1 1 2 2 (2.10 pm)3 MR JAY: Sir, this afternoon we have the Telegraph Media 4 4 Group Limited. The first witness is Mr Murdoch 5 MacLennan, please. 5 6 MR MURDOCH MACLENNAN (sworn) 6 7 7 Questions by MR JAY 8 MR JAY: Please make yourself comfortable, Mr MacLennan. 8 9 A. Thank you, Mr Jay. Q. And give us your full name, please. 10 10 11 11 A. Murdoch MacLennan. 12 Q. Thank you. I hope in the first of the two bundles in 12 13 front of you you'll find under tab 2 your witness 13 14 statement dated 15 September 2011; is that right? 14 15 A. That's correct. 15 16 Q. You have signed and dated it and appended to it is 16 17 17 a statement of truth. Is this your formal evidence to 18 the Inquiry, Mr MacLennan? 18 19 19 A. It is. 20 Q. You are the chief executive officer of Telegraph Media 20 21 21 Group Limited. Since 2010, you've also been chairman of 22 the Press Association, and you have spent a lifetime 22. 23 working in the newspaper industry; is that correct? 23 24 24 A. Yes. Over 40 years. Q. You tell us in paragraph 5 that between 2005 and 2007 25 Page 1 you were chairman of the Newspaper Publishers 1 1 2 2 Association. Can you tell us about that trade body, 3 please? What are its aims and objects? 3 4 A. It's a trade body for the national newspapers in this 4 5 country and there are a number of other bodies that 5 6 report into it, although the NPA, or Newspaper 6 7 Publishers Association has no jurisdiction over those 7 8 other bodies that cover circulation, readership and so 8 9 on. It's the collective. 9 10 Q. Thank you. The Telegraph Media Group Limited, if I can 10 11 put it in these terms, is the most successful 11 12 commercially of the traditional broadsheet newspapers. 13 You tell us what your turnover and after profit and 13 14 taxation was in the year 2010 in paragraph 30. In 14 15 a nutshell, why is this so, Mr MacLennan? Why is the 15 16 Telegraph successful? 16 17 A. The Telegraph, when we took over the company, was making 17 18 a profit at that stage. It has the most loyal 18 19 readership of any of the newspapers I've ever worked on. 19 20 It's a tight ship. We have a large number of -- in 20 21 fact, we have more journalists, full-time journalists, 21 22 on the team now than we had when we took over, and I'd 22 23 like to think the most talented journalists in the 23 24 24 country. Q. You mention tight ship. It's clear from your evidence 25

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- and the evidence of the next witness that if anything,
- the ship has tightened financially since 2008; is that
- correct?
- A. That would be fair. But it's also one of the most
- modern newspaper and multimedia operations on the planet
- and that's been a process that we've undergone during
- the last seven years.
- Q. Of course, one of the initiatives the Telegraph is
- pursuing, along, of course, with its competitors, is in
- relation to its digital offering on the Internet, and
- that presumably is an ongoing priority for your title;
- is that right?
- A. It is, and when we talk about our profitability, we
- plough our money back into the business to make sure
- that we stay at the forefront of technological change
- within our business, because our competitors these days
- are no longer just other newspapers, but the entire
- media
- Q. Can I ask you a question about the relationship between
- the owners of the paper and the board on the one hand
- and then the editors on the other. Do the owners have
- any influence over what goes into the newspaper?
- A. None at all.
- LORD JUSTICE LEVESON: Is that a feature of some surprise?
- I mean, if one reads historically into the earlier part Page 3
  - of the last century, the big proprietors were not merely
- proprietors; they were much, much more than that.
- A. Yes, and they used their power accordingly.
- LORD JUSTICE LEVESON: Yes.
- A. My recent experiences, sir, have been, with my present
- employers and going back to my last employer,
- Lord Rothermere and his late father, absolutely no
- involvement with their titles. They take a very
- professional view of church and state between editorial
- and the business operation.
- MR JAY: Do you know the reasons for that?
- A. Well, my present chairman is a very private individual,
- but also, as I said, very professional in the way he
- deals with the business. He's very interested on
  - a day-to-day basis with the running of the business, how
- effective or otherwise I am, and leaves the editorial
- side entirely in the hands of his editors.
- Q. Thank you. You say in paragraph 9 of your statement
- that you hold weekly senior management meetings --
- A. Yes.
- Q. -- which include both the editors and the senior
- commercial directors to review the performance of the
- business and to discuss key strategic issues. You're
- obviously excluding from that editorial issues but what,
  - in a nutshell, are these key strategic issues?

- A. We could be talking about promotions. We could be
- 2 talking about a major shift in the IT operation, general
- 3 business issues and major projects, which could also
- 4 involve the editorial operations, so there's no
- 5 exclusion to that, but not to discuss content in any
- 6 shape or form.
- 7 Q. No. Then you tell us in paragraph 13 -- I'm not going
- 8 to cover all your evidence, Mr MacLennan, we're going to
- 9 take the rest as read, if you don't mind:
- 10 "The Telegraph are strong supporters of the code and
- 11 since March 1998, adherence to the code has been written
- 12 into all journalists' contracts of employment."
- 13 Is that so?
- 14 A. That's correct. But because of the Inquiry and the
- 15 seriousness and the reasons the Inquiry was called,
- 16 we've reiterated the main protocols as a healthy
- 17 reminder to us all.
- 18 Q. A letter went out in your name, and it's under tab 3 of
- 19 this bundle. It bears the unique reference number
- 20 06776.
- 21 A. Yes.
- 22 O. Do you have it there?
- 23 A. I have indeed.
- 24 Q. It went out on 14 September from your office, presumably
- 25 to all employees of the paper; is that right?

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- 1 background is in the management side?
- 2
- 3 LORD JUSTICE LEVESON: But do I gather from the other
- 4 offices that you have held and are holding that it would
- 5 be wrong to say that you weren't equally interested and
- 6 have a not insignificant role in relation to the
- 7 editorial side?
- A. Yes, I have both editorial and commercial reporting in 8
- 9 to me. sir.
- 10 LORD JUSTICE LEVESON: But also, as chairman of the
- 11 Press Association and as the chairman of the Newspaper
- 12 Publishers Association and the vice president of the
- 13 World Association of Newspapers, presumably that brings
- 14 across the range. So you won't mind us asking you
- 15 questions across the entire range?
- 16 A. Delighted.
- 17 LORD JUSTICE LEVESON: Yes. You could sound a bit more
- 18 enthusiastic. All right.
- 19 MR JAY: A point arises on the annex to this letter. It
- 20 starts at 06777 but the specific point is on 06778 under
- 21 the rubric "Obeying the law". Do you see that,
- 22. Mr MacLennan?
- 23 A. Yes, I do.
- 24 Q. You point out clearly that staff must obey the law.
- 25 That includes not tapping telephones, intercepting email Page 7

#### A. Yes. 1

- Q. You point out: 2
- 3 "Recent events at the News of the World have placed
- 4 into very sharp focus the issues of ethics and
- 5 integrity. The newspaper industry is under
- 6 unprecedented scrutiny."
- 7 The purpose of this letter, and then the next page,
- 8 was to remind journalists of obligations which they had
- 9 to comply with contractually in any event. It wasn't to
- 10 set any new standards; is that so, Mr MacLennan?
- 11 A. No, that's correct. Because of the black cloud hanging
- 12 over the industry with the phone hacking and the
- 13 News of the World -- I mean, phone hacking is just
- 14 non-existent, wouldn't even come into discussion at the
- 15 Telegraph, but it's important from all sorts of other --
- 16 it's been a useful exercise, both on the financial side
- 17 as well as the editorial side of the business, to go
- 18 over our procedures again.
- 19 Q. Yes.
- 20 LORD JUSTICE LEVESON: I've been described in many ways.
- 21 I've never previously been described as a "black cloud".
- 22 But I'd be very keen at some stage -- and I'm sure
- 23 Mr Jay is going to cover this, to -- develop with you
- 24 some of the concerns and some of the responses, but
- 25 before we get into that, before Mr Jay carries on, your

#### Page 6

- 1 or voicemail messages, et cetera. And then the next 2 paragraph:
- 3
- "As stated in the code, there may be extraordinary 4 circumstances where exceptions to this rule (and others)
- 5 can be justified in the public interest."
- 6 It's not your understanding, is it, that there is
- 7 a public interest defence to tapping telephones, which
- 8 under the relevant statute is an absolute offence, and
- 9 there isn't a defence, for example, of acting in the
- 10 public interest? Do you follow that?
- 11 A. I do. It's completely -- it wouldn't come up for even
- 12 discussion within the Telegraph operation, so there's --
- 13 we have never been involved or engaged in anything of
- 14 that type, and it's never been a discussion or debating
- point. 15
- Q. Yes. 16
- A. Our journalists live by the PCC code. 17
- 18 Q. If it isn't a matter even on the radar of the Telegraph,
- 19 it might be said: well, why mention it in the context of
- this advice that you're giving your journalists? 21 A. I think it comes back to what's happened at the
- 22 News of the World. To make it very clear to everyone
- 23 what we stand for. I mean, our readers, our viewers
- 24 demand honesty and integrity as a given.
- Q. That's part of the Telegraph brand; is that what you're Page 8

20

- 1 telling us?
- 2 A. It is indeed, and that's what we seek to protect at all
- 3 costs.
- 4 Q. Maybe you weren't responsible for the precise wording of
- 5 this advice; it just went out under your name. Do
- 6 I have that right?
- 7 A. Yes. It's a healthy reminder, Mr Jay, across the
- 8 company, because the company handbook is about three
- 9 inches thick and is used as a sort of reference
- document. It's available online to all staff. This was
- just a comprehensive reminder of the main points.
- 12 Q. Okay.

11

- 13 A. I have to say I probably wouldn't have issued it if this
- whole thing hadn't blown up.
- 15~ Q. In paragraph 16~ of your statement, you say where a PCC
- 16 complaint is upheld or legal action is lost, senior
- management would receive a report explaining what has
- happened and assessing how a repetition could be
- 19 avoided. Have disciplinary proceedings ever been taken
  - against members of staff under such circumstances?
- 21 A. No. We haven't had that many complaints, let alone
- serious complaints, but when we have had a serious libel
- action that's gone against us, then a number of lessons
- are drawn from that and that's taken up by the editorial
- 25 manager with the staff. And I'm also made aware of the Page 9

- 1 to carry a letter putting a different point of view."
- 2 Does that happen to your knowledge?
- 3 A. It does if we're proven to be wrong.
- 4 Q. Do you have a corrections page?
- 5 A. No.

9

- 6 Q. Maybe I should ask the editor more about what the policy
- 7 is in relation to that.
- 8 A. The editors, Mr Jay, they are responsible for complaints
  - and they deal with them directly, or their senior
- 10 executives, and they deal with them quickly, so they --
- 11 the complaints procedure within the Telegraph
- editorially is handled at the very top.
- 13 Q. Thank you. Your statement then goes on to deal with the
- MPs expenses matter, which I'm going to ask other
- 15 witnesses about, although you cover the issue of
- 16 financial authority for the intermediary and the
- purchase of the disk because the amount was of such
- a level that your authority was necessary; is that
- 19 right?
- 20 A. That's correct.
- 21 Q. So other witnesses will deal with that in more detail.
- 22 Can I deal with the issue of ethics, which is
- 23 question 9, paragraph 25 and following. In one sense,
- you can view this from the standpoint of both commercial
- 25 expert within the newspaper industry and also having
  - Page 11

- 1 changes.
- 2 Q. Right. So is it more a question then of identifying and
- 3 acquiring lessons learnt than bringing disciplinary
- 4 proceedings against members of staff responsible? Have
- 5 I understood that correctly?
- 6 A. If members of staff have committed a serious breach,
- 7 then it's a different matter. It's in their contracts
- 8 of employment. As I said earlier, Mr Jay, they live by
- 9 the letter of the Editors' Code.
- 10 Q. Can I ask you about paragraph 19. You say:
  - "The senior executive team, in conjunction with the senior editorial team, have also sought to inculcate
- senior editorial team, have also sought to incul within the company a culture of accuracy and
- 14 professionalism."
- We'll hear from the senior editorial team, or rather
- the current editor, how that is achieved from his
- 17 perspective, but how are those objectives achieved from
- 18 your perspective?
- 19 A. Within the Telegraph as a business, we would expect --
- 20 our readers would expect to have any inaccuracy
- 21 highlighted and to have it -- as I said here, to put it
- right in the proper manner as quickly as possible.
- 23 Q. You give one specific example where there's a dispute of 23
- facts. It's rather a general example:
- 25 "Where there is a dispute of fact, I would expect us Page 10

- 1 some editorial expertise as well. Paragraph 26:
- 2 "Ethics means that the newspaper abides by the law
- and the code. The newspaper should own up when
- 4 something has gone wrong and seek to put it right. It
- 5 must respect individual privacy in the news and the
  - photographs it publishes."
- 7 I mean, to your experience, do individual privacy
- 8 issues often arise in relation to the sort of stories
- 9 that the Telegraph publishes?
- 10 A. Very seldom.

6

- 11 Q. Why do you think that is?
- 12 A. Well, back to our -- the very basics of the Telegraph,
- as far as our loyal readership is concerned, they
- 14 expect -- and I hope they get, I know they get --
- 15 accuracy on a day in -- on a daily basis. The paper
- itself is the mission statement of the business.
- 17 Q. That doesn't quite deal with the issue of privacy, why
- that doesn't feature much in relation to the Telegraph's
- 19 stories. You've covered the issue of accuracy but not
- 20 that of privacy, I think.
- 21 A. It's probably a question better asked of the editor, but
- 22 to my knowledge there are very few occasions when
  - 3 privacy is an issue for us.
- 24 LORD JUSTICE LEVESON: Well, it was in relation to expenses,
- but was overridden by the public interest in the story.

