

Witness name: Ian Campbell MacGregor
Dated: 14 October 2011
Filed in response to a notice dated 8 August 2011

The Leveson Inquiry into the culture, practices and ethics of the press

**WITNESS STATEMENT OF IAN CAMPBELL MACGREGOR
EDITOR, THE SUNDAY TELEGRAPH
14 OCTOBER 2011**

I, Ian Campbell MacGregor of 111 Buckingham Palace Road, London SW1W 0DT, will say as follows:

1. I make this witness statement in response to the Leveson Inquiry's notice dated 8 August 2011 (the "**Notice**"). In accordance with the terms of the Notice, and save where I have stated otherwise, this statement addresses my experience at Telegraph Media Group Limited ("**TMG**").

Question 1: Who you are and a brief summary of your career history in the media.

2. I am the editor of the Sunday Telegraph, a national Sunday broadsheet newspaper published by TMG. I have held this position since September 2007. For the last three years I have also been a commissioner of the Press Complaints Commission. However, this statement is made solely in my capacity as editor of the Sunday Telegraph.
3. Over the course of a 25-year career in journalism, I have held a range of positions at a number of regional and national newspapers. After graduating with an MA in English from Edinburgh University, and then a

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year long post-graduate course in Journalism at Cardiff University, my first job was as a reporter with the Southern Evening Echo in 1985.

4. This was followed by a stint at South West News in Bristol, which provided news reports for national newspapers and local media.
5. I then moved to the Press Association, where I held a number of positions (news reporter, court reporter, and education correspondent), before taking up my first Fleet Street position as education correspondent at the Daily Express. I subsequently became the New York correspondent, and then Deputy News Editor of the Daily Express. I then moved to the Daily Mail, where I was first Deputy News Editor and then News Editor for approximately three years.
6. I worked for the Daily Mail until February 1999, when I was appointed launch Editor of Metro in London before setting up different regional versions of the free newspaper around the country. Approximately 18 months later I became Editor of the Scottish Daily Mail. Following that I was appointed Deputy Editor of the Evening Standard, where I spent four years.
7. In September 2006 I was given the job of Deputy Editor of the Daily Telegraph, before taking up my current position on the Sunday Telegraph one year later.
8. In addition, I was appointed visiting Professor of Journalism at Nottingham Trent University in 2010, a post which I still hold. This is a non-salaried role.

Questions 2 and 3:

- ***How you understand the system of corporate governance to work in practice at the newspaper where you are employed with particular emphasis on systems to ensure lawful, professional and ethical conduct.***
- ***What your role is in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If***

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you do not consider yourself to have been/be responsible for this, please tell us who you consider to hold that responsibility

9. I report directly to Murdoch MacLennan, TMG's Chief Executive. However, I am responsible for the editorial content of the Sunday Telegraph, and all editorial decisions relating to the Sunday Telegraph ultimately rest with me. TMG maintains a clear distinction between its editorial and commercial functions.
10. I work alongside the Executive Director, Editorial, Richard Ellis, who also reports directly to the Chief Executive. The Executive Director, Editorial together with his team, manages the financial and administrative aspects of the paper, including managing and reporting on each department's budget, managing contractual arrangements with suppliers and other external providers, and dealing with personnel issues (recruitment and any serious disciplinary issues). This allows the editors and heads of department to focus primarily on content.
11. For the purpose of clarity I should explain how the Sunday Telegraph works in relation to the Daily Telegraph. In recent years we have integrated the editorial departments (e.g. business, sport, visuals), so that the majority of staff now work for both papers and the Telegraph website. There is a small nucleus of news reporters who work primarily for the Sunday Telegraph. By primarily, I mean the members of that nucleus also write for the combined Telegraph website and work with the Daily Telegraph on stories or features in which they have particular expertise. However, the main use of their time is to write stories or features for the Sunday Telegraph and the website.
12. We need that small nucleus of reporters because Sunday newspapers have a different 'feel' from daily newspapers. Sunday papers have a tradition of longer, more in-depth articles, as well as stories setting the agenda for the next week. We also ensure there is room for detailed analysis, and reflection on the previous week's events, which readers want to think about with more time on their hands.

