

<p>1 2 (2.00 pm) 3 MR BARR: Lord Patten, could we resume by moving to the 4 question of the relationship between the BBC and the 5 print media, particularly the tabloids. Do you see 6 a symbiosis between the BBC and the print media? 7 A. We're both in the business of journalism, although the 8 media are different, and I do think a point which 9 I think both the Director General and I have made at 10 various times, in various ways -- I do think there is 11 a fundamental difference between the print media and 12 broadcasting. The sheer intrusiveness of broadcasting 13 into every living room or kitchen or bedroom I think 14 sets it apart from the print media. 15 I've given, as an example of that, from time to 16 time, the publication of the photographs of Colonel 17 Gaddafi when dead and bloodied like Coriolanus. Only in 18 that respect. On the front page of a newspaper, it's on 19 the mat in the morning and you can pick it up and put it 20 away if you don't want your kids to see it. But 21 suddenly on the 6 o'clock news or the 10 o'clock news -- 22 it did actually provoke, I think, in all broadcasters, 23 real questions about how much they should show, and most 24 of them, I think particularly the BBC, chose not to show 25 as much as Al Jazeera for the reasons of that</p> <p style="text-align: center;">Page 1</p>	<p>1 broken, whether bullying in the army or the care or the 2 lack of care in care homes for the elderly. Those are 3 both stories that were broken by the BBC. 4 But I agree with you that we occasionally find 5 ourselves reporting tabloid stories which we certainly 6 wouldn't have broken ourselves. 7 Q. I'd like now to have the benefit of your own experience 8 before your work for the BBC in dealing with the 9 tabloids, and in particular, with the proprietor of one 10 newspaper group. There was a well-publicised dispute 11 between you and Rupert Murdoch in the mid-1990s after 12 you had written a book about your -- it must have been 13 later than the mid-1990s. 14 A. 1997/98, yes. 15 Q. After you'd written a book about your experiences as the 16 governor of Hong Kong. It was reported that Mr Murdoch 17 had personally intervened to prevent the publication of 18 your book by Harper Collins. Are you able to help us 19 with whether or not that allegation is true? 20 A. Yes, it's completely true. There's a very good book 21 about it by one of Mr Murdoch's former senior 22 executives, who was responsible, I think, day to day for 23 business in China, called "Rupert's Adventures in 24 China", and the writer concerned, who now, I think, runs 25 a television station in Australia -- he's called Bruce</p> <p style="text-align: center;">Page 3</p>
<p>1 intrusiveness. So I think there is the difference 2 between us and the print media, and the other 3 difference, which should encourage us not to be 4 sanctimonious, is we don't have to earn our own living. 5 We have the license fee. We pay for that, I hope, 6 through repaying the trust that people repose in us, but 7 it does make life different from that of -- 8 LORD JUSTICE LEVESON: One can really eliminate that issue, 9 can't one, because presumably your other arguments would 10 run just as much whether you were watching the 11 television, the BBC News or ITN? 12 A. Well, it is true that there are commercial broadcasters 13 as well but I was thinking of, in particular, the 14 difference between the BBC and tabloids. 15 MR BARR: I used the word "symbiosis" because I was 16 wondering whether the BBC and other broadcasters are 17 dependent, to some extent, upon the print media to break 18 stories that the broadcasters would not themselves wish 19 to break because they were on ethical boundaries. Do 20 you think there's anything in that or not? 21 A. Not much, no. I mean, I think that it is true that the 22 tabloids may well break stories which we will then feel 23 obliged to cover, but it's not true that we don't break 24 stories but wait for the tabloids. The Director General 25 this morning gave several examples of stories that we'd</p> <p style="text-align: center;">Page 2</p>	<p>1 Dover, and that -- and I don't say this because it's 2 particularly flattering about me; it's not, but it's an 3 extremely accurate account of what happened with some of 4 the detail that I wouldn't have known. 5 Shall I summarise the position? 6 Q. Perhaps you could start -- 7 LORD JUSTICE LEVESON: No, do. 8 A. I'd written a book about Hong Kong, where I'd 9 occasionally had a less than placid relationship with 10 the authorities in Beijing, and Harper Collins bid 11 I think more than anybody else for it, but they also had 12 the great advantage, as far as an author is concerned, 13 of having probably the best non-fiction editor in 14 London, a great man called Stuart Profit. So we took 15 the Harper Collins £50,000 advance. I wrote the first 16 six chapters. The editor at Harper Collins was 17 sufficiently impressed to hold a party for me at the 18 Savoy with quite a large group. There were then quite 19 a lot of booksellers. It was before the events of the 20 last decade, and we had a party and Mr Profit was very 21 flattering about the quality of the book. 22 At about this time, apparently, Rupert Murdoch 23 learnt that Harper Collins were going to publish it, and 24 this coincided with his always-doomed attempts to extend 25 his empire into China. There's a story told in one of</p> <p style="text-align: center;">Page 4</p>

<p>1 the documents you asked me to look at, a review, 2 I think, by John Lanchester, of a number of books about 3 Mr Murdoch. The story told about a meeting that 4 Mr Murdoch had with Zhu Rhongji, who is wrongly 5 described in the article as vice president -- he was 6 actually premier of China -- in which Zhu Rhongji 7 apparently said to Mr Murdoch: "I see you've changed 8 your citizenship from Australian to American in order to 9 buy a newspaper in New York. Are you intending to 10 become a Chinese citizen in order to extend your empire 11 into China?" The Chinese thought this was a terrific 12 joke.</p> <p>13 I think most people agreed, most people who know 14 very much about China, that it was always highly 15 implausible that the Chinese would let 16 News International loose in China, but plainly, 17 Mr Murdoch took the view that publishing a book which 18 was critical of the Chinese leadership would not improve 19 his chances, so he instructed Harper Collins to drop the 20 book on the grounds that it was no good, which 21 plainly -- there was much evidence to suggest that that 22 wasn't the view of the main editor at Harper Collins.</p> <p>23 Well, the upshot was, not least thanks to having 24 some very good informal legal advice from the late Lord 25 Alexander and some good formal advice, and thanks to the</p> <p style="text-align: center;">Page 5</p>	<p>1 BBC Trust, how much contact do you have with serving 2 politicians?</p> <p>3 A. Not much. I'm a member of the House of Lords, but when 4 I became chairman of the Trust, I agreed to resign the 5 Conservative whip in the House of Lords and become 6 a cross-bencher. I attend the House of Lords from time 7 to time, although I don't vote on controversial issues, 8 but I see ex-politicians in the House of Lords from time 9 to time.</p> <p>10 I have seen the Secretary of State for Culture, 11 Media and Sport since I've been chairman of the Trust, 12 I think, twice or maybe three times, and I've spoken to 13 him on the telephone a couple of times. I have texted 14 him once or twice. I've seen the Prime Minister once.</p> <p>15 Q. Accepting --</p> <p>16 A. I'd have presumably seen the Prime Minister and other 17 party leaders more frequently if I'd been 18 a News International executive.</p> <p>19 Q. Accepting that there is ample scope for legitimate 20 discussion between you, as chairman of the trust, and 21 politicians, can I ask you whether you've been the 22 subject of any pressure which you would consider to be 23 improper --</p> <p>24 A. No.</p> <p>25 Q. -- from politicians?</p> <p style="text-align: center;">Page 7</p>
<p>1 extraordinary courage of Stuart Profit, the editor who 2 refused to back down and say the book was no good -- he 3 lost his job. He was served with a letter from lawyers. 4 He lost the keys to his car, the works. He's now, I'm 5 pleased to say, a senior editor at Penguin but it was 6 very tough for him at the time. But the upshot was that 7 we eventually secured an apology and £50,000 and the 8 book was published in America with a sticker on the 9 front saying, "The book that Rupert Murdoch refused to 10 publish", so it was worth tens of thousands on the sales 11 of the book.</p> <p>12 That's the story in a nutshell. I think, to be fair 13 to Mr Murdoch, which I always try to be, he behaved in 14 China as a lot of other businessmen do: assuming, 15 incorrectly, that in order to do business in China you 16 have to kowtow politically to the Chinese authorities. 17 You can't blame the Chinese that they don't dispel that 18 illusion, but there it is. It is a delusion, I think.</p> <p>19 MR BARR: What did you understand Mr Murdoch's motive to be 20 in intervening in --</p> <p>21 A. To curry favour with the Chinese leadership. I mean, it 22 was a commercial decision, I don't think, which 23 rebounded to my financial advantage.</p> <p>24 Q. Can I move now more broadly to relations between the BBC 25 and politicians. In your position as chairman of the</p> <p style="text-align: center;">Page 6</p>	<p>1 A. Absolutely not. I should add that I've also seen 2 Mr Miliband and Mr Clegg, so I've seen the party 3 leaders. I've seen the first ministers in Wales and 4 Northern Ireland, and I'm seeing the first minister in 5 Scotland next month.</p> <p>6 I see the all-party parliamentary group in the 7 Houses of Parliament about twice a year, and I gave 8 receptions at the three party conferences, which my 9 predecessor had already planned, but I don't intend to 10 do it again.</p> <p>11 Q. Moving back in time to your period as an active 12 politician during the 1980s and early 1990s, what was 13 your recollection of the interaction between the major 14 political parties and the tabloid media?</p> <p>15 A. I think major political parties, and particularly their 16 leaders over the last 20 or 25 years, have often 17 demeaned themselves by the extent to which they've paid 18 court on proprietors and editors. Of course I'm in 19 favour of talking to editors and journalists but I'm not 20 in favour of grovelling, and I think that politicians 21 have very often laboured under -- again, I'm reminded of 22 something I said by the documents you asked me to look 23 at. I think that politicians have allowed themselves to 24 be kidded by editors and proprietors that editors and 25 proprietors determine the fate of politicians. I think</p> <p style="text-align: center;">Page 8</p>