- That's something that we can raise. 1
- 2 A. That's true, sir.
- 3 MR JAY: But did you have any input into the public interest
- 4 decision or issues which arose in the MPs' expenses case
- 5 or was that entirely a matter for editors?
- A. The final decision to publish was entirely the editors', 6
- 7 but I was involved in the background to the whole
- 8 business. Although I was on holiday when the initial
- 9 £10,000 was spent on a sample disk, when I came back --
- 10 and I supported that -- when I came back, I was making
- 11 sort of continuous enquiries of our legal department and
- 12 the editor, absolutely satisfied there were major public
- 13 issues at stake there -- public money at stake, and
- 14 serious impropriety and in some cases, a few cases,
- 15 criminality suggested.
- 16 Q. Were you at all concerned whether the publication of
- this story might have an impact on the Telegraph's brand 17
- 18 reputation? And if so, was your input sought in
- 19 relation to that?
- 20 A. I live daily with a concern about the brand reputation
- 21 of our title and protecting our titles and
- 22 future-proofing our titles. It's always at the
- 23 forefront of our minds.
- 24 Q. But did this particular story, for you at least, throw
- 25 up any issues which bore on the Telegraph's brand Page 13
- reputation or was it for you more: "There's an 1
- 2 overwhelming public interest in publishing this story,
- 3 that is sufficient for me"?
- 4 A. I was interested in the accuracy of the material, and
- 5 when both the editor and the legal director were more
- 6 than satisfied with that, I supported it completely.
- 7 Q. I'll ask you some general questions now. First of all,
- 8 since the announcement of this Inquiry, which, as we
- 9 know, was in July of last year, has the approach of the
- 10 Telegraph to risk and/or the publication of types of
- 11 story changed in any way?
- 12 A. On the story, you'd probably better ask that question,
- 13 I would suggest, Mr Jay, of the editor, but he and his
- 14 team go through exactly the same procedures. They deal
- 15 with many stories in the course of the day, but accuracy
- 16 and honesty are at the forefront of their minds with
- 17 that.
- 18 In terms of the rest of the business, yes, it's
- 19 brought everything into sharp focus. We carried out
- 20 a -- that major -- I've mentioned it -- major exercise
- 21 into our financial systems and have checked back to 2005
- 22 to make sure that we could come to this Inquiry with the
- 23 backing of Slaughter & May and say that we are clear.
- 24 Q. What is the "policy" of the Telegraph from your
- 25 perspective in relation to the whole issue of risk Page 14

- 1 management and protecting the reputation of the brand?
- 2 A. As I said, that's to the forefront of our minds. We
- 3 have a number of policies in place to protect our brand,
- 4 to protect our titles and to protect our business, and
- 5 also it's very important that we make arrangements to --
- 6 in the event of an emergency, to cover that, if we had
- 7 problems in the place we publish from. But beyond that,
- 8 it's protecting our brands, future-proofing them going
- 10 Q. And presumably as well understanding your readers; is 11 that right?
- 12 A. That's certainly to the forefront of our minds. We are
- 13 probably one of the most customer-focused businesses,
- 14 and we would not -- in fact, it's very difficult to even
- 15 change or modify something in the paper without getting
- 16 a very strong reader reaction. It's a very intelligent
- 17
- 18 Q. Yes. I'm sure from what you said it's a very loyal
- 19 readership, but how do you understand your readers?
  - What processes, if any, do you undertake to lock into
- 21 their thinking?

23

- 22 A. We have the largest reader subscriber base in the
  - newspaper business in this country. People who buy the
- 24 Telegraph have often told me they take the Telegraph,
- 25 they simply hand it down from generation to generation, Page 15
- and they expect the highest standards from us. But I'm 1
  - 2 very satisfied our editorial team are completely locked
  - 3 into their needs and desires.
  - 4 Q. Can I ask you a separate question now about
  - 5 non-aggression pacts with other newspaper proprietors?
  - 6 There's certainly a perception that such pacts exist,
  - 7 and if they did, you would know about them. Do they
  - 8 exist, Mr MacLennan?
  - 9 A. I would know about them and they don't exist. And
  - 10 there's a -- I have been criticised in the past for
  - 11 trying to ensure that we are more focused on our
  - 12 business as an industry. Some players within the
  - 13 industry are more obsessed with the media space than our
  - 14 readers are.
  - 15 O. There was a lunch, I think, which took place when, in
  - 16 fact, you were managing director of Associated -- so
  - 17 this must have been before 2005 -- between you and
- 18 Mr Richard Desmond, who owns the Northern Shell titles.
- 19 Did you reach informal agreement with him at that lunch,
- 20 as others have purported, that it was not in the
- 21 interests of either newspaper to use them for
- 22 mudslinging?
- 23 A. I've never been in favour of mudslinging. There was no
- 24 agreement with Mr Desmond, but I did receive at that
- 25 lunch a series of demands from Mr Desmond to stop the Page 16

4 (Pages 13 to 16)

- 1 articles that were appearing in his publications.
- 2 I said I'd take those demands back to the editor but
- 3 Mr Desmond must have known that those demands would have 3
- 4 been thrown out and completely ignored, because before
- I even got back to the office, a statement had been
- 6 issued to other newspapers that an agreement was in
- 7 existence. There was no such agreement and taking back
- 8 the demands, they were laughed out of court.
- 9 Q. These were demands which were coming from Mr Desmond,
- which, as your evidence is, were laughed out of court.
- But what specifically were the demands that were being
- made? Can you recall now?
- 13 A. No, I can't remember the detail. To stop publishing
- 14 articles attacking my proprietor.
- 15 Q. He was the proprietor, though, wasn't he, Mr Desmond?
- 16 A. Yes.
- 17 Q. Sorry, I misunderstood.
- 18 A. Sorry.
- 19 Q. You were supposed to be communicating to the editor
- 20 demands which he, the editor, then presumably Mr Dacre,
- would activate, and one of the demands was that he,
- 22 Mr Dacre, would stop publishing articles which attack
- 23 Mr Desmond? Is that right?
- 24 A. Anyone who knows Mr Dacre would accept that he would

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- 25 have laughed at the suggestion that he stop publishing
- 1 on the back of -- or because of a threat.
- 2 Q. Thank you. Was the Daily Telegraph censured by the PCC
- 3 in May 2011 over the Vince Cable sting story?
- 4 A. Yes, it was on a technicality, yes.
- 5 Q. You haven't been put on notice of this question. If you
- 6 need more time to consider it, of course you can have
- 7 it, but can you remember what the nature of the
- 8 technicality was?
- 9 A. Not exactly, but it was on some sort of fishing --
- 10 I think that was the word used. Because subterfuge was
- used. I didn't agree with the ruling, but because
- the -- I didn't agree at all with the ruling, but if
- 13 you're in the PCC, you accept the adjudication, which we
- 14 did, and the editor, as I recall, was invited to print
- a summary and he in fact printed the entire ruling.
- 16 Q. I think the issue was this: that two journalists posed
- as constituents of Dr Cable, went to see him at his
- surgery, and he said certain things during the course of
- 19 that meeting which led to consequences we know about,
- 20 namely that he was taken off considering the bid by
- 21 News International, News Corporation, for BSkyB. But
- the issue is whether the use of subterfuge was justified
- in those circumstances, I think, was it not?
- 24 A. Yes.
- 25 Q. Okay. But the action which followed is that the full Page 18

- 1 ruling of the PCC was published in the Telegraph; have
- 2 I understood your evidence correctly?
- A. Correct.
- 4 Q. Thank you.
- 5 A. Also, the use of subterfuge -- there was a further story
- 6 recently on the exam boards where you could use the same
- 7 sort of arguments but there were no complaints. Anyway,
- 8 we printed the ruling in full.
- Q. Yes, in the Dr Cable case; is that right?
- 10 A. Yes.
- 11 Q. But was that the editor's decision, not yours? Have
- 12 I understood that right?
- 13 A. Entirely.

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- 14 MR JAY: I don't have any further questions for you, but --
- 15 LORD JUSTICE LEVESON: Let me have a go.
- Can I go backing to what you've just said about the
- discussion you had with Mr Desmond. I accept entirely
- what you say about the likely reaction of Mr Dacre, but
- it is a concern or may be a concern that whereas the
- 20 press will look at every organ of the country, whether
- 21 it be Parliament, the government, local authorities,
- health service, the army, the judiciary, about which
- 23 I have no complaint at all, and if they find something
- legitimately expose it, there doesn't seem to be as much
- of that in relation to the press, and therefore the
  - Page 19

perception, if not the reality -- and that's really what

- 2 I'm asking you about -- is that whether or not there's
- a formal agreement, there is an understanding that one
  - doesn't really have a go at other titles.
- 5 The fact is, as we know, that Mulcaire/Goodman was
- 6 2005/2006. Whittamore was 2002/2003 and these stories
- 7 weren't picked up and run with as they might have been
- 8 if they'd been involved in some other organ of the
  - state. You may say that's not fair, or you may think it
- is fair. I welcome your experienced view on it.
- 11 A. I would disagree, sir, and I think there are far too
  - many stories about the press on the press, almost an
- obsession, to the point where --
- 14 LORD JUSTICE LEVESON: Certainly now, I agree.
- 15 A. But where -- readers are not as obsessed as we are about
- our own business. I often get attacked -- well, I have
- in the past but I take responsibility for that because
- I don't, as a habit, give interviews, but I think we
- tend to write too much about ourselves.
- If we're talking about impropriety, if we're talking about wrongdoing, then I have no doubt that would be
- exposed in a very healthy way by the media, and
- journalism -- some people would argue it's a trade or
- 24 a -- I'd say it's a real profession. It's become quite
- onerous in many ways, but in terms of reporting on Page 20

1 wrongdoing within our industry, that would be done 1 newspaper outside, but there's some interest, I've 2 without fear or favour. 2 heard, in coming back into the PCC operation. But we 3 LORD JUSTICE LEVESON: Well, it's interesting, but if one 3 have to take account of the major digital companies that 4 4 takes the example of phone hacking -- I've heard a fair are repurposing news, because although they're not 5 amount of evidence, as you may be aware, of people 5 involved in investigations, they're repurposing the 6 writing in positive terms, in terms of clear fact, that 6 investigations that we're involved in. 7 7 it was well-known to be going on, now rather softened by LORD JUSTICE LEVESON: I understand. 8 saying "rumours", but yet it took considerable work on 8 A. And when it comes to individual bloggers, as you've 9 heard, that's much more of a -- that's a more difficult the part of the Guardian before it really became alive 9 10 10 again as a story, and even then, as you yourself are exercise. 11 11 LORD JUSTICE LEVESON: Individual bloggers, speaking aware, the PCC were very, very dismissive of that story, 12 and yet if what I've heard is right, that people were 12 entirely for myself and without committing myself to 13 saying, "Well, of course we knew it was all going on", 13 anything, are not my greatest concern. I do understand 14 one would have thought that that doesn't really square 14 the issue that you raise about those who are in the 15 with a determination to get to the bottom of all 15 business of recycling news on the Internet, which I have 16 wrongdoing in other organs of the press. 16 described, I think more than once, as the elephant in 17 A. I think that there has been so much now written about 17 the room. But as regards membership, I have difficulty 18 phone hacking and the Guardian provided a very good 18 with the idea that it can always be entirely voluntary, 19 19 service to the industry, and it's the worst example, because if everybody isn't involved, it just becomes 20 because in spite of what you've said, I -- we, at the 20 very difficult. 21 21 Telegraph, were astonished about the business of phone Don't get me wrong. I am not suggesting 22 hacking at the News of the World. I was really 22 a government or a statutory regime. On the other hand, 23 surprised by it. 23 I don't think it's a binary choice between that and 24 24 And the PCC -- well, they didn't handle that well self-regulation where it's all entirely voluntary. 25 because they weren't provided with the facts, and that's 25 I don't think you were in the Inquiry when Mr Barber was Page 21 Page 23 1 why there's going to have to be changes now, because 1 giving evidence this morning, but we had a discussion 2 2 most -- because phone hacking's the worst example. If about this very topic. 3 you think of most complaints, 90-odd per cent of 3 A. Are you talking about -- sorry, sir, are you talking 4 complaints are handled, I think, successfully by the 4 about statute and --5 PCC, but within that there has to be room for 5 LORD JUSTICE LEVESON: No, Mr Barber and I spoke about the 6 handling -- or there has to be a method of handling more 6 binary -- about something between -- he was very much 7 serious complaints. It's not so much a PCC plus, but 7 against statutory regulation, which I understand. 8 for the most serious complaints, there have to be powers 8 A. Yes. LORD JUSTICE LEVESON: But on the other hand he recognised 9 of investigation. 10 LORD JUSTICE LEVESON: I think actually the PCC does contain 10 that if it was entirely consensual self-regulation, then 11 within it a power -- it may not have been exercised. 11 some possible advantages of a new regime might be lost. 12 12 I've just read the terms of the documentation. Let me give you the example that I've discussed with 13 13 A. Well, that's not been clear to me, that they have the him this morning that he went away to think about. I'm 14 14 power to go in and demand emails and text messages and not saying anything that's novel. He expressed concern 15 correspondence. 15 about the way in which the libel laws operate and the 16 LORD JUSTICE LEVESON: Mm. 16 enormous expense which is involved. 17 A. But they should be able to do that, and then there must 17 A. Yes. 18 be some sort of enforcement or -- yeah, it's taken me 18 LORD JUSTICE LEVESON: And I postulated to him the 19 a while to come around to this, but bringing all this 19 possibility of some arbitral system, which is, if you 20 into sharp focus, there has to be a way of imposing 20 like, an arbitral arm of whatever comes after the PCC, 21 sanctions, fines, on the worst offenders, whether that 21 but made the point to him that unless it had some sort 22 22 be a business or whether that be an individual. of framework that required people to go through it, then 23 The other problem that we have is to make sure that 23 the very wealthy would simply say, "I'm not prepared to 24 everyone is inside the tent. That's when it becomes 24 go down that route, I'm simply going to institute 25 25 a bit more expansive, because we still have one national enormously expensive litigation", and so make it very Page 22 Page 24