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13. The heads of the integrated Telegraph departments report to me or Tony Gallagher (Editor of the Daily Telegraph) as appropriate in relation to content, and report to the Executive Director, Editorial in relation to financial and administrative issues. Although the Editorial Executive team manages the budgeting process, I am responsible for operating the Sunday Telegraph within budget. All other commercial functions of TMG are the responsibility of commercial executives.
14. As I will explain below, there are a number of systems in place at the Sunday Telegraph that exist to help ensure 'lawful, professional and ethical conduct'.
15. But it is also essential to stress the importance of workplace 'culture' in a fast-paced competitive environment like a newsroom where the exercise of good judgment is central to what we do. Our brand depends on trust. I believe our readers expect us to be robust in our news-gathering operation, to expose corruption, to reveal the truth, and to do so ethically. I expect professionalism and excellence from every person who works for the Sunday Telegraph, and I try to lead by example with attention to detail, accuracy, honesty and integrity.
16. Everyone who works for the Sunday Telegraph is required by their contract to observe the staff handbook (which is available online on the company's intranet), and, in addition, all editors, journalists and retainers are required to observe the PCC Editors' Code of Practice ("**PCC Code**") and not to bring the newspaper or Company into disrepute. This is set out in their respective contracts. I attach great importance to the PCC Code, indeed, it is central to the way we work. If there is any issue or question about our news-gathering operation, we consult the PCC Code as well as our in-house lawyers.
17. I understand that as part of our graduate trainee scheme, all recruits are given training on the PCC Code. In addition, TMG's HR department organises training for reporters on a range of topics, including courses

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such as updates on libel law if required. Our in-house legal team also briefs reporters on legal changes when required.

18. As I will explain in more detail below (in answer to questions 6 and 7), we have a clear command structure and internal checking procedures to try and ensure that everything we print is accurate, fair, and compliant with the PCC Code. A news reporter will consult the news editor or deputy news editor when deciding whether to pursue a complicated news story, or if they think there are any potential legal or ethical issues. The reporter and/or news editor will then come to me or my Deputy Editor, Tim Jotischky, if there are any issues. TMG's in-house legal team provides round-the-clock support, and in practice we err on the side of caution in referring copy for legal review. The legal team regularly reviews up-coming stories for potential legal issues or issues under the PCC Code.
19. Any complaints that we receive in relation to published articles are passed on as soon as possible either to myself, or my Deputy Editor, or TMG's in-house lawyers. If there appears to be any actual or potential legal issue we consult as soon as possible with our in-house lawyers (if they are not already involved), and on the few occasions that a clarification or correction needs to be made then we print them in the paper and online as appropriate
20. Occasionally, a reporter working for the Sunday Telegraph may make a mistake, or may fail to live up to expectations in some other way. If there are any such matters which can be dealt with informally on a one-to-one basis, then I or my Deputy Editor will deal with that. If there were a more serious disciplinary matter, I would pass it on to either the human resources department or the Executive Director, Editorial, Richard Ellis. If issues arise relating to other editorial staff members (e.g. pictures or production staff), they would likely be dealt with either by their head of department (in the event of a minor issue) or the Executive Director, Editorial (in the case of a more serious disciplinary issue).

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21. Staff performance is reviewed every year. Every head of department, including the news editor and myself, will appraise the staff members who report directly to them, both verbally and in writing. These appraisals focus on overall quality of work. In addition, all new recruits go through an interview process and are subject to background and reference checks (organised by the Human Resources department).
22. I see it as the role of myself, and my Deputy Editor to maintain the Sunday Telegraph's culture of excellence and professionalism, and to read as much news and feature copy as practicable. I believe it is important to have an experienced final set of eyes to help identify any areas of potential risk. It is also important that we help to ensure that the copy is well written, and that the tone and style is up to the Telegraph's standards.

Question 4: Whether the documents and policies referred to above are adhered to in practice, to the best of your knowledge;

23. As far as I know, all Sunday Telegraph reporters take journalistic ethics seriously. I am not aware of any systemic issues of non-compliance with any TMG policies and procedures falling within the terms of reference.
24. We are in the business of gathering news, and revealing the truth of what is going on in the world; that is part of our *raison d'être*. That is what our readers expect of us. It goes without saying that some people may not like what they read if it is about them. The complaints we do receive generally involve disputes of fact. If it is the case that we need to clarify or correct those points, we do so. We have a culture of accuracy and honesty, and I hope it goes without saying that we never intentionally publish anything that is inaccurate or misleading. Material complaints to the PCC are relatively few, and there have been no adjudicated complaints upheld by the PCC against the Sunday Telegraph during my time as Editor. To the best of my knowledge, there has been no actual or threatened legal action against the Sunday Telegraph in my time as Editor alleging that we have used illegal methods to obtain information.