<p>1 that there's plenty of evidence that in some cases,                  2 particularly News International newspapers, they back                  3 the party that's going to win an election. So they give                  4 you what you don't need in return for more than a great                  5 deal of faith.                  6 I was party chairman for the Conservative Party from                  7 1990 to 1992. I did go to Wapping once, but I declined                  8 and made myself quite unpopular with some of my                  9 colleagues -- I declined to phone up editors whenever                  10 they said anything unpleasant about the government.                  11 I mean, I just -- I think it's -- well, the word I used                  12 earlier is "demeaning" and I don't think politicians                  13 should do it.                  14 Q. The 1992 election was, I think, the one which the Sun                  15 claimed to have won --                  16 A. "The Sun Wot Won It".                  17 Q. Indeed. Do I take it from your evidence that you would                  18 dispute that proposition?                  19 A. Yes. I'd lost my seat in 1992 but wasn't going to Hong                  20 Kong until end of June, so I had a couple of months                  21 still as party chairman after the election, which is                  22 rather unusual, but it enabled me to do quite a lot of                  23 market research on the advertising campaign that we'd                  24 fought, the posters, the party political broadcasts, and                  25 one of the surveys I remember that we did suggested that</p> <p style="text-align: center;">Page 9</p>	<p>1 A. It was.                  2 Q. You've explained your own views to the influences of the                  3 tabloid press on elections. Can I ask you, though,                  4 about what your understanding of your political                  5 colleagues' perception was. Was it the view of many                  6 influential politicians that the tabloid editors did                  7 make a difference to the fortunes of political parties?                  8 A. It makes some impact sometimes. But I think that                  9 politicians in office, or for that matter, some of them                  10 out of office, would sleep better at night and make                  11 better decisions if they weren't quite as affected by                  12 the front pages of newspapers. I think Clement Attlee                  13 might have taken to this extremes, only really using                  14 newspapers to check up on how the county cricket                  15 championship was going, but I think he was erring on the                  16 right side.                  17 Q. Can I move now to the future.                  18 LORD JUSTICE LEVESON: Before you move to the future, let's                  19 stay with the present just for a moment. You've                  20 explained your view about the 1980s and the relationship                  21 between politicians and the press, and you are the first                  22 minister of the Crown who's actually come to give                  23 evidence. Do you mind if I ask for your bird's eye                  24 view -- and I appreciate that you were both in Hong Kong                  25 and then in Europe -- as to whether that's changed over</p> <p style="text-align: center;">Page 11</p>
<p>1 the majority of Sun readers thought it was a Labour                  2 newspaper. So it was a pretty bizarre claim for the Sun                  3 to have made. Of course, it strongly supported John                  4 Major's re-election, but I don't think it was the reason                  5 for that reelection. But Kelvin McKenzie was always                  6 a bit of a lad.                  7 Q. You're on record as saying -- I think this is in                  8 relation to Mr Murdoch, but you can correct me if I'm                  9 wrong -- "His help is only available when you don't need                  10 it."                  11 A. Yes. In other words, when you're probably going to win                  12 the election anyway. But I do think -- because you                  13 began by mentioning my financial dealings with                  14 Mr Murdoch, albeit very courteously. I wouldn't want                  15 anybody to think that I have a vendetta about                  16 Mr Murdoch. I think it's probably the case that there                  17 are some newspapers which still exist in this country                  18 because of him. I think he's serious about newspapers,                  19 whether you like it or not. I think Sky News has been                  20 a terrific success, and I think in his understanding of                  21 the impact of the digital revolution on the media, he's                  22 a sort of entrepreneurial genius.                  23 Q. I think as a matter of plain chronology, the 1992                  24 election was some years before your dispute about the                  25 book.</p> <p style="text-align: center;">Page 10</p>	<p>1 the years, whether you think it's got better or worse,                  2 more serious, less serious?                  3 A. I think it's got more serious. My view hasn't changed,                  4 and I have consistently given colleagues and at least                  5 one prime minister the advice that he/they shouldn't                  6 worry as much about the newspapers. I think it is the                  7 case that politicians have got closer to editors and                  8 journalists over the period, and not always to their                  9 advantage or benefit. Indeed, very often, the reverse.                  10 LORD JUSTICE LEVESON: I'm sure there has to be the ability                  11 to have a free flow of information between politicians                  12 and editors, at least -- I always have to be careful                  13 about saying that. I think I'm sure, subject to anybody                  14 saying anything to the contrary. But is there                  15 a distinction to be drawn, and how could it be drawn,                  16 between the entirely legitimate interplay and the extent                  17 of contact which generates either influence or the                  18 perception of unsatisfactory influence?                  19 A. Well, I think it is a question of where you draw the                  20 line. I think reasonably regular meetings with                  21 journalists, particularly when they're on the record, is                  22 to be welcomed in an open democracy. But I think that                  23 seeing quite so much of journalists or executives from                  24 one particular stable or another is not very sensible                  25 politics, and isn't a very healthy democratic</p> <p style="text-align: center;">Page 12</p>

<p>1 development over the last few years.                  2 I think it's a question, frankly, of -- this is an                  3 old-fashioned word. I think it's a question very often                  4 of how seemly it is for a minister or for a politician                  5 to behave in a certain way, and I think to appear to be                  6 manipulated by some newspapers or a group of journalists                  7 doesn't make very good sense.                  8 People very often refer to the Thatcher years as                  9 where all this started. I'm not sure about that. What                  10 I am sure about is that there were some journalists she                  11 saw a surprising amount of, not because they were                  12 supporters but because she thought they were intelligent                  13 and she liked arguing with them. I mean, Hugo Young was                  14 a very good case in point. They were chalk and cheese                  15 in their political views.                  16 LORD JUSTICE LEVESON: That raises the question of where it                  17 went wrong, whether it's a consequence of newspaper                  18 people being appointed to communications jobs or the                  19 willingness of politicians to visit editors. Where has                  20 it gone beyond what is appropriate --                  21 A. I don't think, sir, that you can -- that one -- I know                  22 you weren't doing it. I don't think that one should                  23 necessarily blame editors and proprietors and                  24 journalists. I think that it's politicians who have                  25 been eagerly hitting the ball over the net.</p> <p style="text-align: center;">Page 13</p>	<p>1 the journalists, and I think that's something that has                  2 grown over the years, under governments of both parties.                  3 LORD JUSTICE LEVESON: Yes. I didn't think you were making                  4 a party political point at all.                  5 A. No, but it would -- I'd need a lot of persuading to                  6 organise sleepovers for newspaper executives.                  7 LORD JUSTICE LEVESON: Yes. There's an interesting balance                  8 between the right of anybody to be friendly with                  9 whomsoever they wish. The question is: when that -- and                  10 I'll use the same words -- tips over. You're quite                  11 right when you say that looking at it from my                  12 perspective is probably not looking at the position of                  13 what can be done about the press. It may be what, if                  14 anything, can be done about politicians? And I'm not                  15 saying anything can be done, but where -- this may now                  16 touch into what Mr Barr was going to turn about the                  17 future. We'll talk about the position of the press                  18 first because you're here from the BBC, but I hope you                  19 won't mind if I touch my third module as well with you,                  20 now I have you.                  21 A. Absolutely. I'm got.                  22 LORD JUSTICE LEVESON: Yes. I mean, you could legitimately                  23 say to me: "I'd like to think about it and I'll come                  24 back", but I'm entirely in your hands-on that.                  25 A. I sometimes think that, to go back to the word I used</p> <p style="text-align: center;">Page 15</p>
