to go further. I declare an interest in that I was once a journalist, but my view of the press is that newspapers are there to expose injustice and abuse of power, not to illegally intrude into the private lives of the public. Is my noble friend aware that since January of this year I have asked four Questions on the Floor of this House on phone hacking? Steadily, month by month, the revelations have become more and more serious, with today's revelation about Milly Dowler almost beyond belief and certainly beyond contempt. Are we not now confronted with one of the biggest scandals affecting the press in living memory and with clear evidence that a deliberate conspiracy has taken place against the public? Will she therefore recognise that this is not a matter of party politics but of protecting the public, and that the only way that that can be done successfully is by an eventual independent inquiry looking at all the evidence? Why cannot the Government commit themselves to that today?

Baroness Browning: My Lords, I can understand my noble friend's concern, and the concern of the House as a whole, at what is a truly shocking matter. This morning the Home Secretary, appearing before the Home Affairs Select Committee in another place, described what has happened, with the new information that has been received, as shocking and disgusting. She reiterated today that we must await the outcome of the police investigation, but she stated that, if these allegations are found to be true, there will need to be new avenues to explore.

Lord Rosser: My Lords, we support the call of the noble Lord, Lord Fowler, for an independent inquiry. The latest disturbing allegations about phone hacking will only have strengthened the feeling that parts of our national newspaper industry regard themselves as being above the law and having no need to fear any action from the Press Complaints Commission. The Minister's reply to the noble Lord, Lord Fowler, will just not do. How many more potential phone-hacking scandals have to be unearthed, and how many more denials that they knew what was going on by editors and News International top executives do there have to be, before this Government recognise the failings of previous investigations - by the police, by News International and by the Press Complaints Commission - and act? Will the Government set up an independent inquiry into phone hacking and the culture and practices of at least part of the national newspaper industry that have allowed these things to happen?

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Baroness Browning: My Lords, as noble Lords will know, this matter is subject now to a robust investigation by the Metropolitan Police. The MPS has provided a public update and made it clear that it can say no more at this stage. Surrey Police, which is responsible for the Milly Dowler investigation, is also making no comment. Accordingly, this remains an ongoing operational matter for the police on which Ministers can neither interfere nor comment in any substantive way. The proper course is for the investigation and the independent review of previous evidence to be allowed to proceed without interference.

Lord Prescott: My Lords, the hacking of Milly Dowler's mobile is, so far, the latest and most obscene action of this company of the Murdoch press. Will the Minister confirm that it is still the Government's view that these criminal acts are irrelevant to Murdoch's purchase of BSkyB? Is the Minister also aware that the regulator Ofcom has a duty and a statutory responsibility to investigate matters of privacy? Have the Government asked Ofcom for its advice on that matter before they come to a decision on BSkyB?

Baroness Browning: My Lords, I have every sympathy for the noble Lord, Lord Prescott, who I believe is himself a victim of this phone-tapping scandal. Phone tapping or hacking is illegal and is not a matter that the Government regard lightly. It is an offence for a person intentionally to intercept without lawful authority any communication in the course of its transmission. That applies equally to the media. The noble Lord asked me about the decision that my right honourable friend the Secretary of State for Culture, Olympics, Media and Sport has to make about BSkyB. The House will be aware that the Secretary of State in that department has to follow guidelines as already set out in law. He will follow those guidelines in making his decision.

Baroness Williams of Crosby: My noble friend the Minister is obviously doing everything that she can to try and help the House, but might she consider the very serious situation in which there has been a considerable loss of trust both in police inquiries and in the work of the Press Complaints Commission? In that situation, would the Minister agree that we need a more fundamental look at the whole situation that now confronts us—one in which the media feel that, to some extent, they do not have to abide by the normal rules of civic behaviour in our society? Therefore, should we not very seriously consider the proposal of my noble friend Lord Fowler, given that such an independent complaints committee might recover trust from the public in making recommendations about what should be done?