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25. TMG employs a large number of reporters. As you might expect with any large employer, disciplinary issues occasionally arise. I understand that TMG's Company Secretary will be providing details to the Inquiry of any relevant disciplinary issues that have arisen in recent years.

Question 5: Whether these practices have changed, either recently as a result of the phone hacking media Interest or prior to that point, and if so, what the reasons for the change were;

26. There has been no change in policy or practice as a result of the phone hacking scandal. The Chief Executive has recently sent all editorial staff an editorial code of conduct reminding them of their responsibilities, and reinforcing and drawing attention to their contractual obligations, the Company's policies, the PCC Code, and the need to pay attention to relevant legislation, including the new Bribery Act and the Data Protection Act. This editorial code does not reflect any change in policy or practice, but rather summarises and affirms TMG's core principles.
27. I am not aware of any other change in practice that has occurred during my time as Editor of the Sunday Telegraph that could be relevant to the Inquiry. I do not know of any changes in practice that may have occurred before I started working at TMG, except to say that it is, of course, the case that every new Editor will bring his or her own style, direction, influence and approach to the paper.

Questions 6 and 7:

-Where the responsibility for checking sources of information (including the method by which the information was obtained) lies: from reporter to news editor/showbiz editor/royal editor to editor, and how this is done in practice (with some representative examples to add clarity;

- To what extent an editor is aware, and should be aware, of the sources of the information which make up the central stories featured in your newspaper each day (including the method by which the information was obtained);

28. The responsibility for getting the facts right lies primarily with the reporter who brings in the story. Reporters are expected to judge the reliability of their sources and make any necessary inquiries. If they have any legal

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or ethical concerns about the source of a story, they are expected to raise those concerns with the news editor (who may in turn raise the matter with me or the Deputy Editor) and / or TMG's in-house legal team.

29. All news stories are reviewed by the news editor before publication. If there is any question in the mind of the news editor about the source of the information, it is his duty to question the reporter responsible and ensure that appropriate checks are carried out (including any internal checks with the legal team) before publication.
30. I am not always aware of the detail of where information has come from, or the precise methods by which information has been sourced. However, the Deputy Editor and I run a small, tight team, and we are very 'hands-on' in how we operate the Sunday Telegraph. As I read a story, if anything looks sensitive or debatable, I will ask the news editor, or the reporter directly, for more information about where the details came from. The extent to which I am aware of the source of information, and the methods used, depends on the story and the reporter.
31. Sometimes I will ask a reporter who his or her sources are, but if that reporter is worried about breaking confidentiality, I respect that. The moral obligation to protect confidential sources of information is, of course, enshrined in the PCC Code. However, I then have to make a decision about whether or not I am prepared to run the story without personally being aware of the source. I am more likely to be willing to do so in the case of an experienced reporter in whom I have a lot of trust. There might be other occasions involving more junior reporters where I would be more likely to check sources of stories in more detail, and if I could not satisfy myself I would be less likely to run the story.
32. Material that is supplied by freelance journalists, columnists, and external news agencies is also subject to the Sunday Telegraph's checking procedures, although in practice these procedures may operate differently than in the case of staff reporters. We would be very unlikely to question the accuracy of a news report that came in from, for example,

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the Press Association or a regional news agency unless something stood out as particularly surprising or unlikely. If that ever happened, we would make our own checks before publishing the story. The columnists who write for the Sunday Telegraph are chosen because they are experts in their field, and they are very experienced journalists. As with our own very senior reporters, I am less likely to question material produced by a columnist than I am to question the work of a junior staff reporter. I still ask questions and probe further if I need to, but it is less likely to be necessary. Material that is supplied by an ad hoc contributor or a freelance journalist may be subject to more or less cross-checking and questioning depending on the person, our previous experience with that person (if any), and the nature of the information.