<p>1 LORD JUSTICE LEVESON: Yes.                  2 A. So I don't -- I don't blame journalists. I think one                  3 journalist who has spoken in the same sort of sense as                  4 I have this afternoon to you, sir, who takes the same                  5 view is Max Hastings, who was a very distinguished                  6 editor of the Telegraph and the Standard, who thinks                  7 that politicians pay a ridiculous amount of social                  8 political attention to his colleagues these days.                  9 LORD JUSTICE LEVESON: When I say "when it went wrong"                  10 where, for whatever reason, the balance tipped.                  11 A. Yes. I think it probably tipped when the, I think,                  12 assumed truth took root that News International                  13 determined the outcome of elections.                  14 I mean, there was an interesting editorial in the                  15 Times last week, I think on the same day that Mr Harding                  16 gave evidence, and I think his paper has covered the                  17 hacking case extremely fairly and in a balanced way,                  18 since just after the beginning, at least, and I think                  19 that's admirable. But there was an editorial in which                  20 he said that he and other editors shouldn't want to be                  21 able to go into Number 10 whenever they felt like it                  22 and, as it were, put their arm around the                  23 Prime Minister. That wasn't the issue. The issue was                  24 the Prime Minister and politicians wanting the                  25 journalist to go into Number 10 and put their arm around</p> <p style="text-align: center;">Page 14</p>	<p>1 earlier, knowing what is seemly behaviour is not                  2 necessarily a case of drawing up new rules. It goes, in                  3 a way, well beyond that. I guess it's -- it helps to                  4 push in a new direction that the prime minister and                  5 other party leaders have now made it clear that they                  6 will show all their meetings with members of the media                  7 so that one can see if they're seeing too much of this                  8 or that newspaper or proprietor or broadcasting                  9 organisation.                  10 But if I can mention the late Hugo Young again.                  11 Hugo Young had an extremely developed sense of what was                  12 seemly. I think I'm right in saying he only ever had                  13 two politicians in his house. He wouldn't actually                  14 invite politicians home because he thought that began to                  15 corrupt the relationship between him and the people he                  16 was going to write about. Now, that may seem to some                  17 people to be excessively sanctimonious. I think it's --                  18 if a fault, it's very much a fault on the side of                  19 virtue.                  20 LORD JUSTICE LEVESON: We may come back to it. Mr Barr, I'd                  21 better stop interrupting you.                  22 MR BARR: Not at all, sir. In fact, somebody's taken the                  23 opportunity to put another question into my hands before                  24 we move to the future, and that is to ask you whether,                  25 during your time as a politician, you ever came across</p> <p style="text-align: center;">Page 16</p>

<p>1 attempts by the media -- and I'm certainly not                  2 restricting this question to any particular media                  3 group -- to influence government policy behind the                  4 scenes.                  5 A. Certainly, but it depends what you mean by "behind the                  6 scenes". I don't necessarily think I recall efforts in                  7 an underhand way. Sometimes, not just -- of course most                  8 effectively, perhaps, not just behind the scenes, but                  9 publicly, by trying to shift public opinion.                  10 Q. That's why I use the qualification "behind the scenes",                  11 because I'm not talking now about the overt campaigns                  12 run by newspapers in print or particular issues that                  13 they campaign for, but whether, in the private dealings                  14 between media figures and senior government figures,                  15 there was any sort of deal-doing, quid pro quos and that                  16 sort of thing. Did you come across any of that?                  17 A. Well, I didn't come across it personally myself but                  18 I assume it was going on.                  19 Q. Are you able to help us with any second-hand examples of                  20 that from your experience?                  21 A. Anything I said would be merely assumption on my part.                  22 Q. I understand.                  23 A. But sometimes -- it would have been difficult, I think,                  24 to believe that every meeting with journalists or                  25 executives in media groups was to do with concerns about</p> <p style="text-align: center;">Page 17</p>	<p>1 criminality in a part of the print media led to people                  2 questioning the way broadcasters operate, not least                  3 a public service broadcaster, but I didn't mean that --                  4 I didn't mean only that but you might want to explore                  5 with further questions.                  6 Q. Indeed. Your second point -- we may come back to the                  7 detail later -- was that it would be wrong to try and                  8 import any model of regulation from the broadcast media                  9 to the press. You've already heard the chairman say                  10 that he's certainly not minded to do that, but can                  11 I explore with you what particular aspects of that                  12 proposition troubled you? Was it the fact that it's                  13 a statutory scheme which regulates broadcasters?                  14 A. Well, it's a statutory scheme which covers all                  15 broadcasters. It's partly statutory and partly, as you                  16 explored this morning with Mark Thompson, a royal                  17 charter which affects the BBC. I mean, we're both                  18 subject to Ofcom and our own regulators as well, and our                  19 independence is guaranteed by the royal charter.                  20 What I was trying to argue against -- and perhaps                  21 it's knocking down an Aunt Sally -- was any suggestion                  22 that because regulation worked well for broadcasters, it                  23 should therefore work equally well for the print media,                  24 and I think -- as I said to you earlier when talking                  25 about intrusiveness, I do think there is a difference</p> <p style="text-align: center;">Page 19</p>
<p>1 the European Union or the macro-economy. Newspapers and                  2 media groups have their own commercial interests which                  3 they pursue with great vigour, and, as we know from Adam                  4 Smith onwards, most of the -- well, a large number of                  5 successful capitalist entrepreneurs over the years have                  6 been passionate believers in monopoly.                  7 Q. I'll move on, since you don't have personal direct                  8 experience, to the future. Can we use as a starting                  9 point for that the speech which you gave to the Society                  10 of Editors' annual conference in November of last year.                  11 It's in the bundle that's been prepared for you at                  12 tab 20, if you want to look it up.                  13 A. Yes.                  14 Q. But I'm simply going to pick up on some of the points                  15 which you made in that speech. You said at page 6 of                  16 the speech that you wanted essentially to make three                  17 arguments, and the first was that:                  18 "It is a bit of a distraction to focus too heavily                  19 on broadcasters, including the BBC."                  20 I'd just like to explore with you what the basis for                  21 that was. Were you essentially trying to say that it's                  22 a print media problem at the moment?                  23 A. That seems to me to be a pretty good description of                  24 where we are. I mean, I always thought that it would be                  25 curious if what appears to be evidence of systemic</p> <p style="text-align: center;">Page 18</p>	<p>1 between the print media and a broadcaster. But the                  2 mixed sort of regulation that we have in the BBC does,                  3 I think, work remarkably well, and we have a good --                  4 I don't mean by that a pliant -- a good relationship                  5 with Ofcom, and I think our regulation of the executive                  6 works pretty well.                  7 But I think there is a -- you, sir, talked this                  8 morning about a peppermint with a hole in the middle.                  9 I do think that what I was trying to address, perhaps                  10 not very satisfactorily, is what seems to me to be one                  11 of the other peppermints in these discussions. Let me                  12 explain.                  13 Virtually every editor and most journalists argue,                  14 of course, that they don't want to see state regulation                  15 of the press, and all sorts of arguments are put about                  16 speaking truth to power and so on, even occasionally by                  17 one or two who haven't been noticeable by their defence                  18 of truth over the years, but that's another matter.                  19 In order to win that argument, there has clearly to                  20 be a credible system which you can put in place of what                  21 we have at the moment, and what I meant by the hole in                  22 the middle of the peppermint is that nobody yet seems to                  23 have come up with anything which is entirely credible.                  24 I've read about the appointment of ombudsmen and I've                  25 read about one or two other things, but I'm not so sure</p> <p style="text-align: center;">Page 20</p>