| 1 difficult for whoever to defend it. 2 So what I was asking him about, and what I'm very 3 keen to hear your voice about if not now, then at 4 some stage, because I'm very conscious that I'm only 5 expressing ideas, and I'm keen to the get the view of 6 the industry but there has to be a framework onto 1 construction to do it. 2 A. Yes. 3 LORD JUSTICE LEVESON: Otherwise, you can't force anybout do it. The example that got Mr Barber thinking was 5 he expressed concern about the extremely wealthy people 6 who will seek to take the Financial Times on and have so |
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| 5 expressing ideas, and I'm keen to the get the view of 5 he expressed concern about the extremely wealthy people  |
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| 6 the industry but there has to be a framework onto   6 who will seek to take the Financial Times on and have so   |
|  |
| 7 which you latch independent regulation, which is 7 much money that they can overwhelm everybody. Now,  |
| 8 absolutely independent of government and also not 8 that's not happy either.   |
| 9 necessarily run by editors but perhaps by some very 9 A. No. That was one of my concerns still is a concern,   |
| 10 senior retired journalists on it. I fear there probably 10 about affordability within the industry defines it's   |
| would have to be a lawyer somewhere around there.  11 another end of the argument with CFAs.   |
| 12 I know that everybody's concerned about them, but other 12 LORD JUSTICE LEVESON: Of course, as I said I think this  |
| independent people who not only could continue the morning, there was a time when the industry had the boot  |
| complaints work that the PCC have done, although perhaps 14 because legal aid wasn't available for libel and it was  |
| expanding it to allow complaints from people over than 15 very expensive to bring and the industry, although you   |
| those specifically affected there are bits and pieces  16 might smile at it now, was seen to be very wealthy and   |
| that one could hook onto but additionally had able to afford the sort of litigation and therefore that   |
| 18 a regulatory mechanism and an arbitral mechanism.  18 acted as a chilling effect on bringing actions. Now   |
| 19 A. Yes. 19 with CFAs, the boot is, I understand, on the other foot.   |
| 20 LORD JUSTICE LEVESON: A much more complex construction, but 20 A. Yes.  |
| 21 one that actually provided all the avenues for those who 21 LORD JUSTICE LEVESON: The question is to find a median v  |
| 22 are concerned about the press to raise them in 22 which allows privacy, libel, all these issues to be   |
| 23 a comparatively straightforward, quick, comparatively 23 resolved quickly, efficiently and comparatively cheaply.   |
| 24 cheap way, and the press to respond in like kind. But 24 A. Yes.  |
| 25 I don't see how that could be entirely consensual. 25 LORD JUSTICE LEVESON: Now, the civil law might provide  |
| Page 25 Page 27  |
| 1 Q. That's really worth considering. You take my point, 1 a way forward, but once you've used the word that   |
| though, that the vast majority of complaints are handled 2 everybody hates, namely "law".  |
| 3 in the normal way. It's these more serious issues that 3 A. I think it's not an attack on the legal profession.  |
| 4 concern us all, and having them thoroughly 4 It's  |
| 5 investigated I can tell you that Lord Hunt, you're 5 LORD JUSTICE LEVESON: No, no, no.   |
| 6 probably aware, the chairman of the PCC, is carrying out 6 A. It's a concern about government.   |
| 7 a process of consultation within the industry before he 7 LORD JUSTICE LEVESON: No, I understand. I'd be very  |
| 8 appears in front of you. 8 surprised if government regulation ever even entered my   |
| 9 LORD JUSTICE LEVESON: I'm delighted to hear it, because at 9 mind. I'm not committing myself to anything I have  |
| the seminars I made clear that I was very keen that the 10 to hear everybody's views but I have said more than   |
| industry have some ideas, provided the industry accept, 11 once that freedom of expression and freedom of the  |
| as I've said many times, that they've not only got to 12 press, which are different concepts   |
| work for the industry but they have to work for me 13 A. Yes.  |
| and by "me", I really mean the public. 14 LORD JUSTICE LEVESON: are, to my mind, a fundamental and by "me", I really mean the public.  |
| 15 A. Yes. It's worth considering I mean, we hosted our 15 bedrock of our society. But that's not to say that the  |
| own sort of seminar at the start of that consultation 16 there can't be some sort of independent mechanism that  |
| process. I don't know how these I don't know the 17 deals with complaints, regulation and resolution of  |
| outcome yet. It's a bit too early and it's wrong for me 18 disputes that doesn't involve the government, doesn't   |
| 19 to say. It must come back to you as industry 19 involve the state, but is in some way set up so that it   |
| 20 recommendations, but we accept there have to be changes. 20 can operate and can require people to go through that   |
| 21 I agree with the editor of the FT about self-regulation, 21 route, however independently staffed it is, which   |
| but it's how that's handled. And could this not be  22 I think is essential.   |
| 23 handled under civil law? 23 A. Sounds helpful, very helpful.  |
| 24 LORD JUSTICE LEVESON: It may be that's the way to do it,  The only one point I'd make on that is that once  |
| but then we would have to create the civil law 25 everyone is in, it's important, however and you're an  |
| Page 26 Page 28 7 (Pages 25 to   |

1 expert on civil law -- how that could be -- how they 1 A. Yes. 2 could be contained so that it's so onerous to leave the 2 LORD JUSTICE LEVESON: You may then come back, and you 3 system that you're practically disqualified. 3 certainly can come back at the time that Lord Hunt is 4 LORD JUSTICE LEVESON: Yes. The answer is that that is 4 speaking, if not to give evidence, at least in writing. 5 extremely difficult if it's purely a matter of contract 5 I'm happy to receive views at any time, to try to get 6 because there can be arguments about that. 6 the thing as ordered as I can, but ordered in such a way 7 7 A. I think, though, if the punishment -- the financial that requires participation without permitting 8 punishments are considerable, that would help. 8 interference, whether it be by the judiciary or the 9 LORD JUSTICE LEVESON: The financial constraints on leaving government or the state in any other way --9 10 or not joining? You have to get people to come into the 10 A. Sure. 11 11 LORD JUSTICE LEVESON: -- but achieves a mechanism that club, and one -- I'd be surprised if I agreed with this, 12 that everybody says, "We're all now friends together, we 12 ensures that all those who do provide us with our news 13 can all do this because of the terrible six months we've 13 are bound by certain standards. 14 had." Reading the history of discussions about the 14 A. Yes. 15 press since the last world war, there have been a number 15 LORD JUSTICE LEVESON: And I'm obviously talking about 16 of attempts. Something terrible has happened, there's 16 minimum standards, as to which everybody seems to 17 been a report, everybody says, "Oh, it will be much 17 believe that the code is a good piece of work. 18 better next time." That's happened more than once; 18 A. It is. 19 I hope you would agree with that. 19 LORD JUSTICE LEVESON: And that's my immediate reaction. 20 A. I do, but could I add that nothing ever like this has 20 The extent to which it is observed and enforced is 21 21 happened to the press. Nothing as comprehensive on the something else, but the actual language may not require 22 media. Nothing as far-reaching as this has hit us thus 22 very much. But I've probably pressed you enough on all 23 far, and I think you'll find there's a general consensus 23 24 24 A. No, but that's very helpful. Thank you. across the industry that things have to change. 25 LORD JUSTICE LEVESON: Right. LORD JUSTICE LEVESON: Thank you very much. Page 29 Page 31 A. I think you'd be pleased about that, rather than MR JAY: The next witness is Mr Finbarr Ronayne, which is 1 1 2 2 everything is perfect. tab 5. 3 LORD JUSTICE LEVESON: Given the effort that I've put into 3 LORD JUSTICE LEVESON: Thank you. 4 persuading the industry to think about it themselves, 4 MR FINBARR PATRICK RONAYNE (affirmed) 5 5 I'm very pleased to hear it. I'm not asking you to Questions by MR JAY 6 commit to solutions. Any views you wish to express I'd 6 MR JAY: Mr Ronayne, sit down and make yourself comfortable. 7 be interested to receive, now or at any time. That's 7 In file 1, the bundle in front of you, under tab 5, you 8 not a requirement; it's a genuine wish to make sure that 8 should see a witness statement that bears your name. 9 whatever I come up with works for the industry and works 9 For our record, could you give us your full name? A. Finbarr Patrick Ronayne. 10 for the public and the good of the public as well. 10 What I do not want -- and I've said this publicly Q. Thank you. The statement you'll see is dated 14 October 11 11 12 too -- is to produce a report that everybody reads, 12 of last year, is signed by you and has a statement of 13 either likes or rubbishes, and then it just sits on 13 truth at the end; is that correct? 14 14 a shelf, because then I've wasted a lot of time and A. That's correct, yes. 15 we've all wasted a lot of money. Q. You have an accounting background. You worked at 16 A. On that point, sir, could we, before the end of this 16 Trinity Mirror between 1991 and 2008, when you left to 17 particular section of your Inquiry, then come back to 17 take up your present position at the Daily Telegraph 18 18 in October; is that right? 19 LORD JUSTICE LEVESON: You can come back to me, but you 19 A. That's correct, yes. 20 don't need to have to be worried about precisely when --20 Q. And you are the finance director of the group. Can 21 21 I'm not allowing a free range -- because what I will be I ask you a general question: what are the differences, 22 22 doing is moving from this module, which is to do with if any, in cultural terms, if I can so describe it, 23 23 the public, onto a module to do with the police, and between Trinity Mirror and the Daily Telegraph? 24 then the politicians, and there will be an opportunity 24 A. Okay, the key difference probably is Trinity Mirror is 25 25 to discuss emerging findings. a plc and I worked in one of the operating divisions. Page 30 Page 32

- 1 I was finance director for the national newspapers,
- which covered the Daily Mirror, the Sunday Mirror and
- 3 the People, so I was more involved in implementing
- 4 strategy, which was basically decided on -- at board
- 5 level.
- 6 At the Telegraph, I'm obviously a main board member
- 7 and involved in actually setting the strategy.
- 8 Q. Yes.
- 9 A. But in aspects of the day-to-day job, it's pretty
- similar actually in terms of the operating day-to-day
- 11 base
- 12 Q. Trinity Mirror is a public limited company.
- 13 Daily Telegraph is a limited company.
- 14 A. That's correct.
- 15 Q. But the requirements of the Companies Act 2006 are the 15
- same?
- 17 A. Are the same.
- 18 Q. Thank you. A lot of your evidence we're going to take
- as read, Mr Ronayne, given the time available. Can
- I ask you this: when you arrived in October 2008, the
- 21 country was in the middle of a recession. Did that lead
- 22 to the taking of measures of financial stringency at the
- 23 Daily Telegraph?
- 24 A. That's correct. As you mentioned, when I arrived
- 25 in October 2008, it was shortly after the credit crunch Page 33

2 central control of certain aspects of the business,

A. That would be covered basically under the policy of

- 2 1 0 C 1 1 C 1 1
- 3 under paragraph 9 for central control of the key
- 4 functions, would include basically litigation
- 5 settlements or, I think, the decision whether to defend
- 6 or settle the case, depending on magnitude of that. The
- 7 legal director would basically bring that advice to
- 8 myself and the chief executive.
- 9 Q. Right.
- 10 A. To decide the best course of action.
- 11 Q. Thank you. Then from a financial governance
- perspective -- I'm now on paragraph 18 -- there are two
- key policies. There's a procurement policy, which is no
- doubt designed to bring the Telegraph in line with its
- obligations under the public contracts regulations and
- the similar secondary legislation. I think we're
- 17 probably more interested in the expenses and business
- travel policy, which is subparagraph (b) of
- 19 paragraph 18, Mr Ronayne.
- 20 A. The commissioning of content would actually fall under
- 21 the procurement policy. The expenses and business
- travel policy is in respect of editorial employees, and
- indeed all employees reclaiming expenses incurred on
- behalf of the business.
- 25 Q. Have these policies been tightened during your time as Page 35
- 1 crisis, and in terms of actually budgeting for business
- 2 performance the following year, we expected
- 3 a significant reduction in advertising revenue, as
- 4 indeed the entire industry faced, and that required
- 5 basically a detailed review of our current cost base,
- 6 our decline(?).
- 7 Q. You explain the systems in place to ensure the correct
- 8 allocation of funds. The framework is in paragraph 9.
- 9 The first element is a robust budgeting process, which
- starts under paragraph 10, and it involves, if I can
- summarise it in this way, preparing a detailed annual
- budget and then reviewing that budget on a monthly
- basis; is that correct?
- 14 A. That's correct, yes.
- 15 Q. The Inquiry is probably specifically or more interested 15
- in two aspects, which are the authority levels and then
- the policies. You tell us in paragraph 14 that the
- authority levels were lowered in December of 2008 as

part and parcel of the cost reduction programme; is that

20 correct?

19

- 21 A. That's correct.
- 22 Q. And you explain how the authority levels are applied.
- 23 May I cover one issue, which in fact was not addressed
- in your statement, and this is authority for settling
- 25 litigation. How does that work?
  - Page 34

- 1 finance director?
- 2 A. Yes. When I joined in October 2008, I basically rewrote
- 3 both policies, mainly due to the economic climate at the
- 4 time.

9

12

- 5 Q. Yes. You tell us that the policies were revised
- 6 in October of 2008 but did you have a feeling therefore
- 7 that they were too loose beforehand or was this merely
- 8 a response to the background economic situation in the
  - country as a whole?
- 10 A. I think in the main it was a response to the economic
- climate, but yes, we did actually use the opportunity to
  - tighten certain policies and procedures.
- 13 Q. Before October 2008, can you recall what -- this is when
- 14 you arrived -- the position was in relation to cash
- 5 payments expenses?
- 16 A. We undertook basically -- the business doesn't encourage
- 17 cash payments but we undertook a very detailed financial
- 18 review to -- you know, in support of our witness
- statements to this Inquiry, and we have not identified
- any cash payments that were made to purchase editorial content back to January 2005. We have identified.
- content back to January 2005. We have identified,
   I think, through the expense system, that there were
- 23 about 12 claims basically between 2005 and 2008, you
- 24 know, where employees paid cash payments directly to
- secure stories, I think the amount to £2,500 in total.