33. On the very rare occasion a news reporter or a news editor were considering going "undercover", it would only be done after consultation with and careful consideration by either myself or the Deputy Editor and we would also usually consult with our in-house lawyer to ensure compliance with the PCC Code. One recent example is a story we published about Europe's largest stem cell clinic. There had been reports of a number of concerns. The allegation was that seriously ill patients with currently untreatable diseases such as multiple sclerosis, and Parkinson's, were being offered 'miracle cures'. I decided to launch the investigation led by our chief reporter Robert Mendick, and Alasdair Palmer, our public policy editor, who suffers from multiple sclerosis and is wheelchair-bound. Palmer posed as a potential customer at the clinic in Germany, accompanied by Mendick as a friend. They went for a consultation with the clinic's senior doctor (which was secretly recorded on film) in which he suggested that, if successful, Mr Palmer might be able to walk again. Following publication of our report (which also revealed the death of a child at the centre), the clinic was later shut down by German authorities.
34. There has to be trust in a newsroom between an editor and his reporters. At the same time, we do check and ask questions where necessary to

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ensure our high standards are met, and if I need to ask questions about sources of information I do so.

Question 8: The extent to which you consider that ethics can and should play a role in the print media, and what you consider 'ethics' to mean in this context;

35. I believe strongly in the importance of free press in a democracy. Without a free press challenging people in authority I am afraid there will forever be an element of corruption and improper behaviour. It is our duty to find out the truth.
36. At the same time, it is our obligation to act ethically and responsibly. The PCC Code is at the heart of how we operate.
37. I believe every Sunday Telegraph reporter understands (because of our culture, because of the PCC Code, because of our Staff Handbook) that if they are writing a story that is potentially damaging or critical of anyone that the story should be fair, accurate and balanced. They should not be overly intrusive.
38. I attach for the Inquiry's information, a copy of an editorial I published in July this year commenting on the free press and public trust in the light of the phone hacking scandal.

Question 9: The extent to which you, as an editor, felt any financial and/or commercial pressure from the proprietors of your newspaper or anyone else, and whether any such pressure affected any of the decisions you made as editor (such evidence to be limited to matters covered by the Terms of Reference);

39. Neither TMG's Chief Executive nor its Chairman nor its proprietors have ever put any financial or commercial pressure on me in relation to any editorial decisions. They have never interfered in my decision making, asked me to print more exclusives, or ever told me to run a particular story. Initially during my time as Editor I reported to the Editor in Chief but since this post has been disbanded all final editorial decisions in relation to the Sunday Telegraph are mine to make.

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40. If there was a particularly big story with major implications, then I would speak directly to the Chief Executive so that he would know what was happening as a matter of courtesy, but the decision would be mine to make. The Chief Executive has at all times been exceptionally supportive and allowed me to run the editorial side of the newspaper with a free rein.

Question 10: The extent to which you, as an editor, had a financial incentive to print exclusive stories (NB. It is not necessary to state your precise earnings)

41. As a senior executive, I am eligible to participate in TMG's annual bonus scheme. Part of my bonus is determined by financial targets – i.e. whether or not I operate the Sunday Telegraph within budget, and TMG's operating profit. My bonus is also affected by the Sunday Telegraph's share of the market. However, there is no direct financial incentive to print 'exclusive stories'.
42. It is possible for quality exclusives to increase circulation and thus they could in theory indirectly affect my performance targets. However, the key to running a successful newspaper is to ensure readers do not buy it just once because of an exclusive but want to keep on buying it. To achieve that, the whole package - not just the front page - has to be strong and balanced. Our readers want to be informed, stimulated and entertained. Every page matters.