<p>1 how you do any of that without some involvement of the 2 state. 3 So while I hope that the Inquiry manages to find 4 some other way of dealing with these issues -- I think 5 it would be preferable for the state not to be involved, 6 but it's up to the press themselves, in the first place, 7 to actually produce something which seems to make sense. 8 LORD JUSTICE LEVESON: In the leading article to which you 9 referred a few moments ago, it was abundantly clear that 10 the concern was that once the state became involved by 11 passing an Act of Parliament, it was thought that would 12 have a chilling effect on freedom of speech and freedom 13 of expression because, however carefully one drafted 14 legislation, it could always be amended. I'm not quite 15 so sure about that, if one enshrined the principles of 16 independence of the press in a statute, but in any 17 event, if one takes the model that you have, you have 18 a charter that lasts ten years but in ten years' time, 19 as you are aware as the time clicks off, there will have 20 to be another arrangement, and if Parliament wants to 21 legislate, then they'll legislate and the problem arises 22 in any event. So there's nothing to stop Parliament 23 doing anything it wants ultimately. The problem is to 24 try and find a way of ensuring the correct balance, as 25 I was saying earlier today, between freedom of</p> <p style="text-align: center;">Page 21</p>	<p>1 a very convincing argument. I would prefer it if we 2 could do without the state becoming a regulator, just 3 because I think, if possible, politicians should be kept 4 out of these areas, but unless the press, owners, 5 editors, come up with a convincing scheme, we'll 6 presumably get drawn in that direction. 7 LORD JUSTICE LEVESON: But would politicians necessarily 8 become involved if you're simply devising a process and 9 not attempting to affecting product at all? 10 A. Well, they get involved, sir, even when they've taken 11 the decision to set up an independent organisation. The 12 BBC, for example. The BBC is independent. That's why 13 it's based on a charter rather than statute. If one 14 looks at -- easy way of getting all these facts. If you 15 look at Wikipedia, there's page after page of examples 16 of fights between the BBC and governments over the 17 years, in many of which the rest of the media have been 18 rather quiet in what has seemed to the BBC to be an 19 assault on their freedom. There were several well-known 20 instances during the IRA terrorist campaign. 21 LORD JUSTICE LEVESON: Mm. 22 A. So politicians will very often get involved or throw 23 their weight around even when they're dealing with 24 an allegedly -- well, with an actually independent 25 organisation.</p> <p style="text-align: center;">Page 23</p>
<p>1 expression and freedom of the press on the one hand, and 2 the rights of others. 3 I was rather hoping, until I read the interview of 4 you in today's newspaper -- 5 A. I repeated what I'd said before, sir. 6 LORD JUSTICE LEVESON: Yes. Well. 7 A. Grim consistency. 8 Well, I mentioned in the speech to which counsel 9 referred that wonderful Tom Stoppard paradox, that most 10 of us want to draw a line but we don't trust anybody to 11 actually do the drawing, and I guess it's the default 12 position of most politicians or ex-politicians, and it's 13 certainly the default position of journalists and 14 editors, that the -- as soon as one starts talking about 15 regulation, they reach for the "known rules of ancient 16 liberty", to quote Milton, and are very reluctant to get 17 drawn into anything which will involve them, however 18 cleverly you draw the line, in what some will think is 19 an infringement of the freedom of the press. 20 I think that Baroness O'Neill, in a remarkable 21 lecture at Oxford two or three months ago, did draw 22 a pretty good distinction between process and product, 23 and made it clear that if you were talking about 24 regulation, you'd only be talking about process, and she 25 also referred to ownership and to privacy. I think it's</p> <p style="text-align: center;">Page 22</p>	<p>1 LORD JUSTICE LEVESON: Yes. They might equally criticise 2 the press in any event, and frequently do. 3 A. Yes. 4 MR BARR: As part of that debate, you make the point later 5 in your speech that the statutory system of regulation 6 of broadcasters has had the result of regulating but not 7 censoring broadcasters, so whilst accepting that it 8 might not be appropriate to move the regulatory system 9 for broadcasters lock, stock and barrel, would you agree 10 that it's certainly possible to have a statutory system 11 of regulation which regulates without censoring? 12 A. Yes. I imagine you could have a system which had 13 a statutory framework or fallback which didn't fetch up 14 with us with, in effect, the same sort of attitude to 15 politicians' privacy as the French show. I think it was 16 Ian Hislop, in evidence to this Inquiry, who made that 17 point in evidence, which I thought was pretty convincing 18 in most of its particulars. 19 Q. The third point that you make is that newspapers 20 themselves need to find ways to rebuild public trust in 21 what they do, and that's something that you mentioned 22 a moment ago. It's something that a number of people 23 have said to the Inquiry. Can I put this to you, 24 though: a political contemporary of yours in the late 25 1980s described the media, particularly the print media,</p> <p style="text-align: center;">Page 24</p>

<p>1 as drinking at the last-chance saloon. It seems in many 2 ways that since then the media has turned that drink in 3 the last-chance saloon into a veritable pub crawl of 4 last chances, because we've had Calcutt, two reports, 5 the issues raised by the Information Commissioner and 6 then the hacking scandal. To what extent can we really 7 leave it to the press to come up with their own 8 solution?</p> <p>9 A. Who used that cliché?</p> <p>10 Q. I think it was David Mellor, wasn't it?</p> <p>11 A. Ah. Right. Well, it was another of my 12 contemporaries -- actually I'm a bit older than him -- 13 talked about the behaviour of the press being like feral 14 beasts, which I thought was perhaps overdoing it.</p> <p>15 I think it would be far preferable if the written 16 media themselves could clean out the stables and 17 I assume that there would be a consensus for that 18 proposition, though it would be clouded, I guess, with 19 a certain amount of doubt as to whether or not it will 20 happen. But certainly I think that would be the most 21 hopeful way forward.</p> <p>22 LORD JUSTICE LEVESON: The problem in that regard would be 23 whether it could have muscle or the power to do that 24 which certainly even some editors have said it would 25 have to be able to do. It has to work for the press, as</p> <p style="text-align: center;">Page 25</p>	<p>1 responses to that. First of all, the BBC is a declining 2 part of the broadcasting economy. The BBC has never 3 represented such a small part in economic and financial 4 terms of the broadcasting economy as it does today.</p> <p>5 Secondly, in many respects the BBC gets involved in 6 the provision of news because of market failure. This 7 has been apparent in our recent consultation with the 8 public about how we accommodate ourselves to a smaller 9 budget, and one of the proposals which had been put 10 forward was quite substantial cutbacks in local talk 11 radio. Huge volume of criticism of that proposal. Much 12 more criticism of that than of anything else we 13 proposed, because without the BBC there wouldn't be any 14 local talk radio to speak of. So there is an example 15 where the BBC has been pushed into the provision of news 16 services because, in part, of the lack of any commercial 17 alternative.</p> <p>18 The overwhelming point about our dominance in the 19 news is that it reflects, I believe and hope, the 20 quality of what we're doing and the fact that people 21 choose to listen to the BBC, to get their news from the 22 BBC. The Times newspaper, about three months ago, had 23 an interview with Mrs Dave Bowie in which she said that 24 Dave didn't believe anything until he'd heard it on the 25 BBC. Whether or not that is a fair commentary on our</p> <p style="text-align: center;">Page 27</p>
<p>1 I've said many times, but it also has to work for those 2 who have been the subject of unlawful and inappropriate 3 press intrusion.</p> <p>4 A. Yes, and my assumption is that there will be more 5 pressure on the press to come up with convincing 6 answers, because my assumption is we haven't yet heard 7 the whole story. I suspect there is much more still to 8 come. So I would have thought there would be a lot more 9 pressure on the press to find some convincing answers.</p> <p>10 MR BARR: You touch upon, in your speech, the question of 11 pluralism and you talk about the market share which the 12 BBC has and various statistics in your speech, one of 13 which is that BBC News still reaches 80 per cent of 14 adults every week. Do you think that there is 15 a pluralism problem in the media at the moment or not?</p> <p>16 A. I don't, actually. I wouldn't necessarily start from 17 the BBC in answering that point. I'd probably start 18 from the way that Sky has covered the hacking story, 19 where Sky has probably devoted more time to the hacking 20 story than the BBC has, proportionately, which shows 21 a good deal of spirited independence on the part of that 22 very good news channel.</p> <p>23 Do I think that the sort of statistics which the 24 Director General gave the Inquiry this morning suggest 25 that the BBC is excessively dominant? Well, a number of</p> <p style="text-align: center;">Page 26</p>	<p>1 performance, it's one we should try to live up to, not 2 smugly or complacently, but we should definitely set 3 ourselves, as the Director General said, the highest 4 standards. If we fall below them, my guess is that 5 fewer people will watch or listen to the news on the 6 BBC.</p> <p>7 Q. My final question to you is picking up on what 8 Lord Justice Leveson said to you a moment ago. It's 9 about where do we go from here with the relationship 10 between the media and politicians for the future. Do 11 you have any thoughts that you can assist the Inquiry 12 with, please?</p> <p>13 A. I think that it's a help, as I mentioned, that the 14 prime minister and the other party leaders have agreed 15 to publish not necessarily accounts of their meetings 16 with members of the media but the number of times they 17 see the media, and I would guess as well that 18 politicians will take from events that the Inquiry is 19 examining a recognition that if they get too close to 20 the media, it can become a tarbaby and leave them 21 looking pretty bedraggled or disshelved.