- 1 Q. Sorry, what was the sum in total?
- 2 A. £2,500.
- 3 Q. And that was for 12 stories?
- 4 A. This is where there were 12 expense claims where cash
- 5 payments were made in respect of stories around
- 6 sensitive material. It was basically around stories in
- 7 respect of the sex industry and around army barrack
- 8 bullying.
- 9 Q. Right.
- 10 A. But there has been none since the policies were revised
- 11 in October 2008.
- 12 Q. The position therefore is, if I've correctly understood
- paragraph 19 of your statement, that cash payments by
- journalists to sources simply have not taken place
- since October or December 2008; is that right?
- 16 A. That's correct, yes.
- 17 Q. Different titles have expressed a concern or raised this
- point: that some sources don't want to be paid in other
- than cash, through fear of being identified. Is that an
- issue which you're aware of?
- 21 A. I've certainly experienced that when I worked at
- 22 Mirror Group. There was a very tight procedure over
- cash payments and -- where cash payments were actually
- 24 made. In the case of the Telegraph, all contribution
- payments are actually processed on the system, where we Page 37

- and I was the most senior executive in the business.
- 2 Q. You explain what the payment was in paragraph 31.
  - A deposit also had to be paid for, as it were, a ten-day
- 4 review period to satisfy yourself that the material was
- 5 what it purported to be?
- 6 A. Correct.
- 7 Q. And you were responsible for signing this off, as it
- 8 were; is that correct?
- 9 A. That's correct, yes.
- 10 Q. Can I ask you about paragraph 35? You point out that
- 11 from time to time, editorial executives will claim
- 12 expenses in respect of entertaining police or public
- officials, and then I paraphrase: you aren't involved or
- 14 have any knowledge of indirect payments made to police,
- public officials, mobile phone companies or
- intermediaries. What sort of expenses are we looking at
- in respect of entertaining? Are these the cost of
- 18 a dinner --
- 19 A. I think they generally take the form of lunch, dinner or
- 20 a drink. Having undertaken this detailed financial
- 21 review, I mean, I wasn't concerned that there were any
- 22 extravagant expense claims made by the editorial team.
- 23 Q. And the expense claims, is this correct, are always in
- 24 respect of entertainment and not for the provision of
  - information, for example, from these sources?
    - Page 39

- 1 take addresses, postcodes, bank account details, VAT
- 2 registration numbers, if appropriate.
- 3 Q. Yes, but to your knowledge, has that acted as
- 4 a disincentive for sources giving stories to Telegraph
- 5 journalists?
- 6 A. Not that I've been made aware of.
- 7 Q. Okay. The Telegraph also has a whistle-blowing policy.
- 8 That's paragraph 20. Then in paragraph 25 you refer to
- 9 the letter which we have seen as an exhibit to
- 10 Mr MacLennan's evidence.
- 11 A. That's correct.
- 12 Q. Are there any specific financial issues which arise --
- this is in the context of paragraph 27 -- from the
- 14 challenge which your company faces to transition from
- traditional print base to multimedia digital business?
- 16 A. I think, as Mr MacLennan explained, obviously I think
- it's a priority for any print business to transition
- itself into a multimedia business, and I think we've
- taken the view basically as a board that we would set
- 20 realistic profit targets for the traditional side of the
- 21 business and reinvest those profits into technology and
- 22 digital operations to diversify our revenue streams.
- 23 Q. You were involved in organising the payment for the
- 24 computer disk in relation to the MPs expenses story?
- 5 A. That's correct. Mr MacLennan was on holiday at the time Page 38

- 1 A. No, these would all be in respect of expense claims.
- 2 I mean, they need to support any expense claim with
- 3 a detailed receipt of the entertaining.
- 4 Q. And presumably public officials also includes
- 5 politicians; is that correct?
- 6 A. That would be correct, yes.
- 7 MR JAY: Thank you, Mr Ronayne. Those are all the questions
- 8 I have.
- 9 LORD JUSTICE LEVESON: Mr Ronayne, I'm grateful to you for
- 10 leading the review of the records, which permitted the
- 11 letter to be written, which I have seen. It's not just
- important, obviously, that I see all this, but it's
- important that it's seen publicly to have been done and
- 14 to achieve the results that it's achieved. Thank you
- 15 very much.
- 16 A. Yes, thank you.
- 17 LORD JUSTICE LEVESON: Shall we take six minutes?
- 18 MR JAY: The next two witnesses will be much lengthier.
- 19 LORD JUSTICE LEVESON: That's all right.
- 20 (3.25 pm)
- 21 (A short break)
- 22 (3.33 pm)
- 23 MR JAY: The next witness is Mr William Lewis.
- 24 MR WILLIAM JOHN LEWIS (sworn)
  - Questions by Mr Jay Page 40

10 (Pages 37 to 40)

- 1 MR JAY: Your full name, please, Mr Lewis?
- 2 A. William John Lewis.
- 3 Q. Thank you. Under tab 4, you will see your witness
- 4 statement, which doesn't in fact have a statement of
- 5 truth at the end. Is this your evidence to the Inquiry?
- 6 A. Yes, it is.
- 7 Q. Can we be clear about your statement: it is very lengthy
- 8 and detailed. I understand that it took you some time
- 9 over the summer holiday. Is that so?
- 10 A. It did, yes. It represents my sum total of my knowledge
- and recollection of my time at the Telegraph between
- 12 2006 and 2010 in relation to your questions.
- 13 LORD JUSTICE LEVESON: I'm very grateful to you for taking
- the time to do it. It's been very helpful.
- 15 A. Thank you.
- 16 LORD JUSTICE LEVESON: I'm very conscious that I've imposed 16
- a great deal on a large number of people, but I hope you
- 18 feel that it's worth the effort.
- 19 A. Very much so, and it was actually very interesting
- 20 reliving in my own mind and for this purpose what went
- on there, particularly with the MPs' expenses story.
- 22 MR JAY: Mr Lewis, if I can look first of all at your
- 23 career. You've been, I think, at four separate papers.
- 24 Between 1991 and 2002, you were at the Mail -- no,
- 25 pardon me, you moved to the Financial Times at some

Page 41

- 1 stage between those two dates?
- 2 A. Yes. I started at the Mail on Sunday as a financial
- 3 reporter in 1991. I then moved to the Financial Times
- 4 in 1994
- 5 Q. Thank you. Then to the Sunday Times in 2002?
- 6 A. As business editor, yes.
- 7 Q. City editor of the Telegraph in 2005 and you ended up,
- 8 if I can put it in those terms, as editor in-chief of
- 9 the Telegraph Media Group, from where you left in May
- 10 2010; is that correct?
- 11 A. That's correct, yes.
- 12 Q. Can I understand your current position: you are
- permanently seconded to News Corporation, and have been
- since July 2011, as executive member of the Management
- and Standards Committee which is looking into all the
- issues around the phone hacking matter. Is that so?
- 17 A. That is correct. The chairman is Lord Grabiner.
- 18 Q. Thank you. We've asked you to address your time, as it
- were, at the Daily Telegraph, and not to cover your
- 20 recent history at News International and then News
- 21 Corporation, since a lot of what you're doing overlaps
- with the concurrent police investigation. Is that so?
- 23 A. That is so, yes.
- 24 LORD JUSTICE LEVESON: That's not to say that at some time 24
- 25 we're not going to ask Lord Grabiner and possibly you to Page 42

- 1 come and assist us further, but I understand it --
- 2 A. Thank you. As you see fit, but for these purposes
- 3 I understand my evidence to relate entirely to my time
- 4 at the Telegraph between 2006 and 2010.
- 5 Q. That is so. But I do have a general question for you,
  - and it's one I've asked others, whether, in your
- 7 perception, there are any cultural differences between
- 8 the various papers for whom you've worked.
- 9 A. Yes, there were differences. Obviously I was at
- different levels of seniority at each of those different
- 11 newspapers, but I think it's fair to say there was -- if
- 12 you take the Financial Times, for example, there was
- a much more cerebral approach at the Financial Times.
- 14 When I moved to the Sunday Times, I became aware of the
- power and the process involved in putting together such
- a fantastic newspaper, and the Telegraph, as I detail in
- my statement, was a process of tremendous change. We
- went through a very profound change programme there,
- where the culture shifted quite considerably.
- 20 Q. Thank you, and most of your statement is devoted to that
- 21 cultural shift and the systems and philosophies of
- 22 corporate governance which you introduced over a four,
- 23 five-year period; is that right?
- 24 A. Yes, with my team.
- 25 Q. Yes. Can I just deal with the background. When you Page 43
- 1 arrived, the company, I think, was spread out
- 2 geographically over a number of locations but that
- 3 changed?
- 4 A. Yes.
- 5 Q. The impact of that may have been obvious, but in your
- 6 own words, what was the impact of that change?
- 7 A. The goal that I was set was to try and find a way of
- 8 publishing both newspapers to the same or higher
- 9 standard -- that's the Daily Telegraph and the Sunday
- Telegraph -- and at the same time to move confidently
- into embracing the new digital opportunities: online,
- mobile and so on, all within broadly the same budget.
- 13 That was the goal that was the purpose of the change
- programme. And as I think was referred to earlier,
- another key part of this was putting the customer, the
- another key part of this was putting the customer, the
- reader, the user online, at the very heart of the
- business, which hadn't been the case before, and all the
- changes that we took together and implemented stemmed
- 19 from that goal.
- 20 Q. The one specific issue you address under the old regime,
- as it were, in paragraph 6.3.4, is heavy reliance on
- casual labour.
- 23 A. Yes.
- Q. As you describe it, what were the problems associated
- 25 with that?

- 1 A. There were various issues related to casual labour. In
- 2 particular, it was -- it made it difficult to effect
- 3 serious cost control. Although department heads
- 4 professed to have a grip on expenditure in that area,
- 5 that was not the case, and so that, in addition to the
- 6 need to professionalise -- the company was going to be
- 7 investing a large amount of money in training programmes
- 8 to help journalists understand how to do new media. It
- 9 seemed sensible that that money should be spent on staff
- 10 rather than casual labour.
- 11 Q. Once the geography was sorted out, you rolled out what
- you call here the five governance principles?
- 13 A. Yes.
- 14 Q. Can we just identify those. The first was one,
- 15 newsroom, which was really a question both of
- 16 geographical integration and integrating the print and
- online operations; is that right?
- 18 A. Yes, that's correct.
- 19 Q. The second governance principle: effective and
- 20 transparent cost management and incentive schemes. Can
- you just tell us a little bit about that matter, please?
- 22 A. Well, that was -- a point of this part of the change
- 23 programme was to get a firmer grip on costs in order to
- be able to effect change in the cost base, to be able to
- 25 have new types of roles and new types of jobs. We faced Page 45
- a real opportunity but also a threat in the digital
- area. We needed to, within broadly the same money,
- 3 create new jobs, whether it's early morning working,
- 4 technology correspondence and so on, and so we needed to
- 5 get much better about cost management, and that's what
- 6 that passage refers to.

- 7 Q. Thank you, and that had various subelements. First of
- 8 all, the elimination of casual journalists, which is
  - dealt with under 8.3, and then what you call external
- 10 content, which starts under paragraph 8.6, and then
- there are various policies which you outline under 8.7;
- is that right? Which largely go to financial matters.
- 13 A. Yes, that's right, and also -- but control and
- visibility. I mean, one of the key issues here was
- trying to effect better management control through
- better transparency. If we can know in near real time
- 17 how money was being spent, then we'd be able to manage
- the use of that money better.
- 19 Q. Thank you. The third governance incidence principle,
- 20 professionalisation, I suppose means improving the
- 21 training and quality of the workforce, but governance
- principle four, which is very much related to that,
- training continuous professional development, in
- 24 particular the introduction of training programmes, you
- explain that under paragraph 10 in particular.

Page 46

- 1 A. Yes, and training was -- there's two issues here. We've
- 2 already talked about the need for new media training and
- 3 every colleague was given that opportunity, but there's
- 4 also a need for ongoing training and professional
- 5 development and core journalistic skills. So we were
- 6 trying to really create a training culture at the
- 7 Telegraph, and we did successfully, something which
- 8 hasn't traditionally been the case in newspaper groups.
  - Q. Part and parcel of that was the relaunching of the
- Telegraph's graduate trainee scheme.
- 11 A. Yes.
- 12 Q. Can I just follow that through a little bit. When you
- are employing people from the bottom, if I can put it in
- those terms, you explain there's a two-day programme of
- interviews and tests for the shortlisted candidates.
- Who carries out the interviews, first of all, and who
- decides who is going to be selected for employment?
- 18 A. I'm not sure I'd agree with the interpretation of "the
- bottom". I mean, some of our best people very quickly
- 20 accessed great work, did great work at the Telegraph
- 21 right from the very beginning. So I mean, one of the
- 22 key people in the MPs' expenses story was a trainee
- 23 journalist. If I could just --
- 24 Q. Junior, then?
- 25 A. Uh ... younger. Even that's not necessarily correct. Page 47

But graduate trainees, if one can call them that.

- 2 I was intimately involved in that process with
- 3 senior colleagues. It was one of the main ways we were
- 4 going to get replenishment of the gene pool, so we took
- 5 it incredibly seriously and were very proud we got it
- 6 relaunched and it still carries on today, I understand
- 7 it.

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- 8 Q. In terms, though, of who decides who is going to be
- 9 employed, who makes the hire decisions?
- 10 A. It would be a panel of senior editorial people. In my
- day, if I can recall correctly -- but this may not be
- 12 entirely accurate -- it was two colleagues, Richard
- 13 Preston and Simon Heffer, who brought their
- recommendation to me.
- 15 Q. Of course, the Telegraph, aligned with the practice of
- other newspapers, are bringing in people higher up,
- 17 lateral hires. Who would decide who was going to be
- hired pursuant to that sort of process?
- 19 A. Well, ultimately it would be the editor or editor
- in-chief, with heads of department making
- 21 recommendations. And yes, you're right, there was quite
- 22 a radical infusion of new blood into the Telegraph
- during my time there, where we tried to combine the best
- of the best from around Fleet Street to try and meet
- 25 this challenge of producing both papers to the same or Page 48

12 (Pages 45 to 48)

- 1 higher standard and embrace all digital opportunities.
- 2 Q. Thank you. The fifth governance principle, clear
- 3 appropriate reporting lines for editorial, finance,
- 4 legal and compliance functions, you explain the
- differences in role between the editor or editor 5
- 6 in-chief, the executive director and the legal manager.
- 7 I don't think it's necessary to go through those
- 8 specifically, but you helpfully explain that.
- 9 A. Could I just highlight one point here, which is that the
- 10 concept of the independent force in the newsroom. This
- 11 structure, my belief is, is quite or was quite unusual,
- 12 where the editor didn't have these functions reporting
- 13 to him or her. So it's something that was there right
- 14 from the beginning of my tenure as editor, and
- 15 I embraced and I came to understand how valuable it was.
- 16 Q. Thank you. Your specific role -- and this you deal with
- 17 under paragraph 13 -- was to ensure that the Telegraph's
- 18 editorial corporate governance policies, which we've
- 19 just been discussing, were adhered to in practice, and
- 20 part and parcel of that was responsibility for ensuring
- 21 that the editorial budget was adhered to.
- 22 A. Yes. The key roles of the editor were really
- 23 fundamentally around what to publish and what not to
- 24 publish in the papers and online, around people issues
- 25 that we talked about, and making sure we're getting the Page 49
- 1 best out of our people, and also to ensure that the
- 2 budget that had been allocated was being spent sensibly
- 3 and appropriately. That was overlayered, obviously, by
- 4 the overall responsibility of the editor to ensure that
- 5 the editorial department is going about its business in
- 6 compliance with PCC, Reynolds and the law.
- 7 Q. Thank you. Can I move on to paragraph 14, if I may.
- 8 This is PCC issues. You didn't, I think, at the time
- 9 your statement was prepared, have access to documents
- 10 which would enable you to quantify the number of
- 11 complaints which were resolved on the one hand without
- 12 the need for a ruling and those which then proceeded to
- 13 an adjudication; is that right?
- 14 A. Yes. No, that's correct.
- Q. If we want to know the precise figures, doubtless those 15
- 16 can be provided in writing in due course. I'm going to
- 17 pass over matters which we can either take as read or
- 18 hear from the editor. Can I ask you about section 8,
- 19 which is paragraph 18, ethics in print media.
- 20 A. Mm.
- 21 Q. Your analysis is really tripartite, I think. First of
- 22 all, it entails employing the right people, secondly
- 23 complying with the relevant standards as laid down by
- 24 the code. Can I deal with the third one, "Judgment:
- 25 does this feel right?"