Questions 11 and 12

- Whether, to the best of your knowledge, your newspaper used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them (NB. You are not required to identify individuals, either within your newspaper or otherwise);

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- What your role was in instructing, paying or having any other contact with such private investigators and/or other external providers of information;

43. I would hope that it goes without saying that I am, of course, opposed to any kind of corruption or bribery of police and public officials, and would never tolerate phone hacking or computer hacking.
44. Although I am not aware of any payments to police or public officials (other than payments made by TMG to columnists such as Lord Coe), I and members of my team do entertain police and public officials from time-to-time, as we do with all potentially useful connections. Good sources are critical to being a journalist. To maintain a relationship, regular contact and some entertaining is necessary. This generally takes the form of a lunch or dinner.
45. Having good connections in the public sector or police force can be valuable for off-the-record, or on-the-record conversations, for guidance in a particular area, or to confirm or deny rumours that are circulating. Having the right connections is only occasionally about getting exclusive stories; it is more about being better informed and having one's finger on the pulse.
46. I also believe that a good relationship between the press and the public sector is an essential part of a functioning democracy. A trusted source in the public sector may let us know if a controversial new policy is being considered, for example. This may lead us to make further inquiries, ask questions, or make requests under the Freedom of Information Act. These relationships help to ensure that important issues of public policy are brought to light and debated in the open.
47. In relation to the majority of stories that we publish, no payments have been made for any information. Although we quite often receive leaks, most of the people who send us information are not looking for money. It is rather that they want to let us know something that they think is wrong.

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We then decide if it is a subject that is of interest to our readers and something we want to pursue.

48. Although we generally do not pay for stories, there are a number of situations in which the Sunday Telegraph pays for external sources of information:

(A) We pay freelance journalists, external news agencies, and columnists for content, and we regularly pay for photographs.

(B) We sometimes pay 'tip-off fees' for stories. For example, our diary page, "Mandrake", will publish stories from freelance reporters which we have paid tip fees for. Occasionally the newsdesk will pay tips for news stories. On one occasion this involved paying Neil Wallis for a tip regarding the expenses of a member of the House of Lords. The facts were checked, the story was printed and we paid Mr Wallis (through his public relations company Chamy Media) a fee for his services (£1000 plus VAT). I also sent him some champagne as a gesture of thanks. I think this was a sensible amount for a front page news story.

(C) Reporters sometimes use external search agencies to find contact details for people they want to talk to in relation to a story. They will normally try to find contact details themselves; however there are occasions where they do not have the time or want to do a more up-to-date check and seek back-up support from such a search agency.

49. Beyond what I have just described, I am not aware of anybody at the Sunday Telegraph using or paying a private investigator since I took up my current position. I am not aware of anybody making a payment to a public official for information, although TMG does pay some public officials to produce content for the newspaper (e.g. columnists such as Boris Johnson and Lord Coe). I am not aware of any payments to police

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officers or mobile phone companies for the purpose of getting information for a story.

50. I should add that although the Sunday Telegraph, to the best of my knowledge, has not hired a private investigator in my time with the paper, I am not opposed to the concept of journalists using private investigators to source a story. Part of our responsibility as journalists is to expose issues of public interest, and, in some cases, a private investigator will be best placed to find the relevant information. However, using a private investigator is obviously a sensitive matter, and it needs to be carefully considered to make sure it is done properly, and only in the right circumstances.

Questions 13, 14 and 15

- If such investigators or other external providers of information were used, what policy/protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on);

- If there was such a policy/protocol, whether it was followed, and if not, what practice was followed in respect of all these matters;

- Whether there are any situations in which neither the existing protocol/policy nor the practice were followed and what precisely happened/failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?

51. As we do not use private investigators to source stories, we do not have any formal written policies in relation to how they might be chosen and used. If someone was thinking of hiring a private investigator to source a story, I would certainly expect that either I or the Deputy Editor or the News Editor would be consulted beforehand, and any potential issues would be discussed with TMG's in-house lawyers.

52. There are a wide variety of other potential external sources of information (freelance journalists, social media, personal contacts etc., etc) and there are no prescriptive rules governing how we identify and use external

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information. Formal contractual arrangements (e.g. with suppliers and retainers) are managed by the Executive Director, Editorial. All editorial expenditure is tightly controlled through our accounting systems and our procurement and expenses policies. I understand TMG's Finance Director will be providing the Inquiry with further details of TMG's financial systems.

Questions 16 and 17:

- The extent to which you are aware of protocols or policies operating at your newspaper in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need for you to cover 'official' sources, such as the Press Association;

- The practice of your newspaper in relation to payment of expenses and/or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need to cover 'official' sources such as the Press Association;

53. All editorial spending has to be signed off by an editorial executive with the appropriate level of authority. I understand TMG's financial procedures will be explained in more detail by TMG's Finance Director, Finbarr Ronayne. Any commitment in excess of my own authority level must be authorised by the Managing Editor, the Executive Director, Editorial, or, if higher, the Finance Director.