Baroness Browning: I fully understand why my noble friend raises the issue of trust, because from the beginning these matters have been conducted in ways which have given the public great concern. If I may, let me quote to my noble friend the words of Sir Paul Stephenson, given that the Met is now conducting a very robust and vigorous investigation, whose conclusions, once made, will be ones on which I believe we can rely. Sir Paul Stephenson has said that questions should be asked once the criminal inquiry and any judicial process have been concluded. As I mentioned, the police investigation is ongoing and it is a matter for that inquiry and that investigation to conclude. At that point, Sir Paul Stephenson said, questions should be asked. I can assure the House that we will consider the outcome of police investigations as well as other inquiries that are under way. I am not saying to the House today that we will not have an inquiry, but while police investigations are under way I cannot be pressed on that.

Lord Fellowes: My Lords, does the Minister agree that, at the end of this episode, it would be a good thing for the Press Complaints Commission either to be given statutory powers or to be wound up?

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Baroness Browning: My Lords, I am aware that the chairman of the Press Complaints Commission has expressed her grave concerns today that the *News of the World* lied in giving evidence. She was extremely angry that the Press Complaints Commission had been misled. That is a very serious matter, and I am sure that my right honourable friend the Secretary of State for Culture, Media and Sport will want to take account of her views on that matter and what has happened with the Press Complaints Commission.

The Lord Bishop of Manchester: My Lords, it seems to me that two issues are germane to this debate. One is the tragic matter of Milly Dowler and, clearly, the judicial inquiry has to be pursued in that direction and the police allowed to do what they are meant to do. The second issue seems to me to be a much deeper one and also a matter of some urgency for this House to address once the particular inquiries relating to Milly Dowler are over. The noble Baroness, Lady Williams, referred to what I believe are some serious underlying ethical issues about this whole matter that this House must address and as soon as possible. I hope that the Minister, while clearly having to make the point about the present inquiries, will give a more robust response to what has been said in all quarters of this House this afternoon about the need for the deeper issues to be addressed.

Baroness Browning: I thank the right reverend Prelate for the way he couched his question. He clearly understands from my replies that I cannot engage the House today in a full debate on this, because we are waiting for these investigations and legal outcomes to be made public, but I have no doubt that once they are in the public domain, we shall return to this subject with much vigour.

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To ask Her Majesty's Government what estimate they have made of the number of people affected by newspaper phone hacking
6 December 2011

The Minister of State, Home Office (Lord Henley): My Lords, the number affected is being assessed as part of the current investigation by the Metropolitan Police Service. At this stage, no final estimate has been made, but the Met recently reported that it has contacted more than 1,800 people, of whom around 600 are identified as victims or potential victims of phone hacking.

Lord Fowler: My Lords, even that figure of course understates the true position. Is my noble friend aware that the Metropolitan Police itself has now said that it has identified the names of 5,800 people in the notebooks of a private investigator who for six years was employed by the *News of the World* to hack into mobile phones? Is there not now conclusive evidence that some journalists have perverted the traditional role of the press to expose injustice and wrongdoing by a total determination to expose private lives? What is needed now is an effective and, above all, independent means to ensure that such abuses never happen again.

Lord Henley: My Lords, my noble friend is right when he quotes the figure of 5,795 people who the police have said may-I stress, may-have had their phones hacked. The police stressed that at this stage they cannot give a figure, which is why I gave the other figure of 1,800 people who the police have identified as potential victims, and the 600 with whom they have been in contact. I note what my noble friend said about setting up some independent body as a result of these matters. At this stage, I cannot possibly comment and we must await the outcome of the inquiry by Lord Justice Leveson. When that happens, I am sure that we will act.

Lord Rosser: My Lords, when giving evidence recently to your Lordships' Communications Committee inquiry on the future of investigative journalism, the Culture Secretary, Mr Jeremy Hunt, said that newspapers are likely to come under the auspices of a new regulatory body that is, "better at enforcing standards of accuracy", than the Press Complaints Commission. Can the Minister confirm that this is now the policy of Her Majesty's Government?

Lord Henley: My Lords, my right honourable friend was giving his view correctly to that committee, but I am sure, as the noble Lord is aware, that we cannot make any firm decisions-and it would be wrong to do so-until the Leveson inquiry has concluded. That is what we will do at the appropriate time.

Lord Soley: Do the Government have any knowledge of any other newspapers being involved in phone hacking?