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- A. Mm. 1
- 2 Q. How does this work in practice?
- 3 A. Well, in practice, it's exactly as I state there, that
- 4 it's something that any editor will ask of him or
- 5 herself on a regular basis, and they should and will,
- I'm sure, also ask that of senior colleagues. It speaks 6
- 7 to the judgment that's at the heart of good editing.
  - Q. It might be said this is not very scientific. Does it
  - feel right doesn't involve the invocation of any
- 10 particular principle or any standard; it's whether it
- 11 feels right in one's waters, as it were.
- 12 A. Yes.

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- Q. Is it more precise than that?
- 14 A. One can take as many steps as one can to make scientific
- 15 what is a creative process. Editors start each day with
- 16 a blank bit of paper that they have to fill with
- 17 vibrant, dynamic journalism by the end of the day,
- 18 compliant with the law, code, spirit of the code,
- 19 Reynolds, all carried out within Reynolds' journalistic
- 20 practices. It's extremely challenging, creative work
- 21 and at the end of the day you really have to ask
- 22 yourself this nonscientific but really crucially
- 23 important question of: does it feel right? And several
- 24 times in my time at the Telegraph, it didn't feel right,
- 25 so we didn't do it.

# Page 51

- LORD JUSTICE LEVESON: When you say "feel right", do you 1
- 2 mean this doesn't sound right factually, it doesn't
- 3 appear right ethically, it doesn't seem right
- 4 emotionally, or is it all of those things?
- 5 A. I'm not sure about the third one. The emotional one
- 6 wasn't necessarily --
- 7 LORD JUSTICE LEVESON: Commercially?
- 8 A. No, I'd probably say it's the first two primarily. But
- 9 I think -- the mistakes that I've made in my career, and
- 10 there have been several, and they are numerous, have
- come about when I haven't followed my instinct, and that 11
- 12 instinct can only be described as "does it feel right".
- 13 The best advice I ever got was: if in doubt, don't
- 14 do it that day. Wait a day, do it the next day, come at 15 it again. And that's all that this paragraph is
- 16 meant -- it's not meant to be a catch-all. I'm not
- 17 suggesting it as a new regulatory framework.
- 18 LORD JUSTICE LEVESON: I'm pleased to hear that.
- 19 A. Although it may rule out the need for lawyers, which may 20
- be troubling, or not, but I just think it would be wrong 21 not to make it clear how important the feel is in the
- 22 trade in which I've worked for the last 20 years.
- 23 LORD JUSTICE LEVESON: It's really a default question of
- 24 a slightly different level, isn't it? You may have done
- 25 everything right. You may have got sensible people

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Day 23 PM 1 working on it. You may have sourced the story in a way 2 that you are satisfied with. You may feel it will 3 satisfies the PCC code --4 A. Yeah. 5 LORD JUSTICE LEVESON: -- but even then, although you've 6 ticked all those boxes, if you're broadly unhappy, then 7 you're not going to publish is that day? That's what 8 you're saying? 9 A. I'm saying that. I'm saying that -- and it always 10 annoys the reporter as well. They always go storming 11 out of your office, and at the end of the day, that has 12 to be an editor's right, to say, "It just doesn't feel 13 right. I can't put my finger on it, but it doesn't feel 14 right." 15 Editing really, to give sort of gobbledygook 16 management speak, is about risk mitigation. Editors 17 have to wrestle each day with really difficult issues. 18 We have a saying in my industry, which is: we don't make 19 chocolates. Mars bars or the like don't come churning 20 off a conveyor belt and simply accumulate in a box 21 and -- it's a very complicated business, as I know 22 you're aware. The best stories are never black and 23 white. You don't get a receipt for a whistle-blower 24 providing information to you. It's just not how it 25 works, and so you will perhaps, on that basis, Page 53 understand how the instincts of you and the people 1 2 around you -- one is very reliant -- I was very reliant 3 on my deputy during my time as editor, who's now the 4 editor. I was reliant on my colleague, who is now the

editor of the Sunday Telegraph, and a range of other

Does this not feel right? If which case, let's not do

LORD JUSTICE LEVESON: I'm going to have problems

articulating that, but there it is. I understand the

investigators and other external providers of

Q. You make it clear that the general practice at the

Telegraph Media Group was not to pay private

investigators. To the best of your knowledge, this

But then you say in paragraph 22.18 you're fairly

investigators during the course of their reporting

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time, have some sort of contact with private

certain that a number of reporters would, from time to

information. This is paragraph 22.

and would often ask the question: "Are you really sure?

25 1 2 3 4 5 important colleagues who would also hold you to account 6 7 8 9 10 11 12 13 MR JAY: May I move on, Mr Lewis, to the issue of private 14 15 16 17 18 19 20 never happened during your tenure between 2006 and 2010. 21 22 23 24 25

Q. The first issue, I suppose, which you had to satisfy yourself of was that the material was genuine and not A. Yes. I was concerned from the very beginning that it was a hoax. I used to work, as you referred to earlier, at the Sunday Times, when many years previously the Page 55 Hitler diaries hoax took place, and the ghost of that particular situation still rose around the Sunday Times newsroom, so I was particularly aware of the possibility of someone trying to stitch me up by providing hoax material. Quite quickly I was able to satisfy myself -although I will concede that worry about a hoax dogged me all the way through until the MPs finally confirmed it themselves. So my first concern was it being a hoax. I was also aware of the fact that this story was laced with risk all round, as the best and most important public interest journalism tends to be, whether it was the time that we had in order to be able to investigate it, whether it was the reaction of the readers, that one couldn't be certain of and all the people we were dealing with. It was a story that was laced with risk, so I felt the best way was to engage in an iterative process, a five-step process, if you like, in order to run this investigation and to conclude finally about publication, which I'm happy to share with you, if you wish. Q. Just to go through some of the stages, one of the early issues, I think, was whether a breach of the criminal law might be perpetrated. Have I understood that correctly? A. Stage one was I was told by colleagues that they had Page 56

duties. Can you be more specific there about the sort

A. Yes. I mean, when a fraud hits a big company, they will

often engage the services of a reputable investigations

covering those types of stories to have engaged with

of the Telegraph could be better informed about the

fraud that had been ongoing at that company.

think in the order of £150,000, was paid to the

with the MPs' expenses story; is that right?

story, which is picked up in paragraph 31.

A. That's right, yeah.

those investigators to see if they could become sources

Q. Thank you. Separately from that, a significant sum, you

intermediary, if I can so describe him, in connection

Q. Some specific questions, please, about the expenses

who could provide timely information so that the readers

unit in order to help the company find out who did what

when, and I would have expected my reporters involved in

of contact you're referring to there?

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it."

A. Right.

MR JAY: Thank you.

point you're making.

1 been approached by an intermediary on behalf of a source 1 their day in the sun, as it were. Of course, I was 2 2 to say they had got four years' worth of MPs' data delighted to provide that, because that's what we would 3 3 copied onto a disk. Obviously, the first question was: have done anyway. 4 could we go ahead and negotiate with that source and 4 We then, on that basis, concluded this agreement and 5 have that kind of conversation? So we took legal 5 then moved to phase three, which was the most important 6 advice, and given that the information had been copied 6 phase and the most difficult phase, which was we had ten 7 7 onto a disk, the advice was that was not capable of days given to us to investigate the data on this disk, 8 theft, and in addition it was also seen as being 8 and the data ran to more than a million documents. So important that no Telegraph person had been involved in 9 9 we had to put together the best of the best in a secret 10 10 the copying process. It would be also wrong not to room and get them to see what was on this disk, and they 11 state now that already at the very beginning I was 11 uncovered quite quickly things that no one thought 12 pretty aware of the likely public interest in the 12 probable, looking through such stuff. So I became very 13 material seeing the light of day, so that was phase one. 13 aware that it was my responsibility to bring this to the 14 LORD JUSTICE LEVESON: I understand that, but let me just 14 public domain. It was no longer going to be a choice 15 change the facts a little bit and ask whether it would 15 for me as editor; I now this a duty to bring this into 16 have made a difference. 16 the public domain. A. Yes. 17 17 Which takes me onto stage four, which was about 18 LORD JUSTICE LEVESON: Assume that it hadn't been a disk 18 engaging with colleagues on how we were going to 19 that whoever it was copied it had bought in a shop and 19 publish. This was a matter of enormous importance 20 taken in and then copied the data on -- because I'm 20 because I wanted it to be seen to be fair and balanced 21 21 aware of the law in relation to intellectual property -in our approach, and we concluded that we should rightly 22 but they'd actually stolen a disk. In other words, 22 start with the government and then move into the 23 they'd used a disk that wasn't theirs and stolen it. Do 23 opposition as it was then, the Conservative party. 24 24 you think that would have made an entirely different Stage 5 was then about writing to each MP to say, 25 analysis of the position? 25 "Here are allegations we need to put to you", giving Page 57 Page 59 A. I would obviously have got legal advice, as I got them due notice, and waiting for their replies. I can 1 2 throughout this process, and I would like to think that 2 remember it as if it was yesterday when I was told that 3 we would have been able to find a way to bring this very 3 Jack Straw had replied, confirming information and 4 important information to the readers' attention without 4 explaining his expenses, and only then did I feel able 5 breaking the law. 5 to give the green light to publication that evening. LORD JUSTICE LEVESON: Handling stolen property. That's the 6 6 MR JAY: Thank you. This yielded a number of complaints, 7 7 some of which were successful, others not, and you list 8 A. I don't know what the legal advice would be, but my 8 those in paragraph 31.10, I think, Mr Lewis. 9 first port of call would have been to get legal advice 9 A. Yeah, mistakes are always an issue, and I hated it when 10 and --10 we made errors, and I hated it even more in relation to 11 LORD JUSTICE LEVESON: You were having a go at lawyers a few 11 this story, but I will say in defence of what we did 12 minutes ago. 12 that the mistake ratio here is reasonably low and 13 A. Yes. A fair point. 13 I remain hugely proud of -- given the intensity with LORD JUSTICE LEVESON: All right, all right, keep going. 14 14 which the MPs' expenses team had to work, the incredible 15 Cheap, cheap. 15 pressure they worked under, continual threat of trying 16 A. Apologies, yes. But the second phase I think is really 16 to be stopped what they were doing, I think this record 17 quite important. So I felt comfortable with my 17 is one we should be proud of. 18 negotiating team going to meet the source, and the Q. Some might say the expenses story went on for too long 18 19 source was really quite interesting because he wanted 19 and the Telegraph, as it were, eked it out for what it 20 some money, which was not unexpected, he wanted some 20 was worth. You say that the strategy was to start with 21 legal protection, but what was really interesting was 21 the government, work down and move on to the opposition, 22 that he wanted -- the reason he had come to the 22 but really, you took every possible commercial advantage 23 23 Telegraph was he wanted to ensure fair and balanced that was open to you to, as it were, make as much money 24 coverage. He wanted to be certain that the Labour MPs 24 out of this as possible. Would you accept that? 25 and the Conservative MPs all had their chance to have 25 A. No, I wouldn't, and I suppose some might say that it Page 58 Page 60

- 1 represents one of the most important bits of public
- 2 service and public interest journalism in the post-war
- 3 period that unveiled and revealed such wrongdoing in
- 4 Parliament that the speaker had to resign and many MPs
- 5 followed after him, and I'd probably prefer that version
- of events rather than the one you put to me. 6
- 7 Q. Okay. So it wasn't a question then of achieving
- 8 a return on a no doubt substantial investment for the
- 9 material in the first place? You wouldn't agree with
- 10 that proposition?
- 11 A. I wouldn't agree with that. I'd say that the reason
- 12 that we did it was because ultimately I was obliged --
- 13 I saw it as my ethical obligation to bring this profound
- 14 wrongdoing at the heart of the House of Commons into the
- 15 public domain, and remain passionately of that view now.
- 16 Q. No one would seriously suggest that the Telegraph was 17 not entitled to make money, but looking at the
- 18 circulation figures over this period of time, as I'm
- 19 sure you did, is it possible to say whether or not there
- 20 was a return on the Telegraph's investment?
- 21 A. I don't know, but I wouldn't agree with the premise of
- 22 the question that the money paid was an investment. It
- 23 was a way to ensure that the readers of the Telegraph
- 24 and the broader British public were able to find out
- 25 about the profound wrongdoing in the House of Commons

# Page 61

- 1 A. That is correct.
- Q. Indeed, we know from the chronology that you left that
  - summer, didn't you?
- 4 A. Yes. May, actually, I think.
- 5 Q. The original story in the Telegraph, published on
- 20 December 2010, did not include Dr Cable saying that 6
- 7 he'd declared war on Rupert Murdoch by referring the
- 8 BSkyB bid to Ofcom. Do you recall that?
- A. I do.
- 10 Q. Subsequently Mr Peston of the BBC got hold of the full
- 11 story, including those remarks, and the question then
- 12 arose where Mr Peston had got that information from. Am
- 13 I right in saying that the Telegraph carried out an
- 14 internal investigation through private investigators to
- 15
- see who had leaked or might have leaked the story to
- 16 Mr Peston? Is that correct?
- 17 A. I have no idea. As you said earlier in your question,
- 18 I left the Telegraph in May 2010, so I've no idea if the
- 19 Telegraph conducted such an investigation.
- 20 Q. Okay. But the conclusion, insofar as there was one,
- 21 which the investigators reached was that there was
- 22 a strong suspicion that you and someone else were
- 23 involved in orchestrating the leaking of that
- 24 information to Mr Peston. The question I have for
- 25 you --

#### Page 63

- and how MPs had stolen from the taxpayer. 1
- 2 Q. Of course it's accepted that without payment you weren't
- 3 going to get the data, and one can characterise the
- 4 payment in whatever terms one wishes, either in your
- 5 terms or in mine, but however it's characterised, is it
- 6 capable of being demonstrated with reference to the
- 7 circulation figures whether the increase in circulation
- 8 and therefore the resultant increase in revenue
- 9 overtopped the amount of money that had to be paid for
- 10 the retention of the data?
- 11 A. I don't know the answer to that question. In line with
- 12 other big stories that I've been involved with, one
- 13 would expect circulation to go up, but at the heart of
- 14 the MPs' expenses story was a desire to ensure that
- 15 loyal Telegraph readers -- and you've already heard
- 16 about the unusual loyalty of Telegraph readers -- were
- 17 informed about how their MPs were fleecing the taxpayer.
- 18 Q. I've been asked to put to you a question on a completely
- 19 unrelated matter, and I gave you some notice of this. 20 It concerns the sting, if I can so describe it, of
- 21 Dr Vince Cable, which I think was in December of 2010,
- 22 when two female journalists from the Telegraph
- 23 impersonated his constituents. You obviously know about 23
- 24 that matter, although by that stage it's right to point
- 25 out that you had left the Telegraph; is that correct? Page 62