Question 18: In respect of editorial decisions you have made to publish stories, the factors you have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources' in the circumstances outlined under paragraph 11 above) against the public interest in a free Press. You should provide a number of examples of these, and explain how you have interpreted and applied the foregoing public interest;

54. Responsible journalism is a balancing act between serving the public by publishing stories of public interest and importance, and protecting individual privacy. This is recognised in the PCC Code, which does not forbid intrusions into an individual's private life, but requires that they be justified. Every case is different, but the starting point for me when

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considering any story that raises a privacy issue is the spirit and letter of the PCC Code.

55. The PCC Code expressly recognises that the public interest defence includes detecting or exposing crime or serious impropriety, protecting public health and safety, and preventing the public from being misled by a statement or action of an individual or organisation. However, just because a potential story might fit into one of these categories does not mean that I automatically view the public interest as overriding the privacy interest. The extent of the intrusion is a relevant consideration, as is the level of legitimate public interest in the story. Not all potentially misleading statements will justify a privacy intrusion.
56. In one example, the story initially seemed to be in the public interest, but once I was aware of the full facts I decided that the private interest of the individual concerned was more important, and we did not publish. It involved a sports figure who had suffered a serious head injury. There was a level of public interest in his condition and anxiety about his recovery. After one of our senior reporters sent an email inquiring after his condition, the individual concerned contacted that reporter from hospital to give an interview on the telephone. Our reporter spoke to him for 20 minutes, and he seemed coherent and was willing to talk. We thought we had a very good up-beat story about a sports personality and his amazing recovery. However the gentleman's wife contacted us the next day (24 hours before publication) and asked us not to run the story. She said that the gentleman involved did not realise how ill he still was, and that even though he had appeared fully lucid when giving the interview his health was still at risk. Once I was aware of these concerns, I decided to pull the story.
57. Another recent example of a story where we withheld publication of certain information was the recent tragedy involving the Welsh miners trapped underground. Naturally, there was a lot of public concern for the miners and their families, and the story received considerable media attention. We received a request from relatives via the Press Association

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not to publish images of the grieving widows and their children, and so instead we chose a different image to represent the human loss (a picture of a wreath being laid that did not identify the individual).

58. On the other hand, there are stories that raise potential privacy issues where we believe the public interest outweighs those privacy issues and we publish the story. For example, although the investigation into MPs expenses was led by the Daily Telegraph, the Sunday Telegraph also published a number of stories based on the information obtained by TMG. Much of that information was directly related to aspects of the private lives of MPs (e.g. where they lived, who they lived with, the internal decoration of their houses), but we felt the public interest in understanding how taxpayers' money was being spent by MPs far outweighed any privacy concern. At the same time, we were careful not to publish sensitive personal information such as bank account numbers.

Question 19: Whether you, or your newspaper (to the best of your knowledge) ever used or commissioned anyone who used 'computer hacking' in order to source stories, or for any other reason.;

59. Neither I nor my newspaper, to the best of my knowledge, has ever used or commissioned anyone to be involved in 'computer hacking' in order to source stories or for any other reason.

Document Requests

60. The Notice asks me to provide the Inquiry Panel with certain documents. TMG has centrally co-ordinated the search for documents falling within the scope of the notices received by all TMG employees, and I believe that any documents falling within the scope of this request will be included in the documents submitted by the company secretary.

I believe the facts stated in this witness statement are true

Ian Campbell MacGregor

14 October 2011

telegraphmediagroup

Documents from The Telegraph Archive

1 message

These documents have been sent to you from The Telegraph Archive system.

10 Jul 2011 SUNDAY TELEGRAPH Page 25 (STF) Edition 1C (1010 words)

This scandal must not destroy our free press

The public must be reassured that the press is worthy of its trust, and that this disgraceful episode will not be repeated

Leaders

The general public is aghast at the details of the journalistic methods used by the News of the World - as, indeed, are most journalists. It is not easy to find words strong enough to condemn the allegations of hacking into phones belonging to the parents of soldiers killed in the course of service in the British Army, still less to express the shock and disgust at the suggestion that one investigator on the News of the World's payroll hacked into the mobile phone of Milly Dowler, the murdered teenager, and deleted some of the messages left on it, thereby giving her parents the entirely false hope that she might still be alive.

