

NI Group Limited
R. Caseby
Seventh Statement
Exhibits RC15 – RC16
19 November 2012

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

**SEVENTH WITNESS STATEMENT
OF
RICHARD CASEBY**

I, Richard Caseby c/o The Sun, News Group Newspapers Limited, of 3 Thomas More Square, London E98 1XY, will say as follows:

1. I am Managing Editor of the Sun and I have held that position since July 2011. This is my seventh witness statement to the Leveson Inquiry.
2. The purpose of this witness statement is to respond to the witness statement of Tamsin Allen of Bindmans LLP dated 19 July 2012, in which:
 - (a) Ms Allen refers to an article published in The Sun about a client of hers who had been arrested for a serious offence (paragraph 2 of the statement);
 - (b) Ms Allen appears to complain that, on the day before publication, one of her colleagues "sought to contact The Sun to ask it not to publish any details", however "she was not able to get through to anyone and was later told there was a systems outage at The Sun" (paragraph 3 of the statement).
3. Ms Allen's client has now issued legal proceedings against News Group Newspapers Limited, complaining that publication of the article amounted to a misuse of private information and a breach of the Data Protection Act. That claim is being defended by The Sun. In the circumstances it is not appropriate for me to respond in detail to the complaint about the fact of publication of the article. However, since Ms Allen has exhibited the letter before action dated 18 July 2012 it is appropriate that I should produce at Exhibit RC15 a copy of the response dated 27 July 2012 sent by Simons Muirhead and Burton solicitors acting on behalf of News Group Newspapers Limited, which sets out The Sun's position. As is apparent from that response The Sun has taken advice from solicitors and leading counsel in relation to the claim by Ms Allen's client.
4. I have investigated the apparent complaint in paragraph 3 of Ms Allen's statement. Unfortunately, Ms Allen does not state which of her colleagues sought to contact The Sun, what method(s) of communication were used, to whom at The Sun any communications were directed, at what time(s) such communications were made, or who said there had

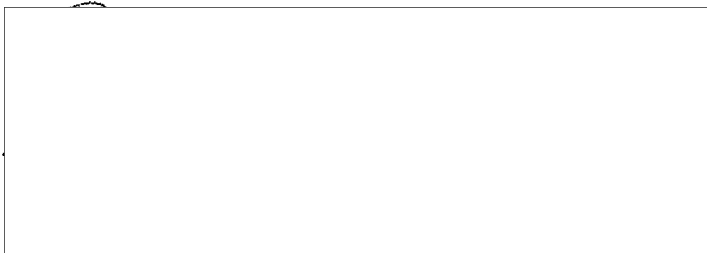
been a "systems outage".

5. Insofar as paragraph 3 of Ms Allen's statement gives the impression that The Sun was at fault for unreasonably failing to pick up the phone or otherwise respond to communications from Bindmans LLP on the day before the publication, it is incorrect. What appears to have happened is as follows.
6. The Sun's reporter contacted the employer of the young actor in question about the proposed article on the afternoon before The Sun planned to publish the story. This came to the attention of Bindmans LLP. However it appears that no attempt was made by Bindmans LLP to contact The Sun by email or letter. An attempt was made to contact The Sun by telephone but not until shortly before 23.48 that evening, when a Ms Lanchin of Bindmans telephoned the office landline number of Justin Walford, one of The Sun's two in-house lawyers. Because the phone was ringing continuously and because the office was otherwise empty, Mr Walford's phone was answered by Victoria Silberbauer, an in-house lawyer in NI's corporate legal affairs department whose desk happened to be near to that of Mr Walford. Ms Silberbauer has told me that it was the first time that evening that she had heard Mr Walford's phone ring.
7. During the call, Ms Silberbauer explained that she was not an editorial lawyer but offered to take a message. Ms Lanchin made no mention of any earlier attempts to contact The Sun and Ms Silberbauer made no mention of any "systems outage". Ms Lanchin was reluctant to give her name or contact number, and refused to give the name of her client or any explanation of the purpose of her call. In these circumstances, Ms Silberbauer did not accede to Ms Lanchin's request to be given Mr Walford's mobile number. However she did take a message.
8. After the call, Ms Silberbauer immediately emailed Mr Walford and Ben Beabey, The Sun's two in-house lawyers, and telephoned Mr Walford. I attach a copy of Ms Silberbauer's email as Exhibit RC16, without waiving privilege in any legal advice or other documents.
9. Mr Walford cannot recall the exact sequence of events, but Ms Silberbauer recalls him reporting to her the following week that he had tried to call Ms Lanchin back immediately but that she had not answered her phone. In any event, by that time of night The Sun had already gone to press.
10. Mr Walford and Mr Beabey have confirmed that they have no recollection of receiving any other communication from Bindmans LLP on that day of any sort, or any message from the newsdesk about any such communication. Mr Walford was present at The Sun's offices during the day and evening, and was available on his mobile phone once he had left the office.

11. It is well recognised in the industry that the first point of contact for a media lawyer out of office hours is a newspaper's newsdesk. The Sun's newsdesk is staffed until the early hours of the morning every day. Despite this, it appears that Bindmans LLP's only attempt to contact The Sun in relation to this article consisted of one telephone call directly to one of The Sun's two in-house lawyers shortly before midnight and therefore after the next day's edition of The Sun had already gone to press.

I believe that the facts stated in this witness statement are true.

Signed ..



Dated 19/11/12