Lord Henley: My Lords, I do not, but if the noble Lord wishes to provide some information, I am sure that the Leveson inquiry would be grateful. Whether or not the noble Lord's phone has been hacked, I cannot comment.

Baroness Bonham-Carter of Yarnbury: My Lords, does my noble friend not agree that the abuse has not just involved hacking? I sit on the Commons and Lords Joint Committee on Privacy and Injunctions and heard what Hugh Grant said yesterday about the behaviour of the paparazzi. Is it not wrong that, as Sienna Miller told the Leveson

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inquiry, 10 burly men can pursue a young woman down a dark alley spitting and hurling abuse at her with impunity because they are carrying cameras?

Lord Henley: My Lords, again my noble friend makes a very good point and was right to emphasise that this evidence was adduced to Lord Justice Leveson's committee. No doubt he will consider that and, after that, the Government will—as I said earlier, and I repeat—consider any reports made by the inquiry, particularly where it seeks legislative changes by the Government.

Lord Mackenzie of Framwellgate: My Lords, given the emerging evidence of the employment of private investigators by the press involved in phone hacking, can the Minister give us an idea of when the Government intend to license such people?

Lord Henley: Again, my Lords, I would not want to take these matters further at this stage. I suspect that I shall repeat the same answer quite a few times during the course of this Question; we want to wait until Lord Justice Leveson has reported.

Baroness Trumpington: My Lords, the Minister has answered various points on numbers. How do people know if they are being hacked?

Lord Henley: My Lords, that is a technical problem on which I am afraid I cannot assist my noble friend. I am sure that many people throughout the country, and no doubt many Members of this House, think that they may have been hacked. If they think that they have, I suggest that they let the police know and ask them to make appropriate inquiries.

Lord Brooke of Alverthorpe: My Lords, is the noble Lord stating that the Government have no interest in what is happening with any other newspapers unless individuals produce evidence themselves?

Lord Henley: My Lords, that is nonsense. Of course we have an interest in these matters, but at this stage it is right and proper that the Government wait until Lord Justice Leveson has reported. In the mean time, if any noble Lords or others think that they are having problems and that there has been criminality, I suggest that they get in contact with the police.

Lord Martin of Springburn: My Lords, when the BBC acquires ex-directory phone numbers, does it have a responsibility to tell the subscribers of those numbers where it got the numbers from?

Lord Henley: My Lords, the noble Lord is going slightly beyond the Question on the Order Paper; but I shall certainly make inquiries for him and write in due course.

Lord Inglewood: My Lords, does the Minister not agree that the fact that the Government have set up the Leveson inquiry is proof positive that they recognise that the existing arrangements are inadequate for regulating the press and that something needs to be done to improve matters, the detail of which, as yet, is not clear?

Lord Henley: My Lords, as evinced by the number of questions that my noble friend Lord Fowler and others have asked in this House, as well as by questions asked in another place and concerns raised elsewhere, there has been considerable concern about the degree of phone hacking. Quite rightly, the Government responded to that concern and set up the inquiry by Lord Justice Leveson. They will respond in due course.

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Lord Davies of Coity: My Lords-

Lord Maxton: My Lords-

Lord Phillips of Sudbury: My Lords-

Lord McNally: We shall hear from the noble Lord, Lord Maxwell, please.

Lord Maxton: My Lords, Maxton is the name. Why are this Government quite happy, as is Parliament and as previous Governments have been, to regulate television, radio and even the internet but are not prepared to undertake the statutory regulation of the print media?

Lord Henley: My Lords, I repeat what I said earlier: we will consider the results of this report and make the appropriate response at that stage.

Lord Phillips of Sudbury: My Lords, does my noble friend accept the gravamen of the Justice report last month—a comprehensive report into hacking of all sorts—that this issue goes far, far wider than the press? Will the Government kindly consider reviewing the Regulation of Investigatory Powers Act to try to bring it up to date and make it effective?

Lord Henley: My Lords, I always take notice of any report produced by a body such as Justice, and we will always keep the operation of RIPA 2000 under review. However, again, that will be a matter to be dealt with at the conclusion of this inquiry.

Written Questions

Nick Smith: To ask the Secretary of State for the Home Department, if she will discuss with the Metropolitan Police (a) the allocation of (i) staff and (ii) financial resources to Operation Weeting and (b) the rate at which the operation is contacting potential victims of telephone hacking [06/09/11].