</p> <p>22 I also assume that another view that politicians 23 will take from what has been happening is the point that 24 was made by Mr Hislop in his evidence, that this isn't 25 just a question of whether the press is regulating</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 itself adequately. Plainly, it's not. It's also                  2 a question of activities which are themselves criminal                  3 are being pursued sufficiently energetically by the                  4 police.                  5 MR BARR: Thank you. Those were all my questions. There                  6 may be some more from --                  7 LORD JUSTICE LEVESON: It's rather difficult to fall back on                  8 relying on intervention by the police in the light of                  9 competing demands upon their time, and shouldn't, should                  10 it, relieve the press of maintaining appropriate                  11 standards themselves?                  12 A. I agree with that. I agree that the first task is for                  13 the media overall to behave better. But when they                  14 engage in illicit activity, I think the police should                  15 pursue it actively, rather than develop an unhealthy                  16 close relationship with some journalists or editors or                  17 proprietors.                  18 LORD JUSTICE LEVESON: I agree with that. As you know, the                  19 next part of this Inquiry is going to deal with the                  20 relationship between the press and the police, before we                  21 come back to that which you've been asked about, which                  22 is the press and politicians, which inevitably will have                  23 to be self-regulatory in the sense that that requires                  24 a cultural shift, which, as I think you have said, you                  25 already detect. You haven't put it in those words, but</p> <p style="text-align: center;">Page 29</p>	<p>1 doing, but make suggestions, which then are reported as                  2 revealing my thinking -- one of the reasons I've taken                  3 that course is effectively to have a dialogue with the                  4 press and the media through witnesses and through the                  5 fact that the Inquiry is being reported fully and is                  6 available to be seen, in order that just the exercise                  7 you've mentioned can happen.                  8 I hope that it has been helpful that I've identified                  9 concerns, elicited concerns, thought about possible ways                  10 forward, so that those who are thinking about it can                  11 take them into account as they work up a strategy to                  12 suggest, because I recognise that it is critical that                  13 people are carried forward by whatever happens, rather                  14 than simply receive a report from me in whatever number                  15 of months it is and then simply all do their very best                  16 to throw it into the extremely long grass.                  17 So that's why I've done what I've done, to agree                  18 with you and to plug the point again, but the problem is                  19 that it can't simply be a solution that the press feel                  20 they can live with, unless it is a solution that the                  21 public can live with as well, and one of the effects, it                  22 seems to me, of the revisions over the last few months                  23 has been to underline the need to take the public with                  24 the press.                  25 You make the point that there may still be more to</p> <p style="text-align: center;">Page 31</p>
<p>1 that's effectively what you're saying. With that,                  2 I agree.                  3 You have the advantage of spanning both the                  4 political spectrum, with your background, and more                  5 recently, of course, the media, and that plays into                  6 a fair part of what I am thinking about. It is                  7 perfectly fair of you to say, "Nobody seems to me to                  8 have said how you make the system more credible without                  9 statutory back up", and I have no answer to that myself.                  10 A. It's true.                  11 LORD JUSTICE LEVESON: That's fair enough. But as this                  12 Inquiry proceeds, if, using all the experience that                  13 you've obtained from the various jurisdictions in which                  14 you've worked, you do light upon a way forward, I would                  15 be extremely grateful if you would let me know.                  16 A. Certainly, sir. I would assume that even as you ask                  17 these questions or make these points, wheels are                  18 whirring in Wapping and elsewhere, trying to find some                  19 ways in which independent regulation could be made                  20 effective, but you pointed to one obvious problem this                  21 morning, which is: what happens when one proprietor                  22 doesn't want to be part of the process?                  23 LORD JUSTICE LEVESON: That's the point. One of the reasons                  24 that I've conducted this Inquiry in the way that I have,                  25 which is to ask questions, which judges are forever</p> <p style="text-align: center;">Page 30</p>	<p>1 come, and it is, of course, one of the problems of the                  2 Inquiry and its structure that I am not permitted to                  3 look at the detail for fear of interfering with a police                  4 investigation, but I am required to come up with some                  5 solutions before all that can happen. That's quite                  6 a demanding request. Therefore, it seems to me to be                  7 important to take all the problems of which we've heard,                  8 from whatever source they've come, and recognise that                  9 there is a very important need for whatever works (a) to                  10 work for the press, (b) to work for the public, and (c)                  11 to be inclusive, the refusenik problem, not merely for                  12 motives that may be associated with antipathy but also                  13 for the motives that Mr Hislop gave in his evidence to                  14 which you have twice referred.                  15 I'm sorry that you've had to be the subject of                  16 a speech, but given that you've given me the opening for                  17 it, it seems --                  18 A. Well, you don't need my flattery, sir, but it does seem                  19 to me that it's an admirable example of tutorial                  20 governance and shaping a debate which we hope will                  21 enable everybody to contribute to a more satisfactory                  22 outcome would be a very considerable public bonus which                  23 you would have done the country.                  24 LORD JUSTICE LEVESON: Well, we'll have to see. Lord                  25 Patten, thank you very much indeed.</p> <p style="text-align: center;">Page 32</p>



<p>1 A. Thank you very much.</p> <p>2 MR BARR: Sir, the next witness is Mr Gray.</p> <p>3 LORD JUSTICE LEVESON: Just give Mr Gray a moment. We'll</p> <p>4 let the BBC leave, first.</p> <p>5 MR JAMES ARTHUR GRAY (affirmed)</p> <p>6 Questions by MR BARR</p> <p>7 MR BARR: Mr Gray, could you give the Inquiry your full</p> <p>8 name, please?</p> <p>9 A. Full name, James Arthur Gray.</p> <p>10 Q. Are the contents of your witness statement true and</p> <p>11 correct to the best of your knowledge and belief?</p> <p>12 A. They are.</p> <p>13 Q. You tell us that you joined ITN in 1997, initially as</p> <p>14 deputy editor of Channel 4 News, and you've been the</p> <p>15 editor since 1998; is that right?</p> <p>16 A. Correct, yes.</p> <p>17 Q. Prior to joining Channel 4 News, you were deputy editor</p> <p>18 of BBC's Newsnight, and across ten years at Newsnight,</p> <p>19 your other roles included output editor, commissioning</p> <p>20 editor, senior film-maker and political producer.</p> <p>21 Before BBC television, you had five years at BBC radio,</p> <p>22 current affairs, across a range of programmes, including</p> <p>23 The World Tonight and political programmes.</p> <p>24 A. Correct, yes.</p> <p>25 Q. You tell us in your witness statement about how</p> <p style="text-align: center;">Page 33</p>	<p>1 There is a Channel 4 independent producer handbook, and</p> <p>2 you explain that there is regular compliance training</p> <p>3 and that duty lawyers are available.</p> <p>4 You move, after explaining that system, to tell us</p> <p>5 a little bit about the aims of what you're trying to do.</p> <p>6 You tell us that you are essentially in the business of</p> <p>7 investigative reporting and doing so with accuracy,</p> <p>8 fairness and due impartiality, and that your aim is to</p> <p>9 deliver original journalism and analysis and to hold</p> <p>10 those in power to account. Is that correct?</p> <p>11 A. Correct.</p> <p>12 Q. That means that you frequently produce reports that</p> <p>13 require a diligent approach to legal and regulatory</p> <p>14 compliance.</p> <p>15 You explain that your practices and policies have</p> <p>16 not changed as a result of the phone hacking</p> <p>17 allegations, although ITN has been reviewing its</p> <p>18 compliance manual in case changes are necessary. Was</p> <p>19 that a review which was triggered by the phone hacking</p> <p>20 scandal or was that a matter that was going to occur in</p> <p>21 any event?</p> <p>22 A. The review of the compliance manual is permanent, it's</p> <p>23 always ongoing, so there was another manual due in any</p> <p>24 case, but as part of the process triggered by this</p> <p>25 Inquiry, we have held an independent external Inquiry</p> <p style="text-align: center;">Page 35</p>