- 1 A. Right?
- Q. -- is simply this: is that strong suspicion correct or
- 3 incorrect? Or, rather, did you leak this information to
- 4 Mr Peston?
- 5 A. I can't assist you with that. As you know, core to any
- 6 journalist -- and I'm included -- is the protection of
- 7 journalistic sources, whether they're my sources or
- 8 someone else's sources, and any way that I answer that
- 9 question, helpful as I would like to be, would endanger
- 10 that principle. If I was to give you an example, if
- 11 I was to confirm that I was not involved at all, and
- 12 that is -- those reports -- the reports you've just read
- 13 out to me are inaccurate, I'm sure that would cause the
- 14 Telegraph and/or this agency that you say that they took
- 15 on -- but I don't know that for a fact -- to
- 16 reinvestigate and to try and hunt down what might be
- 17 entirely legitimate journalistic sources. So I can't
- 18 assist you on that.
- 19 Q. Can I just press that a little bit further, Mr Lewis?
- 20 There are two possibilities here, logically. Either it
- 21 was you who leaked the information to Mr Peston, in
- 22 which case there's no question of a source involved
  - because you were the person who leaked the information,
- 24 or it wasn't you, in which case it's not your source 25 that's involved, but Mr Peston and his relationship with
  - Page 64

16 (Pages 61 to 64)

1 another source. I'm not quite sure why you're unwilling 1 find ways to assure the public that newsroom behaviour 2 to tell us "yes" or "no" whether you provided this 2 is going to improve and can be controlled, if 3 3 information to Mr Peston, since there's no question I understand that to be the central question, then we 4 of --4 must therefore focus our attention on what's the best 5 [Alarm sounded] 5 way to influence those newsroom behaviours. 6 LORD JUSTICE LEVESON: One might have thought you were 6 You can then turn the question around, can't you, 7 7 responsible for this, but this is the not the Queen's and say: what is best practice newsroom behaviour? And 8 building, so we are not -- I'm afraid it will happen 8 it strikes me that that's a question we need to focus on 9 9 now as a matter of urgency, so that issues like an 10 A. I'm in danger of repeating myself, but I will repeat 10 independent force within the newsroom being a key best 11 myself, which is that -- I think it's clause 14 of the 11 practice principle would be, I think, something that 12 PCC code, for me, as I've lived with all my professional 12 I would suggest. Assurances of the independence of the 13 drear, is as much about protecting my own sources as it 13 editor it is another key principle, and alongside the 14 is for protecting other journalistic sources. I just 14 Editors' Code, you would see the son of the PCC, this 15 won't do it. So I don't mean to frustrate, and I hope 15 new regulator, hold newsrooms to account on those 16 you'll agree I've been as helpful as I can be in areas 16 principles as well as the Editors' Code, and that's the 17 that are of importance, I thought, to this Inquiry, but 17 best way in my mind for influencing newsroom behaviour. 18 in this instance I've probably gone as far as I can and 18 At the same time, you would ensure that newsrooms 19 19 had to be transparent and therefore accountable for how 20 Q. Okay, Mr Lewis, I fully accept that you have been 20 their newsrooms operated. Sunlight is a fantastic 21 a great assistance to the Inquiry. I'm not going to 21 disinfectant, and the very act of causing newsrooms to 22 press the matter further unless it's suggested that 22 have to disclose how they work and how far away they are 23 I should. 23 from best practice would be an incredibly empowering act 24 LORD JUSTICE LEVESON: You heard the debate or discussion 24 to help assure the public that newsroom behaviours were 25 that I had, I have no doubt, with Mr MacLennan. 25 under control. Page 65 Page 67 A. Yes. 1 I know you will probably be thinking: what about the 2 LORD JUSTICE LEVESON: I appreciate that your present role 2 issue of how do you get everywhere in the tent? I don't 3 3 think you've call it the Richard Desmond issue, but it may involve you thinking about some of these issues, but 4 if you do have anything to say having regard to your 4 is the Richard Desmond issue as things stand. 5 5 LORD JUSTICE LEVESON: It's much more than Richard Desmond experience as an editor in relation to these matters, 6 6 There are magazines, all other sorts of journals that I wanted to give you the opportunity to say it. 7 A. That's very kind. I do, and in my statement I make some 7 aren't members of the PCC, aren't there? 8 references to some ideas, but that was in August, and my 8 A. Correct, correct, and I think there my thinking is 9 thinking has built on that since then. I know you asked 9 focused really on following the money. Businesses tend 10 10 to make decisions where the money increases rather than people to go away and think about --LORD JUSTICE LEVESON: That's true. 11 decreases, and logic would dictate that if this son of 11 12 A. I hope this is of some use, but I would say four things, 12 PCC was able to control the currency, the advertising 13 currency that is so vital to the newspaper industry, 13 I think. They may or may not be of use. 14 14 which is currently owned by organisations such as ABC Firstly, I completely agree with your judgment not 15 15 and NRS -- if those were to come under the control of to rush to judgment, I mean, in terms of how to change, 16 since it's incredibly complicated, and we must not throw 16 the son of PCC, then any newspaper group outside of the 17 the baby out with the bathwater. There is tremendous 17 son of PCC would be unable to sell its advertising wares 18 work -- good work that, for example, the PCC has done 18 based on these crucial currencies that are so important 19 19 to how newspapers sell advertising. over the years that we mustn't lose. 20 20 But my key point is this: that there's been a lot of In addition, in the increasingly important online 21 21 advertising market, ABCE would also and should also fall talk, rightly so, about what the son of PCC who look 22 22 like, whether it should be legislated for -- wrong, no, under the control of this new regulator, so you wouldn't 23 23 it should be self-legislated, but if I understand the be able to force anyone to join it but if you wanted, as 24 key question to be that there is legitimate public 24 a media house, to continue to use this advertising 25 currency, you would have to be part of son of PCC. 25 concern about newsroom behaviours, and that we need to Page 66 Page 68

1 LORD JUSTICE LEVESON: How would you require that to happen? 1 A. No. sir. A. How would you require the son of PCC to get that LORD JUSTICE LEVESON: Thank you very much indeed. Thank 3 3 control? 4 LORD JUSTICE LEVESON: I'm not going to call it the son of 4 MR JAY: Sir, the final witness is Mr Tony Gallagher. 5 MR ANTHONY CONNELL GALLAGHER (sworn) 5 PCC because that suggests that a little tinkering will 6 do, and I'm not sure it would. 6 Questions by MR JAY 7 A. I don't mean to imply that at all. I understand the PCC 7 MR JAY: Your full name? 8 up until this point to have been a mediator with 8 A. My name is Anthony Connell Gallagher. 9 regulatory reputation, and I think there is now --9 Q. Thank you. Under tab 6 of the bundle in front of you, 10 I don't disagree with the emerging consensus of the need 10 you should find a copy of your witness statement, dated 11 for the industry to have a regulator, a self-regulator, 11 14 October of last year, and underneath a statement of 12 an industry that -- the industry should set it up for 12 truth and signed by you; is that correct? 13 itself, albeit with non-industry people. I don't 13 A. Yes. 14 disagree with that emerging consensus at all. 14 Q. You are currently the editor of the Daily Telegraph? 15 You wouldn't be able to force people to join it, but 15 A. Correct. 16 if you create an environment where the money, the 16 Q. In terms of your journalistic career, after working in 17 advertising money, was more able to be accessed if you 17 the regional press, you joined the Daily Mail in 1990. 18 were a member of it, that would be one step that would 18 You ended up, if I may so describe it, as assistant 19 cause this to happen. 19 editor. You left the Daily Mail in October 2006 and you 20 LORD JUSTICE LEVESON: I'm not sure how you would be able to 20 became editor of the Daily Telegraph after a number of 21 21 require advertisers to commit into such an organisation. other positions there in November 2009; is that correct? 22 Why would a company wishing to advertise, say, "Well, of 22 A. Yes. 23 course I'll only go to those who are approved by the 23 Q. I've asked this general question, this cultural question 24 regulator" unless you required it? And once you're 24 about the differences, if any, between the various 25 requiring it, then you're going to run yourself into 25 newspapers for which you worked. In your case, it would Page 69 Page 71 other difficulties. I'm happy to talk about it. I'm be a comparison between the Daily Mail on the one hand 1 1 2 also happy to talk about independent regulation, however 2 and the Daily Telegraph on the other. Are there any 3 that comes about, and I'm also concerned to know how you 3 cultural differences between the two? 4 would fit in the general requirement that people have 4 A. Bear in mind that I was operating at a lower level when 5 expressed concern about in relation to libel and the 5 I was at the Daily Mail, but notwithstanding that, 6 cost of litigation and to have some speedier mediation 6 I don't see huge cultural differences between the 7 solution. 7 newsroom of the Daily Mail and that of the 8 A. Yes, I heard that debate and discussion you had earlier. 8 Daily Telegraph, in that there's a desire for accuracy, 9 Just to clarify my advertising point, the way that 9 there's a desire for professionalism, there's a desire 10 newspaper advertising broadly works at the moment is 10 to compete with and beat your rivals in what's a hugely 11 that newspaper groups use this currency, whether it's 11 competitive newspaper market, and I think it's right to 12 through ABC or NRS or some other currencies, which is 12 say that the journalists that can thrive in one newsroom 13 13 almost a stamp of approval that these bodies give to say can usually thrive in another, and their skills are very 14 you have this many readers or this many eyeballs on your 14 transferable. So no, I don't see a huge cultural 15 website, and you use that, as a newspaper group, to then 15 difference. 16 go to the advertising agencies that by and large control 16 Q. Thank you. Under paragraph 5, you explain -- and we 17 corporate advertising and you get -- off the back of 17 know this from other evidence we've heard -- editorial 18 that, you win advertising. 18 decision making is your responsibility? 19 So my argument is that the son of PCC, as I'm 19 A. That's right. 20 calling it, would -- should get control of that 20 Q. Although of course day-to-day decisions may be delegated 21 currency, to give an extra motivation to media houses to 21 to others; is that right? 22 become part of that regulatory framework. 22 A. Correct. 23 LORD JUSTICE LEVESON: We'll obviously have to look at how 23 Q. In terms of what you decide to do yourself and what you 24 that works. 24 decide to delegate, what principles, if any, do you 25 Is there anything else that you --25 apply to guide you? Page 70 Page 72

- 1 A. I have a team that works underneath me that I trust
- 2 implicitly that carries out a lot of the instructions
- 3 that I would make in the course of the day, but I think
- 4 it's fair to say that I'm very hands-on and I'm involved
- 5 in most of the key decisions of the day, from everything
- 6 that goes on the front page to the promotional blurbs,
- 7 to the page leads, to the choice of commentary, to the
- 8 leaders, to the choice of features. Pretty much
- 9 everything apart from the TV listings.
- 10 Q. Thank you. In the next few paragraphs of your statement
- 11 you deal with the structure within, as it were, the
- 12 editorial division of the Daily Telegraph and the
- 13 various departments. I can move on to paragraph 10 and
- 14 deal with the issue of the Telegraph website, which
- 15 we've heard from other evidence is becoming increasingly
- 16 important to the Telegraph's business model. Can you
- 17 explain what you meanwhile by the phrase "reporters who
- 18 self-publish their own stories"?
- 19 A. In classic newsrooms, stories tend to be written and
- 20 then routed through the news editor, who will then route
- 21 them to the editor and discuss the importance of them.
- 22 With the Internet and the need for speed of delivery, as
- 23 we compete against Internet news providers, we took
- 24 a decision a couple of years ago to ensure that
- 25 experienced reporters were effectively able to bypass Page 73
- 1 the news deck, which would allow them to self-publish
- 2 their stories and have them peer-reviewed pretty much
- 3 instantly. But that was mainly for what I would
- 4 describe as noncontentious news stories rather than
- 5 anything that would be particularly controversial.
- 6 Q. So anything that might attract controversy, that would
- 7 go up through the traditional pathway; is that right?
- 8 A. Yes. Or it would -- or the reporter himself or herself
- 9 would quickly get involved with the legal department
- 10 that works on the same floor and is on tap the entire
- 11 day in terms of advice or guidance they might be able to
- 12
- 13 LORD JUSTICE LEVESON: Not to do so would create
- 14 a reputational risk.
- A. Absolutely, and the lawyer is two doors away from my 15
- 16 office and is on the floor most of the day, and has his
- 17 door open to reporters the entire time, so can be
- 18 consulted at any stage, not just by me but by junior
- 19 reporters too.
- 20 MR JAY: Can you explain a little bit more how the process
- 21 of peer review works, both generally and particularly in
- 22 relation to the online product?
- 23 A. It's senior colleagues of the reporter in question
- 24 checking the accuracy of the story, making sure there
- 25 are no howling spelling errors and so forth before the Page 74

- 1 other reporter launches it onto the interpret.
- 2 Q. Thank you. You explain how legal risk is addressed
- 3 under paragraph 14. Some stories require legal
- 4 sign-off, as you put it. There isn't a hard and fast
- 5 algorithm for deciding which stories require sign-off 6
- and which don't. You explain it's a question of 7 judgment, but you're on the side of caution.
- 8 We understand fully about the concept of risk in the
- 9 context of defamation, but to what extent do privacy
- 10 issues feature in the Telegraph's product, the stories
- 11 they print?
- 12 A. That's not a very live issue for us, in that we don't
- really go down that path in terms of the story choice, 13
- 14 so privacy doesn't normally arise. I think there's
- 15 a very tiny amount of stories for the Telegraph.
- 16 Q. But we know there's a showbusiness correspondent.
- 17 A. That is correct.
- 18 Q. What sort of stories does he or she write?
- 19 A. There's been a showbusiness correspondent dating back
- 20 two decades, but classically the showbusiness
- 21 correspondent will cover showbusiness stories that are
- 22 of interest to Telegraph readers, as we judge them.
- 23 They'll cover the radio, TV shows, theatrical first
- 24 nights, cinema premieres. To give you two immediate
- 25 examples, we've been very interested at the Telegraph in Page 75
  - the premiere of War Horse, and we've carried a great deal about that of late, and we have a great interest in
- 1 2
- 3 Downton Abbey, which appears on the news pages
- 4 periodically.
- 5 O. It's a question of the Telegraph knowing its readers?
- 6 A. Absolutely. We're more likely to be interested in
- 7 Downton Abbey than we are in the X Factor, for example.
- 8 Q. I think I'm beginning to get the point, thank you.
- 9 Can I deal with paragraph 16. When the PCC asked
- 10 you not to publish a particular story or photograph,
- 11 what is the Telegraph's typical reaction to such
- 12 a request? Could you help us with that?
- A. We tend to abide by it. The relationship with the PCC 13
- 14 is very healthy. They can pick up the phone or they can
- 15 send an email to me or to the head of the legal team,
- 16 and they're very quick to point out where there's an
- 17 issue with a particular person that is requiring or
- 18 demanding privacy.
- 19 I have to say, when they send these emails or they 20
- ring us, I'm guessing that it's quite a small minority 21 of requests are relevant from the point of view of the
- 22 Daily Telegraph in terms of the personalities they're
- 23 talking about.
- 24 Q. Thank you. We heard, and I put it to a previous
- 25 witness, Mr MacLennan, that the Telegraph was censured Page 76

19 (Pages 73 to 76)

- 1 by the PCC in May 2011 over the Dr Vince Cable sting
- 2 story?
- 3 A. Yes, that's correcting.
- 4 Q. Mr MacLennan told us that the full adjudication was
- 5 published; is that right?
- A. That's right. The PCC ruling, which we accepted but 6
- 7 were unhappy with -- they required us to publish an
- 8 abridged version of that ruling. I felt that it was
- 9 a matter of such public interest that we should publish
- 10 the entire ruling, which was, from memory, about a third
- 11 longer than the abridged ruling. We published it in its
- 12
- 13 Q. You mentioned the public interest. What was the public 13
- 14 interest in publishing the entire ruling?
- 15 A. I felt that it was -- the story itself generated a huge
- 16 controversy. It was probably the most important PCC
- 17 ruling of 2011 and I felt in the interests of justice,
- 18 we should carry the entire ruling, given that we'd
- 19 devoted a fair amount of space to the embarrassment of
- 20 the Liberal Democrats in December 2010.
- 21 Q. Thank you. May I deal with the issue of corrections.
- 22 You don't have a corrections page?
- 23 A. No.
- 24 Q. What is your policy, if any, in relation to the
- 25 publication of corrections?