Nick Herbert: The resourcing and conduct of the investigation are operational matters for the Metropolitan Police Service. The Prime Minister has told Parliament that he has been assured that Operation Weeting is fully resourced.

Austin Mitchell: To ask the Secretary of State for the Home Department, whether any additional resources or staff will be made available to the police for the purposes of supporting engagement with the Leveson inquiry whilst maintaining existing services [21/11/11].

Nick Herbert: The Government has no plans to provide any additional resources.

Helen Goodman: To ask the Secretary of State for the Home Department, whether her Department has allocated additional resources to the Metropolitan Police as a result of the workload arising from the investigation into phone hacking [21/11/11].

Nick Herbert: The Government has not allocated any additional resources.

RELEVANT BACKGROUND

MEDIA COVERAGE

The Daily Mail – 7 January 2012 – excerpts

- Two of Britain's most senior police officers pocketed substantial pay-offs after resigning over the phone-hacking scandal, the Daily Mail can reveal.
- Former Scotland Yard Commissioner Sir Paul Stephenson and his colleague John Yates are thought to have received up to £500,000 between them
- A Met spokesman said: 'This is entirely a matter for the Police Authority.'

The Guardian – 6 January 2012 - excerpts

- The long-serving personal assistant to former News International chief executive Rebekah Brooks is understood to have been arrested by detectives investigating phone hacking.
- A 47-year-old woman, understood to be Brooks's former PA Cheryl Carter, was taken into custody at a police station in Essex on suspicion of attempting to pervert the course of justice in relation to Operation Weeting, the Metropolitan police's investigation into phone hacking.
- Scotland Yard said in a statement: "Officers from Operation Weeting have this morning arrested a 47-year-old woman at an address in Essex.
- "The woman was arrested at approximately 06.55 on suspicion of attempting to pervert the course of justice, and she is currently in custody at an Essex police station.
- "She is the 17th person to be arrested as part of Operation Weeting, the investigation into phone hacking."

BBC news website – 3 November 2011 – excerpts

- In a statement issued on Thursday, the Met said: "Operation Weeting continues to analyse relevant material. It is not possible to give a precise figure about the number of people whose phones have actually been 'hacked' but we can confirm that as of today's date the current number of potentially identifiable persons who appear in the material (and who may therefore be victims), where names are noted, is 5,795."

PEER BIOGRAPHY

LORD FOWLER



Current position held

- Lord Fowler is a Conservative peer. He was made a Life peer in 2001.
- Chairman Thomson Foundation (media services)
- Author of "A Political Suicide" (2008; Politico's), based on his political diaries from the 1980s and 90s

Biography

- Norman Fowler, Baron Fowler PC (Born 2 February 1938) is a British Conservative politician and has been a Life Peer since 2001.
- Lord Fowler has served as a Conservative Member of Parliament for Nottingham South 1970-74 and for Sutton Coldfield 1974-75.
- He has performed a variety of Ministerial posts including Secretary of State for: Transport 1979-81; Social Services 1981-87 and Employment 1987-90.
- He has also served as Shadow Secretary of State for: Environment, Transport and the Regions 1997-98 and for the Home Department 1998-99.

Past Interest

- Lord Fowler was previously a journalist. He has spoken in debates on media ownership; the Digital Economy Bill and the Parliamentary Voting System and Constituencies Bill. His parliamentary profile lists his political interests as the Media, Home Office, Pensions and Health. This is his sixth oral question on the phone hacking allegations.

6.2.12

Topical Question Briefing

Phone Hacking

Top Lines

- The ongoing police investigations, being led by Deputy Assistant Commissioner Sue Akers of the Metropolitan Police Service (MPS), are making good progress and are thorough and well resourced. We must let those investigations, which may lead to criminal charges, run their course.
- Operation Weeting is one of the police investigations – the focus of which is on the alleged interception of mobile phone messages ie/ phone hacking.
- Allegations that some police officers may have taken payments from journalists are being investigated by the MPS under Operation Elveden, under close supervision by the Independent Police Complaints Commission.
- IPCC have full powers to investigate any police wrongdoing and will follow the evidence wherever it leads them. Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.
- The investigations are an operational matter for the police and the Government has not sought to influence or direct them
- The resourcing of the Metropolitan Police Service (MPS) operation is a matter for the MPS and the Metropolitan Police Authority (MPA) to consider.
- The Government has no plans to provide any additional resources to support the investigations, but it is open to the MPS to make an application for additional support, which the Government will consider.
- The Leveson Inquiry will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- The Government will carefully consider any recommendations arising from the Leveson Inquiry.