Executives from News International, the company that owned and controlled the News of the World, long insisted that such actions were restricted to isolated individuals. The evidence has become overwhelming that this is not true, and that the practice of hacking into the phones, not merely of celebrities, but of ordinary members of the public, was widespread. Rebekah Brooks, News International's chief executive, has suggested that there is much more, and possibly much worse, to come. We await a comprehensive statement from News International which gives the full picture of what went on, not just at the News of the World, but at all of the titles owned in this country by Rupert Murdoch. We also await an explanation for why Mrs Brooks, and other News International executives, appear to have given misleading information to parliamentary committees, and the police. It is certainly right that there should be a public inquiry, led by a judge, that can establish the full truth. No institution emerges particularly well from this sorry affair. There have been allegations that the relationship between some police officers and the tabloid was inappropriately close, and possibly corrupt. The interview we publish today with John Yates, the assistant commissioner of the Metropolitan Police, shows that Scotland Yard admits candidly that it made mistakes, especially in failing to review and re-investigate information it obtained when Glenn Mulcaire and Clive Goodman, the two News of the World employees jailed for their role in hacking phones, were prosecuted. The Crown Prosecution Service took a very narrow view of when the offences had been committed, which made it very difficult for prosecutions to take place, and encouraged the police to restrict their investigations in a way that prevented officers from uncovering the enormity of what had been done - even though the relevant evidence had been in the possession of the police since 2006.

All the main political parties were intimidated by Mr Murdoch's power, as were most Members of Parliament. That partly explains why they failed, as Mr Cameron admitted last week, to take the allegations of phone hacking by the News of the World with the seriousness that it is now clear they deserved - to the extent that Mr Cameron could appoint its former editor, Andy Coulson, as one of his most senior advisers.

Obviously, the institution that has most to answer for is News International, whose behaviour has contaminated the reputation of the media as a whole. The overwhelming majority of journalists do not employ the shameful tactics of the News of the World; sadly, the public is not always disposed to make fine distinctions between good and bad journalists, any more than it was to make distinctions between frugal and profligate MPs during the expenses scandal. In this case, the system of press regulation, which aims to ensure universal adherence to proper standards of decency and honesty, did not work. What can be done to prevent something similar from happening again?

Under the present system, the press is regulated by the Press Complaints Commission, which has a majority of lay members. These 10 independent figures are supported by seven senior editors from the magazine industry and the local and national press (their number currently includes the Editor of The Sunday Telegraph). The PCC has a reasonably good record in resolving complaints against the press, and forcing editors and journalists to admit and correct their errors. But with limited investigative powers, it is forced to rely on the basic veracity of those giving evidence, a process which manifestly failed in the case of the phone hacking scandal.

The public must be reassured that the press is worthy of its trust, and that the News of the World's disgraceful behaviour will never be repeated. The need to reform the system of press regulation is without question: in particular, the PCC, or its successor, must have the power to investigate accusations far more thoroughly. But David Cameron's plan for a new system of government-imposed regulation, whose nature will be determined via a second inquiry, has its dangers, too. As "super-injunctions" have shown, the law has given those with the money to do so the ability to stifle discussion, and to prevent the publication of facts they find inconvenient. We can be sure that some politicians would, if given the chance, frame regulations in a way which would impede the investigation of serious wrongdoing by public figures, and even diminish the ability of the press to scrutinise and criticise government policy. This would be disastrous for the media, and for democracy.

A free press has many faults: but so far, no one has been able to discover an alternative method of holding public figures to account. A system of state licences for newspapers, which has been mentioned, would be a way of ending press freedom. Even in the 17th century, it was recognised as incompatible with a free press, which is why the Licensing Act, first passed in 1662, was allowed to lapse in 1695. The press needs to be trusted by the public if it is to fulfil its function of informing it. The hacking scandal has punctured that trust. Action must be taken to restore it. But government regulation will not have that effect. Politicians and legislators must therefore resist the temptation to replace the present, inadequate system with something that would be much, much worse.

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