<p>1 Channel 4 News is structured and regulated. You tell us</p> <p>2 that ITN is contracted by Channel 4 to produce Channel 4</p> <p>3 News. You identify three avenues of compliance: first</p> <p>4 of all, the ITN system; secondly, the Channel 4 system,</p> <p>5 and thirdly, contractual responsibilities between ITN</p> <p>6 and Channel 4 requiring consultation and notice in</p> <p>7 certain circumstances.</p> <p>8 As the editor, you tell us that you are ultimately</p> <p>9 responsible for the editorial content of Channel 4 News</p> <p>10 and you explain how you work with your head of news and</p> <p>11 current affairs, who presumably is a subordinate of</p> <p>12 yours; is that right?</p> <p>13 A. At Channel 4? No, not -- separate company. That's the</p> <p>14 commissioning agency. So Dorothy Byrne, the head of</p> <p>15 news and current affairs, is my liaison point at</p> <p>16 Channel 4.</p> <p>17 Q. I see. Thank you for clarifying that. But certainly</p> <p>18 above you, you were also responsible to ITN's chief</p> <p>19 executive officer, John Hardy?</p> <p>20 A. Correct. That's right.</p> <p>21 Q. You explain that there is a head of compliance,</p> <p>22 Mr Battle, from who we are going to hear in a moment,</p> <p>23 who is an ITN employee, and then you move to tell us</p> <p>24 about some of the paper systems. There is an</p> <p>25 ITN compliance manual which the Inquiry has a copy of.</p> <p style="text-align: center;">Page 34</p>	<p>1 into ITN's journalistic practices and some the findings</p> <p>2 of that will feature in the new compliance manual, which</p> <p>3 in fact is out in the last few weeks.</p> <p>4 Q. Did the inquiry to which you've just adverted</p> <p>5 investigate whether or not there has been phone hacking</p> <p>6 at Channel 4?</p> <p>7 A. Yes. Specifically so, and a range of other matters too,</p> <p>8 and the outcome, of course, as you may expect, was that</p> <p>9 there was no evidence of any phone hacking, blagging,</p> <p>10 payment to police or any of the other practices which</p> <p>11 have been concerning this Inquiry.</p> <p>12 Q. Looking at your procedures and practices, I note that</p> <p>13 there is a section on surveillance and the law. It</p> <p>14 reads:</p> <p>15 "Using surveillance techniques such as telephone</p> <p>16 tapping, radio receivers, listening devices or</p> <p>17 intercepting emails to carry out an investigation can</p> <p>18 amount to a criminal offence and should be avoided."</p> <p>19 Is that a recent addition to your procedures --</p> <p>20 A. No.</p> <p>21 Q. -- or is that one that's been on the books for a long</p> <p>22 time?</p> <p>23 A. Such a guideline was in the previous manual, already</p> <p>24 existing throughout the entire period we're talking</p> <p>25 about here, through the hacking scandal. It's now been</p> <p style="text-align: center;">Page 36</p>

<p>1 slightly altered but the explicit reference to those                  2 means of illegal information gathering has been there                  3 for some time.                  4 LORD JUSTICE LEVESON: I gather that you're about to                  5 introduce a new version?                  6 A. A new compliance version has just been issued to all ITN                  7 staff.                  8 LORD JUSTICE LEVESON: Would it be possible for us to see                  9 the extent to which you've made changes?                  10 A. Of course.                  11 LORD JUSTICE LEVESON: Because that might help inform us                  12 about other things.                  13 A. Of course. In fact, I think some conversations have                  14 already taken place and that will be provided.                  15 LORD JUSTICE LEVESON: Thank you.                  16 MR BARR: You go on to explain a little bit about how things                  17 work in practice, and first of all about your approach                  18 to sources. You say it's rare for Channel 4 to                  19 broadcast a story where you rely solely upon information                  20 given to you by a source, whether on or off the record,                  21 or where the information is not accompanied by a video                  22 interview or document. Is that because of the risk of                  23 inaccuracy?                  24 A. There's that, but there's quite a number of issues                  25 there. Yes, there's a risk of inaccuracy, but also</p> <p style="text-align: center;">Page 37</p>	<p>1 political editor, for instance, but it's completely off                  2 the record. My political editor would assess that,                  3 would assess the credibility of it and it could be that                  4 that in itself, the politician believing or saying these                  5 things, is indeed a story, albeit unattributably. So it                  6 could happen in certain circumstances.                  7 Q. You go on later in your witness statement to talk about                  8 the approach to the methods which you use to obtain                  9 stories, and there is emphasis on the word                  10 "proportionate methods to obtain stories". I'm now                  11 looking at paragraph 8 of your witness statement.                  12 Can you help us a little bit with how Channel 4 News                  13 approaches the question of the public interest when                  14 evaluating whether an invasion of privacy is warranted                  15 or not?                  16 A. Okay. Well, probably the clearest example of that would                  17 be whenever there's a proposal to use some means of                  18 subterfuge or secret filming to gather evidence about                  19 a story. In that case, what would happen would be an                  20 assessment would be made of prima facie evidence for                  21 using a technique like that, what's already known about                  22 the story, is there any indication that -- what are the                  23 indications that using the methods would result in                  24 success, the material is there to regard. We use                  25 similar principles to -- I think it's called the Omand</p> <p style="text-align: center;">Page 39</p>
<p>1 we're in the business of television, so ideally it's not                  2 just purely information -- that's one aspect of it,                  3 something to show in television journalism -- but also,                  4 if it's very serious claims or allegations being made by                  5 a confidential source, that would raise issues about the                  6 provenance, the motivation, the integrity of the source,                  7 which would trigger a whole series of questions and                  8 procedures around that to make sure it was stood up,                  9 frankly.                  10 Q. You go on to say that the editor would not normally                  11 insist on having the actual identity of the source. I'm                  12 looking at page 4 of your statement, paragraph 6, if                  13 that helps you --                  14 A. Yes.                  15 Q. -- Mr Gray.                  16 A. Yes.                  17 Q. What I want to explore is: does that mean that Channel 4                  18 is, on rare occasions, prepared to broadcast a story                  19 based upon a single source, off the record, who the                  20 editor is not aware of the identity of?                  21 A. That can happen. It's rare, but one of the areas where                  22 it might happen would be -- this has already been                  23 referred to in another -- by other witnesses -- in the                  24 area of political journalism. It can be the case that                  25 a senior politician may tell something of interest to my</p> <p style="text-align: center;">Page 38</p>	<p>1 principles, a whole series of tests about the                  2 proportionality of what is being proposed matches the                  3 level of gravity of what the story may be.                  4 What it would involve would be discussions,                  5 documented discussions amongst the production team                  6 involving -- in this case, secret filming -- myself, the                  7 head of compliance. Those would be documented. And                  8 also a proposal like that, there is a mandatory referral                  9 to Channel 4, so there would be other discussions                  10 ongoing with Channel 4 about the matter, and that's only                  11 at the proposal stage, which would be progressed and                  12 only with authority from myself and also with the                  13 agreement of Channel 4 would we then proceed.                  14 So there's a whole series of tests and discussions                  15 which would be -- an audit trail would be laid down                  16 about the proposal to use rather extreme and rare forms                  17 of journalistic practices in these case.                  18 Q. Can I ask you to slow down a little bit, please?                  19 A. Of course.                  20 Q. Because the transcriber needs to be able to keep up.                  21 A. Sure.                  22 Q. Following the subject of privacy stories, can you give                  23 us an indication of the circumstances in which Channel 4                  24 News would give advance notice to the subject of a story                  25 which is going to be an invasion of privacy?</p> <p style="text-align: center;">Page 40</p>