#### Page 77

- A. All corrections come through me. Very often, complaints 1
- 2 are addressed to me directly by lawyers or by
- 3 individuals, if not me then the legal department, and we
- 4 try and deal with corrections very quickly. I don't
- 5 like them building up. I don't like the process being
- 6 drawn out. Wherever possible, I like them to be done
- 7 quickly. We don't have a corrections page, but my
- 8 thinking is emerging that it's something we may need to
- 9 consider in due course.
- 10 Q. Thank you. It's been put to one or two editors already
- 11 the desirability or otherwise of having a readers'
- 12 editor, which I don't think the Telegraph has. What is
- 13 your view on that, if any?
- 14 A. I'm not sure that a readers' editor is a wholly helpful
- 15 idea in that I think the person that should be dealing
- 16 with the readers is me. Complaints often come to my
- 17 desk, and I take on board the fact that -- where there
- 18 are complaints I will ring people and find out what the
- 19 nature of their complaint is. So I think it might be an
- 20 unnecessary layer of bureaucracy and I prefer to deal
- 21
- with the issue myself in a quick and timely fashion.
- 22 But I must say, I don't have a hard and fast view on the
- 23 matter and if there was an industry consensus that
- 24 everybody had to have a readers' editor then I'd be
- 25 happy to go along with that.

# Page 78

- Q. Paragraph 23, our page 21162.
- A. Yes.
- 3 Q. "The culture of the Daily Telegraph is one of excellence 4 and professionalism."
- 5 First of all, how is that culture inculcated? And 6 secondly, how is it executed, as it were, across the 7
  - whole of your product, by which I mean your employees?
- 8 A. We have a highly professional staff who can be relied 9 upon themselves to work to the highest standards.
- 10 I think accuracy is at the forefront of everybody's mind
- 11 every day, and they pride themselves on getting stories
- 12 right. So first and foremost, it comes down to the reporter.
- 14 From my point of view, I lead from the front and I'm 15 highly visible. I'm there the entire day,
- 16 notwithstanding today, and I'm usually there when the
- 17 edition goes at night source. So I like to think that
- 18 they can approach me if there's a problem and that I'm
- 19 a keen stickler for accuracy and getting stories
- 20 100 per cent layered on right.
- 21 Q. Can I move on to a different matter now. That's
- 22 responsibility for checking sources, starting at
- 23 paragraph 29. You explain the day-to-day operation of
- 24 the paper and the various conferences which take place
- 25 under paragraph 30. That's part of the background.
  - Page 79

1 The primary responsibility lies with the reporter,

- 2 but the -- can you just deal with the last sentence of
- 3 paragraph 29, the extent to which reporters are
- 4 questioned about their sources. Is this a question of
- 5 intuition or is there more developed science to it?
- A. It's a mix of both, I think. It depends upon the nature
- 7 of the story in the first instance, how explosive is the
- 8 story, to what extent is it a knocking story, what sort
- 9 of waves is it going to cause in political circles?
- 10 Secondly, what's the veracity of the source? Is the
- 11 source on the record? If the source is off the record.
- 12 is there documentation to back um what we're about to
- 13 allege?
- 14 I think it's only right to say that we have to trust
- 15 in the judgment of the reporters, too. If a very senior 16 reporter comes to me with an explosive story and says,
- 17 "We can't name the source", we're more likely to take
- 18 that on board than if it happens to be a junior member
- 19 of staff who joined us five minutes ago.
- 20 Q. This question was asked of others, and I suspect I know
- 21 the answer when I put the question to you, but is there
- 22 any written audit trail of these decisions in relation
- 23 to sources so that if there were to be litigation you 24 would be able to demonstrate the thought process?
- A. The PCC has issued, I believe, new rules in the past two Page 80

20 (Pages 77 to 80)

1 weeks on the nature to write down how public interest 1 2011, twice for dinner. George Osbourne, a similar 2 decisions are taken and who is accountable for them. 2 number of times. Ed Miliband, a similar number of 3 That doesn't necessarily include identification of 3 times. And with my team, we've had lunch or dinner 4 sources, you won't be surprised to learn. 4 probably with three-quarters of the cabinet, and perhaps 5 Q. No. 5 50 per cent of the shadow cabinet over the previous 18 A. But certainly we're going to have to provide, going 6 7 forward, more documentary evidence of how we reached 7 Q. It's clear from that answer that you don't just see 8 a particular decision to publish a story, and I have to 8 those in government; you see those in opposition. 9 say I'm comfortable with that. 9 A. Indeed. 10 Q. Thank you. Then paragraph 32, Mr Gallagher. If you 10 Q. Is there any difference in the reason for your meeting 11 read a story and it makes you think: "When did that come 11 politicians on the one hand in government and those 12 from?" you will almost certainly ask the question. 12 outside government? 13 That's a question of the matter of experience. If you 13 A. Absolutely not. We're interested -- you won't be 14 smell a rat or there's doubt in your mind, you'll want 14 surprised to learn -- as a newspaper, we're terribly 15 to probe further; is that correct? 15 interested in politics, so it shouldn't be a great 16 A. Correct. Beyond the legal process, it's a matter of 16 surprise to discover that we have pretty regular 17 some instinct, I think. 17 meetings with the most senior politicians in the land, 18 Q. Yes. I can move on. Paragraph 39. 18 who are keen to get exposure for their policies, LORD JUSTICE LEVESON: Before you do move on, Mr Gallagher 19 19 convince us of their ideas and that their ideas are of 20 is it going to be extremely inconvenient for you to 20 merit and so forth, but I think it's important that we 21 return first thing tomorrow morning? 21 see all sides. 22 A. I'd really much rather continue after 5 o'clock if 22 I would add the following: I never have these 23 that's at all possible. I've had to take the entire day 23 dinners on my own, I've never been in their private 24 today, so if it's not too inconvenient for everybody. 24 homes, and nor would I ever have them in my home. It's 25 LORD JUSTICE LEVESON: We'll carry on but we will just give 25 usually me and senior members of the editorial team. So Page 81 Page 83 the shorthand writer a couple of minutes. 1 it's purely work for us. 2 Q. Thank you. And presumably these dinners are an expense 2 (4.38 pm)3 3 (A short break) on your paper; is that right? 4 (4.42 pm)A. Usually, yes. Equally I think it's only right to say 5 MR JAY: Mr Gallagher, paragraph 39, if I may say so, though 5 that politicians now -- senior politicians now document these on their own websites in the interests of full 6 very well written, we'll pass over, but we will note 6 7 your description of how ethics applied to what you do. 7 disclosure. 8 Can I deal though with paragraph 41 and the question 8 Q. Maybe in relation to the Daily Telegraph it's an 9 of any influence on you from above, namely the 9 entirely stupid question but I ask it nonetheless so 10 proprietors. You tell us that there is no such 10 I can get the answer. Presumably the reason behind 11 influence. Is that correct? 11 these meetings is not to persuade the Telegraph to 12 A. Correct. 12 support or not to support a particular political party? 13 Q. What is the nature of the communication, if any, between 13 A. You'd have to ask David Cameron or Ed Miliband, but 14 14 the proprietors and yourself? I think we've given them pretty rough treatment, both of 15 15 A. Next to nothing. I talk to the chairman of the them, for various issues over the past 12 months, so if 16 Telegraph Media Group, Aidan Barclay, ones or twice 16 that was the measure they had in mind, they've failed. 17 a month. I think I spoke to him the week before 17 Q. Thank you. Paragraph 50, please. 18 Christmas and I haven't spoken to him since. LORD JUSTICE LEVESON: Do you think it gives you influence 19 Q. Thank you. May I ask you briefly at this stage about 19 A. Absolutely not. I don't kid myself. The only reason 20 your dealings, if any, with politicians? Do you have 20 they're having dinner with me is because I run the 21 21 Daily Telegraph but if I fell under a bus this evening, dealings with politicians, particularly those in high 22 office? 22 they'd want dinner with the next editor of the 23 23 A. Yes, I do. Daily Telegraph. 24 Q. First of all, how frequently? 24 LORD JUSTICE LEVESON: Yes, I understand that. I'll change A. I think I've seen the Prime Minister three times in 25 the question slightly. Do you think it gives the editor Page 82 Page 84

3

- 1 of the Daily Telegraph influence?
- 2 A. No, is the short answer to that. I think they become
- 3 aware of where we stand on given issues, but given the
- 4 extent to which we find ourselves in opposition with the
- 5 current government, and indeed found ourselves in
- 6 opposition with the last government, I think it would be
- 7 fair to say we're not having a great influence if there
- 8 are so many of their policies that we don't agree with.
- MR JAY: Paragraph 50, please, Mr Gallagher. These are
- 10 factors you take into account on perhaps fairly rare
- 11 occasions when a publishing decision has privacy
- 12 implications.
- A. Mm-hm. 13
- 14 Q. You list three of them. The first is the position of
- 15 the person who is the subject of the story. In your
- 16 view, is the mere fact of celebrity a reason for
- 17 publishing a story which would otherwise be an intrusion
- 18 into that person's privacy?
- 19 A. No.
- 20 Q. Why do you say that?
- 21 A. I would qualify that by saying that if the celebrity was
- 22 of interest to Daily Telegraph readers, then we might be
- 23 interested in it, but I think it's very hard to pin down
- 24 precisely when and how we become interested in that
- 25 person. It would far more relate to politicians,
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- Blunkett, to give you another prominent political
- 2 example, when it emerged that he was involved in a love
  - tangle, to use a phrase, there might not have been an
- 4 overwhelming public interest in that to begin with, but
- 5 when it become apparent that there had been an issue
- 6 over whether or not he had fast-tracked a visa for the
- 7 lover's nanny, then it was suddenly a massive kind of
- 8 public interest and he subsequently lost his job.
- MR JAY: May I ask a series of general questions. The issue
- 10 of prior notification, whether it's the Telegraph's
- 11 policy to notify the subjects of stories that stories
- 12 are about to be published, is it or is it not the
- 13 Telegraph's policy to do that?
- 14 A. It tends to be our policy, the reason for that being
- 15 that the Reynolds defence is well-known, I think hard
- 16 wired to most members of staff, and giving them prior
- 17 notice of stories seems to me to be good practice, even
- 18 to the point where, on occasion, we've held the story
- 19 out of the paper for 24 hours to ensure that the subject
  - of the story is given full chance to respond in suitable
- 21 detail.

20

- 22 Q. Any policy may be subject to exceptions. Could you
- 23 assist us, please, on a principle basis of the sort of
- 24 situations which might justify a departure from that
- 25 policy?

### Page 87

- I think, and we'd be much more interested in their 1
- 2 private lives, but again, there probably comes a point
- 3 when we get interested in it and it's hard to know when
- 4 it becomes an overwhelming public interest in the
- 5 disclosure of that information. It shifts, the ground,
- 6 if you see what I'm saying.
- 7 Q. Is it the Telegraph's position, if one were to take the
- 8 example of a politician, who, for example, has not
- 9 publicly spoken out in favour of family values, that the
- publication of adultery would be in the public interest 10
- in relation to that individual? 11
- 12 A. It's a difficult question, to which I don't think
- 13 there's a short and simple answer. Was the publication
- 14 of the break-up of Chris Huhne's marriage in the public
- 15 interest? Perhaps not, but then it emerges that there's
- 16 a wrangle over who was behind the wheel of a car and
- 17 whether or not he order her to take points on his
- 18 licence. Then it definitely becomes a matter of public
- 19 interest. So I come back to what I said earlier: the
- 20 ground can shift.
- LORD JUSTICE LEVESON: But it's not that their relationship 21
- 22 has broken up that's a matter of public interest, but
- 23 whether somebody has done something that contravenes
- 24 criminal law.
- A. In the case of Chris Huhne, yes. In the case of David Page 86

- A. I can't think of what we've done in reality, but in 1
- 2 terms of hypotheses, I suppose if the subject of the
- 3 story was going to destroy the information or it was no
- 4 longer going to be material if you waited another day
- 5 and they were going to change their mind, then there
- 6 might be examples where you would not go for prior
- 7 notification, but they would be extremely rare, and in
- 8 fact I haven't come across them in my time there.
- 9 Q. Thank you. May I ask you now about conditional fee
- 10 agreements. I have no doubt you have views about the
- 11 balance of power which is created by claimants having
- 12 access to such agreements, but I understand it to be the
- 13 position that sometimes the Telegraph uses conditional
- 14 fee agreements. Is that so?
- 15 A. That's correct.
- 16 Q. Is this usually the case or always the case?
- 17 A. It's occasionally the case, is how I would put it. They
- have become a weapon in our armoury as we face claimants 18
- 19 who have fantastic funding and seemingly inexhaustible
- 20 limits of patience to pursue us, even when they're flat
- 21
- 22 Q. Can I take that answer in two parts? Why does the
- 23 Telegraph's use of a conditional fee agreement improve
- 24 its bargaining or litigation position vis a vis a
- 25 claimant?