Q & A

What progress has been made in Operation Weeting in recent months?

- The investigation is going through 11000 pages of information, nearly 4000 names and around 4000 mobile and 5000 landline numbers.
- Since DAC Sue Akers gave evidence to the HASC on 12 July, there has been a further uplift in the numbers of police officers and staff working on Operation Weeting and related investigations to around 120
- There have so far been 17 arrests; and over 1800 people have been contacted of whom around 600 are identified victims or potential victims of phone hacking, the remainder being speculative inquiries by people who think their phones may have been hacked.
- IPCC have made clear that if an officer is identified as having received corrupt payments they will ramp up the investigation to an independent investigation and deploy their own investigators to carry out the investigation.

What is the Government doing to address the concerns around phone hacking?

- The Leveson Inquiry which was announced by the Prime Minister in July will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- The Government will consider any reports made by Inquiry, particularly where they make recommendations for legislative change or touch on aspects of government policy
- In July 2011, the Home Secretary requested a report on the Independent Police Complaints Commission's (IPCC) experience of corruption in the police service in England and Wales. The IPCC submitted part one of this report at the end of August 2011. Work on part two of the report is ongoing. The second part of this report will be submitted by the end of the year.
- Also in July, the Home Secretary asked Her Majesty's Inspectorate of Constabulary (HMIC) to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties and to make recommendations about what needs to be done. That report is due to be published tomorrow [ie/ Tuesday 13 December – NB: This date is subject to approval by the Home Secretary].
- The Government provided a formal response on 15 September to the recommendations in July in the Thirteenth Report by the Home Affairs Committee in July entitled 'Unauthorised tapping into or hacking of mobile communications.

Doesn't the law need to be changed?

- The intentional interception of communications or phone tapping without lawful authority is illegal. The Regulation of Investigatory Powers Act 2000 (RIPA) includes a criminal offence for unlawful interception.
- We believe there already is a comprehensive framework for legislation to deal with unlawful hacking of communications and that the law itself does not need changing.
- Interception can be carried out lawfully by a limited number of agencies and for strictly defined purposes under a warrant issued by the Secretary of State, namely where necessary in the interests of national security, for the purpose of detecting or preventing serious crime and for the purpose of safeguarding the economic well-being of the UK.

What police investigations are currently take place in relation to phone hacking?

- There are currently a number of MPS police investigations taking place that relate to the News of the World.
 - **Operation Weeting** is the police investigation into alleged interception of mobile phone messages – ie. phone hacking.
 - **Operation Elveden** is the investigation into allegations of corrupt payments to police by journalists which is being closely supervised by the IPCC.
 - **Operation Kalmyck** is the investigation (also under DAC Akers) of allegations of hacking by NOTW journalists and private investigators into the computer of ex-army intelligence officer in Northern Ireland (Ian Hurst).
 - **Operation Tuleta** is MPS investigation into hacking in general terms covering the consideration of hard drives, and other documents in historic Operations (including Op's Glade, Motorman, Millipede, Abelard 2, Nigeria, Two Bridges, Abelard 1 and Russia).
- These are all operational matters - all these investigations are led by the Met all under DAC Sue Akers; Op.Elveden remains under close supervision by the IPCC. So any questions about ensuring the right officers are involved in these matters are for them – the Home Office cannot interfere in how these investigations are conducted.

What work is the IPCC doing in all this?