<p>1 A. In those cases, if it was -- well, under the Ofcom code,                  2 we are and obliged to give timely and appropriate means                  3 of response to the subject of a story. For the ITN                  4 compliance manual, which adds new layers to the Ofcom                  5 principles -- adds layers of practice, best practice and                  6 how to go around carrying out such investigations --                  7 what we would do, if it was a serious allegation of                  8 wrongdoing or criminality, we would normally expect to                  9 contact the subject of the story in writing, putting                  10 forward the claims and the allegations and the evidence                  11 we had for what was going to be proposed to be contained                  12 in the report, and then give sufficient amount of time                  13 for the subject to respond. That can vary. That's not                  14 set down but it could be a matter of days or it could be                  15 longer.                  16 In some cases, depending on the response from the                  17 subject, it can drag on. In fact, you can get engulfed                  18 in correspondence quagmire when you're dealing with                  19 lawyers at well-heeled organisations who can use the                  20 right-to-reply process in order to defer or delay the                  21 journalism. That's part of the way it is and if you                  22 have a real good story, you will navigate your way                  23 through that.                  24 Q. What happens when you can't find the subject of the                  25 story? Will you publish anyway?</p> <p style="text-align: center;">Page 41</p>	<p>1 complaints, will work closely with the production team,                  2 will assess and discuss with them what was said in the                  3 report, outline for them what the complainant is saying,                  4 discuss that, usually with the head of compliance, and                  5 if it's a serious complaint, it would then come to me.                  6 This would all be documented. Channel 4 would also be                  7 kept in the loop and we try to get through it as quickly                  8 as we can.                  9 If it goes to Ofcom, of course that sets in a whole                  10 new different level of process under the Ofcom terms.                  11 Q. Within Channel 4, are you where the complaint buck                  12 stops?                  13 A. Yes.                  14 Q. Are you the top of the chain?                  15 A. Yes, I am. I should say, we don't get many complaints.                  16 Over the last five years -- I was just looking -- it's                  17 a handful -- I mean, not these low level ones but ones                  18 that require senior management action or response, it's                  19 a handful a year, and we haven't actually had a finding                  20 against us from an Ofcom complaint except once in the                  21 last five years, I think, and that was a partial ruling                  22 against us on an investigation.                  23 Q. Have you been the subject of successful litigation                  24 either for defamation or privacy?                  25 A. No, no.</p> <p style="text-align: center;">Page 43</p>
<p>1 A. You try very, very, very hard, particularly if it's                  2 grave or higher allegations.                  3 In those cases, it's still possibly that we may                  4 publish, but you have to be clear with the audience then                  5 about the extent to which you tried and what happened.                  6 There was no reply.                  7 You can also do other means of making sure, out of                  8 fairness, that the subject's views may have already been                  9 known from previous utterances or from other instances                  10 and you may refer to those in order to give a fair                  11 account of what the subject might say or where they've                  12 already said about this the issue in another forum.                  13 Q. Can I ask you about how compliance with the procedures                  14 and practices you've outlined is secured in practice?                  15 Do you have a complaints system for viewers?                  16 A. We have complaints -- well, there's different kinds of                  17 complaints. There are the ongoing low level complaints,                  18 which may actually never go higher up. There's a call                  19 to journalists from somebody saying -- a political                  20 source saying, "I was unhappy last night." Normally                  21 they get resolved and it's just the to-ing and fro-ing                  22 of journalism.                  23 But when a complaint reaches a higher level, the way                  24 we deal with it at Channel 4 News is -- my deputy                  25 editor, who is usually the principal point to handle the</p> <p style="text-align: center;">Page 42</p>	<p>1 Q. In addition to the paper systems that you've explained                  2 in your witness statement and the training, do you do                  3 anything else to inculcate an ethical culture into those                  4 journalists who work for you and other staff?                  5 A. You say in addition to the training?                  6 Q. In addition to the training.                  7 A. Well, part of that is the culture. At ITN generally and                  8 also Channel 4 News, I would say that the journalists                  9 have highly seized with the requirement to behave                  10 ethically. It's part and parcel of the terrain of                  11 holding to account and challenging authority,                  12 challenging consensus and established views, which is                  13 part of the remit we agree with Channel 4.                  14 If you take that as part of your lodestone, you have                  15 to except that you yourself will be held to account, so                  16 having to carry out our journalism in a way that we                  17 would be happy in justifying later on is really a big                  18 deal at Channel 4 News. We don't want to trip up. We                  19 don't want to cause any problems, and we certainly don't                  20 want so have any incoming attack on our reputation or                  21 integrity which would then go forward to possibly damage                  22 Channel 4's repute, which we are contractually obliged                  23 to uphold and we must uphold and we want to.                  24 So the culture at Channel 4 News is already highly                  25 conscious and aware of these things. We occupy</p> <p style="text-align: center;">Page 44</p>

<p>1 a particular niche area within public service                  2 broadcasting within Channel 4, which already has                  3 a distinctive remit.                  4 I try myself to also set a culture from the top.                  5 I take a hands-on approach to some of the more serious                  6 investigations. I will get heavily involved in the                  7 compliance procedures through the course of the                  8 journalism, and I make a point to be out and about in                  9 the newsroom, and issues of fairness, impartiality,                  10 they're turned over all the time at programme meetings.                  11 It's in the DNA. It's there all the time. It's not an                  12 add-on. It's not seen as an external position. It's                  13 what we do.                  14 Q. Could I ask you again to slow down a little bit for the                  15 shorthand writer?                  16 A. I do apologise.                  17 Q. On the question of private investigators, if we can move                  18 to that, you tell us at paragraph 11 of your statement                  19 that you're only aware of two occasions when journalists                  20 have used private investigators to supplement their own                  21 efforts, and you tell us that on both occasion it was                  22 for the purposes of tracing people.                  23 A. Correct, yes.                  24 Q. You were also asked about whether Channel 4 News has                  25 ever paid money to police or public officials, mobile                  Page 45</p>	<p>1 relevant period."                  2 Which suggests that you're you're talking there                  3 about any written record which would suggest such                  4 payments.                  5 A. Yes.                  6 Q. Can I ask you whether there was any an he can total                  7 evidence of unrecorded payments to such officials?                  8 A. None. None whatsoever. You may be conjuring up the                  9 possibility that a journalist could be doing this but                  10 not claiming the money for it, doing it out of their own                  11 money?                  12 Q. Or making unrecorded cash payments.                  13 A. I have to say that's possible at any media organisation,                  14 but you'd have to say -- if a journalist kept on                  15 bringing in stories from a mysterious provenance,                  16 attention would be drawn to it, because the kinds of                  17 stories we're talking about here, maybe in the area of                  18 crime or may involve intrusions, those stories are                  19 heavily discussed and monitored and reviewed with senior                  20 management. They don't just go to air. So if there was                  21 anything -- any fishy business that wasn't coming up                  22 through the documented processes or the discussions with                  23 the commissioning figures, flags would go off.                  24 Q. So in sum you're telling us that, having looked, you                  25 found nothing?                  Page 47</p>
<p>1 phone companies or others for information and stories.                  2 You tell us that to the best of your knowledge and after                  3 proportionate internal checks you don't have any                  4 instance recorded during the period that we've asked you                  5 about, which I think was since 2005.                  6 A. Yes.                  7 Q. Can I ask you first of all to explain to us what you                  8 mean by "proportionate internal checks"?                  9 A. This is a reference to the independent inquiry which ITN                  10 commissioned as part of this Inquiry, where an outside                  11 legal company came in and they decided how they were                  12 going to do the inquiry. So they spoke to a range of                  13 ITN individuals, from senior corporate management,                  14 editorial management, through commissioning figures,                  15 through to journalists at the coalface. Also, they                  16 checked through audit trails, financial data, payments,                  17 HR, the PR departments, and that, I think -- well,                  18 I never heard any evidence or suspicions that there was                  19 anything untoward going on, but that inquiry gave me                  20 heart that it was robust and that's what I mean by                  21 proportionate. They did, it seems to me, a very good                  22 internal check and I'm assured that none of these                  23 untoward practices have been going on at Channel 4 News.                  24 Q. You go on to say:                  25 "We do not have any instance recorded during the                  Page 46</p>	<p>1 A. Correct.                  2 Q. Can I ask you now about your relationship with Ofcom?                  3 First of all, do you feel that being part of the Ofcom                  4 system, regulated by them, has limited your editorial                  5 freedom in any way?                  6 A. First point to make first is that ITN is a news                  7 provider. We're not actually a broadcaster, so we're --                  8 at the area of ITN which I'm the editor of, it's                  9 a contractual relationship with Channel 4, so the                  10 principal relations are the broadcaster and Ofcom.                  11 However, we operate under the Ofcom guidelines. If                  12 your question is: have those guidelines made me not                  13 pursue a story I'd like to it have, the answer is: no.                  14 I struggle to think of a story I really wanted to put on                  15 the air that I didn't because of the guidelines.                  16 That's not to say there might not be an effect on                  17 how the story is told, for instance, through the                  18 implementation of the guidelines. So, for instance, on                  19 the right to reply process, the higher order right to                  20 reply process we have through the Ofcom and ITN                  21 guidelines, it may be that the journalist has found                  22 a range of potential allegations or claims facing                  23 a subject. If each one of those is subject to                  24 a specific right to reply, it can make for an unwieldy                  25 news report. It just makes it difficult television. So                  Page 48</p>