- 1 A. It makes it cheaper. Bear in mind we're a company that
- 2 makes money, as you've seen, and we're reasonably
- 3 successful, and therefore we have deep enough pockets to
- 4 fight a number of these cases, but I have to tell you
- 5 that very often we fail to fight cases simply because
- 6 the expense of so doing is so onerous that it's easier
- 7 to pay our own expenses, carry a brief clarification and
- 8 then move on.
- 9 Only last week I signed off an amendment to a story, 10 and it was concerning a policeman who had been guilty of
- some misconduct and we'd run up legal bills of £35,000,
- which for us, while being a substantial sum of money, is
- not ruinous, but if you're a local paper and you're
- suffering that kind of difficulty, you'll automatically
- throw in the towel.
- 16 I'll give you a second example, if that would be
- 17 helpful, which concerns the case of a man who was
- described as the world's worst professional tennis
- 19 player, and we carried a small story about him on the
- sports pages, in common with a good number of other
- 21 national newspapers, but armed with a conditional fee
- agreement, he came after pretty much every national
- 23 newspaper and then showed up the cheques that he won
- from all of them on his website.
- 25 Reuters, who I think I'm right in saying supplied Page 89

- A quick and easy way, a cheap way of resolving legal
- 2 complaints I think would be one of the best policy
- 3 outcomes of this Inquiry, sir, because the chilling
- 4 effect of libel on small media organisations has to be
- 5 seen to be believed.
- 6 LORD JUSTICE LEVESON: But there's a downside to that,
- 7 Mr Gallagher, which I'm sure you appreciate, namely that
- 8 the only way that can become compulsory is if it's part
- 9 of the law.
- 10 A. Mm-hm.
- 11 LORD JUSTICE LEVESON: In other words, it requires those who
- 12 wish to complain about privacy or libel -- and there can
- be limits or whatever -- to go down this route. If you
- make it consensual, built on contract, entirely
- self-organised, then those with the deepest pockets will
- simply say, "I'm not prepared to play that game"; in
- other words, you'll suffer exactly the same problems
- which you are presently complaining about.
- 19 A. Quite so. I think I'm right in saying there is
- a defamation bill going through the houses of Parliament
- at the moment, and it's not for me to say, but people
- 22 have worked out more fully thoughts on this matter than
- 23 me, I would venture to suggest, but it seems to me that
- 24 if we could find add way of amending that bill to make
- 25 mediation a route into an earlier stopping stage than
  - Page 91

- 1 the original story, eventually bailed out when their
- 2 legal bills came to £130,000, and we kept going and the
- 3 case against us was eventually struck out, but everybody
- 4 else fell by the wayside, to give you just one example.
- 5 Q. I ask you to deal with a point which has been forcefully
- 6 made by those acting for claimants, that if a newspaper
- 7 such as yours has a good defence, why doesn't the
- 8 newspaper take that defence to legal adjudication, since
- 9 the effective after-the-event insurance will mean you
- get all your costs or most of them back?
- 11 A. You can. Do you mean proceeding to trial?
- 12 Q. Yes.
- 13 A. Proceeding to trial gets even more expensive than that.
- We've had one or two cases where seven-figure sums have
- been burned without successful revolution. I must say,
- we try wherever possible to avoid going to trial and try
- and resolve things at an earlier stage, but occasionally
- you will get a litigant who is extremely determined to
- 19 have their day in court.
- 20 Q. Okay.
- 21 LORD JUSTICE LEVESON: So that raises the question that
- $\,$  22  $\,$   $\,$  you've heard me ask before today -- I don't know whether
- you were here earlier -- about some sort of arbitral
- 24 system.
- 25 A. I'm hugely attracted by that. Hugely attracted by that. Page 90

- libel, I think it would be highly desirable.
- 2 Indeed, I know you perhaps want to talk in more
- detail in a moment about the future of the PCC, and it
- 4 would be a wholly advantageous outcome for the media,
- 5 I think, if some kind of arbitral system could be
- 6 embroidered into whatever replaces the PCC going
- 7 forward.
- 8 LORD JUSTICE LEVESON: Well, that's part of an overall
- 9 package that I've not decided. I make it abundantly
- clear to everybody and I repeat it so that nobody thinks
- 11 that I'm becoming blinkered to everything. I'm not.
- 12 I am just raising questions and raising issues for you
- 13 to consider, because I'm sure you are already
- involved -- at least I hope you're involved -- with
- 15 other editors in looking for ways forward which will
- work for you and work for me. It's part of the overall
- issue that I believe should be considered.
- 18 A. There has to be a better way, a cheaper way and
- 19 a quicker way than the current system we have, and
- 20 I think if all of us are thinking hard about it, it
- can't be beyond the wit of man to come up with sucha system.
- 23 LORD JUSTICE LEVESON: But you see -- I mean, this goes into
- the PCC material. I entirely agree that any regulation
- 25 has to be independent. It can't involve the government.

| ١. |  |      |  |
|----|--|------|--|
| 1  | It can't involve politicians. It must involve people       | 1    | ours and doesn't like us.                                  |
| 2  | from the business, whether it's serving editors or         | 2    | Q. I think he was saying that not merely he doesn't like   |
| 3  | former editors and former journalists. It must involve     | 3    | you but you don't like him, because you were repeatedly    |
| 4  | independent people. It probably has to involve some        | 4    | attacking him. Is that true or not?                        |
| 5  | legal input. But I could visualise a system that has       | 5    | A. I don't think that's true, no.                          |
| 6  | three limbs: the complaint and mediation services,         | 6    | Q. If I ask you some general questions to conclude. What   |
| 7  | presently what everybody says the PCC does so well;        | 7    | is your vision for the paper and in what way will you      |
| 8  | a regulatory mechanism, which I don't think the PCC now    | 8    | realise that vision in the manner in which you lead your   |
| 9  | claims to have done; and an arbitral mechanism, not        | 9    | organisation?  |
| 10 | statutory in the sense that it is defined by statute,      | 10   | A. My vision for the paper is for it to be a continued and |
| 11 | but statutory in the sense that that provides the          | 11   | increasing success. It's important, I think, as a force    |
| 12 | compulsory background to appointment of independent        | 12   | for good in civil society. I want it to lead the news      |
| 13 | people to do all these things.                             | 13   | agenda, to have the brightest and most provocative         |
| 14 | A. Mm-hm.  | 14   | comment, the most engaging features, the best business     |
| 15 | LORD JUSTICE LEVESON: I don't ask you to comment upon that | . 15 | section, the most compelling sport, the entire package,    |
| 16 | You're very welcome to if you want to, to express          | 16   | and I would look to achieve that, I hope, by the work      |
| 17 | definitive views now, and I'm not clear about it in my     | 17   | rate that I put into the paper and my visibility on the    |
| 18 | own mind. I'm merely thinking about all the                | 18   | floor and my determination to lead from the front,         |
| 19 | possibilities.   | 19   | without wishing to sound vainglorious.                     |
| 20 | A. I must say I find the prospect very attractive, and if  | 20   | Q. Okay. Finally, what is your biggest priority going      |
| 21 | you could find mediators who could take notes as the       | 21   | forward, Mr Gallagher?                                     |
| 22 | process is ongoing, work out how willing or otherwise      | 22   | A. I think it's converting our vast digital audience into  |
| 23 | the complainants or the litigants are to come to           | 23   | money, because while we have a huge presence on the web,   |
| 24 | a resolution, and if no resolution can be found, that      | 24   | the way in which that's converted into money hasn't        |
| 25 | could be counted against them when it comes to an          | 25   | replaced the loss of display advertising in the downturn   |
|    | Page 93  |      | Page 95  |
|    | C  |      | C  |
| 1  | ultimate libel action, but one would hope that most        | 1    | since 2008.  |
| 2  | cases would be resolved at a much earlier stage.           | 2    | MR JAY: Thank you very much. There will probably be some   |
| 3  | LORD JUSTICE LEVESON: Or up to a certain level you could   | 3    | more questions.  |
| 4  | use this and permit appeals on points of law, whatever.    | 4    | LORD JUSTICE LEVESON: Really, they're to carry on with the |
| 5  | There are all sorts of models that one could choose, but   | 5    | dialogue we were having just a few minutes ago, if you     |
| 6  | one has to be prepared to think about the framework        | 6    | wish to. I'm obviously anxious to explore with editors,    |
| 7  | broadly along the lines that I've said, because if one     | 7    | as I have with others, ways forward which work, and        |
| 8  | says: well, it all has to be outwith some sort of          | 8    | you've probably heard me say that earlier today.           |
| 9  | framework, then, as I say, people needn't co-operate.      | 9    | A. Mm-hm.  |
| 10 | A. In principle, I find the prospect highly attractive.    | 10   | LORD JUSTICE LEVESON: So ideas that you have would be      |
| 11 | LORD JUSTICE LEVESON: Thank you.                           | 11   | welcome.   |
| 12 | MR JAY: Mr Gallagher, before I ask some final general      | 12   | A. I have four thoughts which I will share with you, if    |
| 13 | questions, can I ask you about your paper's diary          | 13   | that's okay.   |
| 14 | column, which I think is called Mandrake; is that right?   | 14   | I think the PCC as its constituted is clearly not          |
| 15 | A. Yes.  | 15   | fit for purpose. That's been decreed by the                |
| 16 | Q. I put this to you before lunch when we met. Are you     | 16   | Prime Minister. So for whatever it is that replaces        |
| 17 | aware of a blogger called Mr Montgomerie writing in his    | 17   | it bearing in mind the good work that I think it does      |
| 18 | Conservative Home blog on 19 October last year that he     | 18   | on the complaints and mediation point, I think whatever    |
| 19 | was leaving his Sunday Telegraph column because he was     | 19   | it is that replaces it must have an investigative arm.     |
| 20 | repeatedly attacked in Mandrake on your orders because     | 20   | I think one of the difficulties of the PCC is that it      |
| 21 | he had tweeted a criticism of the Telegraph's coverage     | 21   | stands condemned for things it was never able to do.       |
| 22 | of the resignation of Dr Liam Fox?                         | 22   | I think it was the Lord Chief Justice who said in his      |
| 23 | A. I've never met Mr Montgomerie, but I think he has quite | 23   | speech in October to criticise the PCC for powers it       |
| 24 | an unhealthy obsession with all matters to do with the     | 24   | doesn't have is like criticising a judge for passing       |
| 25 | Telegraph and for many years has been an opponent of       | 25   | a lenient sentence when he doesn't have those powers.      |
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|    | 5  |      | 24 (Pages 93 to 96)  |

1 I think the PCC has never had investigative powers, and 1 press? 2 I'd very much like it to have those, to be able to --2 A. I'm not sure that it would. I think we need to do 3 when there's been a systemic breakdown in standards, to 3 a great deal more to heighten the sense of being 4 4 a pariah for those that remain outside the organisation. go into newsrooms, interview staff, seek emails, demand 5 an audit trail to see how decisions have been taken. 5 The only other point I would make is that while --6 6 and I'm not sure I'm in the majority on this, but while I'm, as I say, greatly attracted by the idea of an 7 7 I would like them to have investigative powers, I'm not arbitral service which could be provided by the new 8 8 sure I'm attracted to the idea of fines for the body. I think if that arbitral service was low cost, it 9 9 might be a great way of embracing the Internet news recalcitrant media companies. I'd prefer to see 10 providers, who at the moment remain outwith the system, 10 suspension of people to fines for the company. Bear in 11 11 mind we're operating in a very beleaguered landscape, and if they realise that their access to that cheap and 12 12 quick arbitral system would be contingent upon joining where a great number of media companies, far from making 13 13 the new body, that would be wholly desirable. money, are losing tense of millions of pounds per annum. 14 14 LORD JUSTICE LEVESON: Yes, I understand that point. I am Lastly I would say that I think we need to do much 15 15 much more concerned to ensure that everybody is judged more to increase the nature of pariah status for those 16 organisations that are not members of the body, and if 16 on a level playing field, so that there is a commonality 17 17 of approach which is as wide as possible to all those it was not enforceable by some kind of civil law, then 18 18 who are in the trade or business of supplying news. I think the industry could and should do a great deal 19 more to ensure that rogue publishers are given no access 19 A. I understand. 20 to the benefits enjoyed by everybody else. 20 LORD JUSTICE LEVESON: I gather from what you say that you 21 21 don't really disagree with that? I'll give you some examples. Why should a rogue 22 22 A. I don't. publisher be allowed to have its reporters attend lobby LORD JUSTICE LEVESON: Is there anything else that you'd 23 23 briefings? Why should they get access to briefings 24 24 carried out by any ministers? Indeed, why should they 25 25 A. No, I think that's it for now. Thank you. get access to events organised by football writers or Page 97 Page 99 copy from the Press Association or copy from freelance LORD JUSTICE LEVESON: Thank you very much indeed. 1 1 2 agencies? 2 A. Thank you. 3 I think we could do a great deal more to increase 3 LORD JUSTICE LEVESON: Right. 4 pariah status for those that decided they didn't want to 4 MR JAY: That concludes the witnesses for today. 5 be part of the system, and hopefully that could LORD JUSTICE LEVESON: Thank you very much. We'll start 6 encourage them to come into line. 6 again at 10 o'clock. LORD JUSTICE LEVESON: But if there was a system whereby 7 7 MR JAY: We do need to list the witnesses who are going to 8 they had to be in the system, and that's what also got 8 be taken as read. 9 them into the arbitral service and all the rest of it, 9 LORD JUSTICE LEVESON: Oh, please do. 10 while ensuring that the regulator was entirely MR JAY: In relation to this afternoon's witnesses, Mr Adam 10 independent -- in other words, staffed, as I said Cannon, Mr Wynn-Davies, Mr Benedict Brogan, Mr Peter 11 11 12 before, by editors or probably ex-editors, because of 12 Oborne and Mr Ian McGregor. 13 the problem about judging your competitors, and 13 LORD JUSTICE LEVESON: I'm not so sure about Mr Oborne, 14 14 independent people -- then doesn't that equally achieve because I think there may be reasons why I would be keen 15 not merely the goal of bringing in not merely newspapers 15 for him to give evidence. 16 but the magazine sector, who really should be part of 16 MR JAY: Yes. 17 the same system? 17 LORD JUSTICE LEVESON: But the others, certainly. 18 A. Mm-hm. MR JAY: Yes. 19 LORD JUSTICE LEVESON: And who probably wouldn't care if 19 LORD JUSTICE LEVESON: Thank you very much. 10 o'clock 20 they weren't invited to lobby briefings, because they 20 (5.12 pm)21 don't come to them anyway. 21 (The hearing adjourned until 10 o'clock the following day) 22 22 A. Mm-hm. 23 LORD JUSTICE LEVESON: And also all those who could take 23 24 advantage of an arbitral service. Why would that be 24 25 25 inimical to the rights of free speech and freedom of the Page 98 Page 100

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