- The IPCC is currently carrying out several discrete but related areas of work in relation to this matter including:
 - i) Supervising the MPS's Operation Eleveden led by Sue Akers, which is investigating the receipt of corrupt payments by Met police officers by journalists. As soon as individuals are identified the IPCC will move to fully independent investigations, calling in its own investigators
 - ii) Separately and independently investigating a further referral by Surrey police of allegations that a police officer received payments in exchange for information whilst investigating the Milly Dowler case in 2002.
 - iii) Conducting a managed investigation (ie. an IPCC investigator will have direction and control) following referral by the MPS Directorate of Professional Standards Anti Corruption Unit who recently arrested in August a serving MPS officer from Operation Weeting on suspicion of misconduct in a public office relating to unauthorised disclosure of information as a result of a proactive operation. The IPCC will be keeping their level of involvement under close review as the investigation progresses; and
 - iv) Providing the Home Secretary with a report by the end of the year on its experience of investigating corruption in the police service and any lessons that can be learnt for the police service. The first part of that report was published on 15th September.
 - v) Working with the Home Office to identify any further powers that may be necessary in particular to compel civilians to answer questions and to investigate institutional failings in a force or forces.

19.3.12

Topical Question Briefing – Phone Hacking

Top Lines

- The Government is noting the progress of the Leveson Inquiry with interest and will carefully consider any reports or recommendations that the inquiry makes.
- It would be inappropriate to provide a running commentary on ongoing investigations by the police or any particular issue or evidence provided in the Leveson Inquiry – it is for Lord Justice Leveson to consider the evidence in totality and reach his conclusions and recommendations in his report.
- The Government will of course share any papers and provide evidence, where it can, upon request by Lord Leveson.
- The integrity of forces is critical to public trust in policing. The vast majority of officers behave appropriately, but we need to ensure that all forces are operating to the standards of the best.
- The ongoing police investigations are led by Deputy Assistant Commissioner Sue Akers of the Metropolitan Police Service (MPS).
- Operation Weeting, is focussing on the alleged interception of mobile phone messages ie/ phone hacking.
- Operation Elvedon is looking at allegations that some police officers may have taken payments from journalists – this is being closely supervised by the Independent Police Complaints Commission.
- These investigations are thorough, well resourced and are making good progress – we must let those investigations, which may lead to criminal charges, run their course.
- The investigations are an operational matter for the police and the Government has not sought to influence or direct them.
- IPCC have full powers to investigate any police wrongdoing and will follow the evidence wherever it leads them. Officers found to have taken illegal payment may face criminal charges and disciplinary proceedings which could include dismissal without notice.

Q & A

What progress has been made in Operation Weeting and Operation Elvedon in recent months?

- The police investigations are making good progress. So far there have been 22 arrests under Operation Weeting [as of 15/03/12] and the MPS estimate that there could be more than 6,000 potential victims
- There have been 23 arrests under Operation Elvedon.

What is the Government doing to address the concerns around phone hacking?

- The Leveson Inquiry will report to both the Home Secretary and the Secretary of State for Culture, Media and Sport.
- The Government will consider any reports made by the Inquiry, particularly where they make recommendations for legislative change or touch on aspects of government policy
- In July 2011, the Home Secretary requested a report on the Independent Police Complaints Commission's (IPCC) experience of corruption in the police service in England and Wales. The first part of the report was published on 15 September 2011 and the second part is due to be published this month (March).
- Also in July, the Home Secretary asked Her Majesty's Inspectorate of Constabulary (HMIC) to consider instances of undue influence, inappropriate contractual arrangements and other abuses of power in police relationships with the media and other parties and to make recommendations about what needs to be done. HMIC's report was published on 13 December 2011. The Government is looking forward to seeing detailed proposals from ACPO in response to the report's recommendations next month (April).
- The Government provided a formal response on 15 September to the recommendations in July in the Thirteenth Report by the Home Affairs Committee in July entitled 'Unauthorised tapping into or hacking of mobile communications.

Doesn't the law on phone hacking need to be changed?

- The intentional interception of communications or phone tapping without lawful authority is illegal. The Regulation of Investigatory Powers Act 2000 (RIPA) includes a criminal offence for unlawful interception.
- We believe there already is a comprehensive framework for legislation to deal with unlawful hacking of communications and that the law itself does not need changing.
- Interception can be carried out lawfully by a limited number of agencies and for strictly defined purposes under a warrant issued by the Secretary of State, namely where necessary in the interests of national security, for the purpose of detecting or preventing serious crime and for the purpose of safeguarding the economic well-being of the UK.