<p>1 you can trim or hone down a report through the process 2 of right to reply, but on the other hand that does make 3 the report more focused. So it works both ways. 4 The short answer is: I've never spiked a report 5 because of an Ofcom guideline. 6 Q. Do you feel that the Ofcom regulatory system keeps you 7 on the ethical straight and narrow? 8 A. Yes, but we are there already. We believe it already, 9 but it codifies the principles in a helpful way, which 10 we then, through the ITN guidelines, turn into practice, 11 and that's helpful as well, because for the team at ITN, 12 that makes it our guidelines. It's not an external 13 imposition. This is our culture we're expressing in the 14 guidelines. It makes it more of a collaborative venture 15 rather than: we're only doing this because of -- it's a 16 series of hurdles we have to overcome to get there. It 17 can feel like that but it makes the journalism better at 18 the end result. 19 Q. Unlike the print media, you face the prospect of fines 20 in certain cases if you fall foul of the regulator often 21 enough or seriously enough, don't you? 22 A. It's never actually happened for me, but yes. I think 23 the clear principles -- the process for dealing with any 24 complaints and then what happens if you're found to be 25 on the wrong side of the complaint is actually really</p> <p style="text-align: center;">Page 49</p>	<p>1 LORD JUSTICE LEVESON: It's not perhaps the word he would 2 use. 3 A. It's the way it is. I mean, I don't want to sit here 4 and sound smug about it's marvellous under the broadcast 5 terms, because it's onerous, it's rigorous. In the end, 6 though, it does mean that the process itself, the 7 process of doing the journalism, meeting the 8 requirements of our own internal and Ofcom codes, means 9 that you think at an earlier stage about what it is 10 you're doing. You think about the public interest case, 11 you think about the proportionality, in a way that 12 almost tests the arguments that you may face later if 13 something goes wrong or may even resolve some of those 14 argument, therefore obviating any legal or any other 15 course afterwards. You have been some of the process, 16 both in your head but also on paper. 17 Q. If it's onerous and rigorous, I'm getting the picture 18 that it is, however, delivering a high quality result? 19 A. Yes. 20 Q. Is that fair? 21 A. Yes. Yes, it does. 22 Q. It's probably a little bit more sophisticated than that. 23 A. A bit shorter, as well. 24 Q. What I'm building up to is: what parts of that effective 25 system do you think might be transferable or at least</p> <p style="text-align: center;">Page 51</p>
<p>1 important for the viewer. It gives the sense of 2 credibility, that we know what we're about, we're 3 believable, credible, and we have integrity. So it's an 4 outwards-facing thing as much as an inward imposition. 5 LORD JUSTICE LEVESON: Has it had any chilling effect upon 6 the way in which you conduct your work collecting and 7 delivering news? 8 A. No, because -- no, it hasn't. Other than it can 9 sometimes make you hone your stories down. I'm not 10 saying everything -- 11 LORD JUSTICE LEVESON: I understand the point, but that's 12 not -- 13 A. Not chilling, no. 14 LORD JUSTICE LEVESON: That's not the concern that's been 15 expressed by the print media, as you know. 16 A. But remember, the other major difference, because we're 17 in public service broadcasting, is due impartiality and 18 fairness. That already sets us in a different space 19 from print media. 20 LORD JUSTICE LEVESON: Yes, but you don't need to be 21 required to be impartial to behave ethically. 22 A. Correct, yes. You can have a view but be correct about 23 it, yes, agreed. 24 MR BARR: I'm getting the picture of a happy regulatory 25 picture. Is that fair?</p> <p style="text-align: center;">Page 50</p>	<p>1 could inform a successful regulatory model for print 2 media? 3 A. Well, there's been a lot of to-ing and fro-ing today and 4 for the last few weeks about what could be translated 5 across. I've never worked in print, so I hesitate to 6 offer up a solution to you, but on a right to reply, 7 I already hear that there's thinking across other parts 8 of our print media that maybe there's a more generous 9 form of prior notification which would maybe obviate 10 some of the problems they've had. 11 Beyond that, I'm not really -- to translate Ofcom 12 wholesale -- not that you're suggesting that -- into 13 print. 14 Q. I see. Can I move now to the police and the contact 15 between Channel 4 News and the police. Do your 16 journalists have off-the-record conversations with 17 police staff or police officers? 18 A. They may do, but we have particular specialist 19 correspondents who operate more in that field with -- 20 yes, that is an expectation. 21 Q. Do you give any ethical guidance to your journalists who 22 are going to deal with the police in that way? 23 A. Well, payments are out, for a start. That's already 24 part of the guidelines. Yes, but I would also say that 25 the journalists who operate in those areas on Channel 4</p> <p style="text-align: center;">Page 52</p>

<p>1 News and across ITN are actually probably some of the 2 most highly attuned journalist to these very issues. 3 They already start with the knowledge and expertise in 4 making sure that they take very careful footsteps in 5 these areas and they work probably, of all our 6 journalists, most closely with our compliance lawyers 7 than any other. 8 Q. Why is that? 9 A. Because the issues of intrusion, of sourcing, and some 10 of the matters that the Inquiry has been dealing with 11 are kind of -- quite often found in the area of crime, 12 police affairs, than in other parts of the agenda. 13 Q. Do you personally have any contact with senior police 14 officers as the editor of Channel 4 News? 15 A. Very rarely. I haven't had formal meetings. I've been 16 in events with other chief police officials, but no. 17 Q. How often do you meet senior politicians? 18 A. Rarely, but it does happen. Most of the dealings for 19 Channel 4 News and senior politicians, all politicians, 20 is obviously through my political team. I would tend to 21 get involved when it's functional. By that I mean maybe 22 a conference or around projects that we wish to happen, 23 like an interview or an event, and I add my weight to 24 the discussions with -- it could be the prime minister's 25 office or a cabinet minister's office -- about</p> <p style="text-align: center;">Page 53</p>	<p>1 Q. Can I move now to the Internet? How do you guarantee 2 high levels of accuracy and online content when the pace 3 of blogging and tweeting is so quick? 4 A. Yes, you're right, that's the single biggest shift -- 5 culture shift in all our lives in the media world. The 6 way we do it is to apply and insist on -- voluntarily, 7 actually -- applying the same criteria and ethics to our 8 digital content as to what is goes on the TV, and that 9 means the journalists and the producers approach it in 10 the same way. The issues of compliance arise -- speed. 11 Speed of delivery. A journalist may blog four times 12 a day, more. Social media -- there's tweets several 13 times an hour from some of our journalists so we can't 14 use the same models for tweeting that we use for say 15 broadcast, which is a finished, considered piece at the 16 end of the day. However, what we need to do is ensure 17 that our journalists have the mindset and apply the same 18 criteria to their online utterances as they would to 19 their broadcast reports. 20 Q. If I take blogging as an example, is blogging content 21 checked by -- 22 A. Yes, it is. 23 Q. -- a second party before it is posted? 24 A. Yes, because it has to -- a tweet wouldn't be, but -- 25 LORD JUSTICE LEVESON: Just a bit slower.</p> <p style="text-align: center;">Page 55</p>
<p>1 a specific function or aim that we have in mind. 2 Other than that, there are very occasional, not 3 frequent occasions when politicians may be invited by 4 ITN to an off-the-record lunch. Not very common. Maybe 5 two or three times a year, possibly, that that may 6 happen. So I wouldn't say that I'm cosy with the 7 politicians. 8 Q. Have senior politicians ever tried to persuade you to 9 cover certain areas in order to advance their own 10 political causes? 11 A. As editor, no, I've never felt it as explicit as that. 12 At previous roles, when I've been a political producer, 13 that happens all the time. Politicians are always 14 trying to attract you to coverage of them which makes 15 them look marvellous and wonderful and correct, but 16 maybe it's because in broadcasting -- public sector 17 broadcasting with its impartiality and fairness means 18 I'm less -- an editor there is less of a honeypot for 19 a politician who may wish to reach those ends. 20 Q. Have you ever sought to influence a politician's 21 politicking? 22 A. You mean other than an interview in a programme, for 23 instance? 24 Q. Yes. 25 A. I haven't, no.</p> <p style="text-align: center;">Page 54</p>	<p>1 A. A blog from one of the Channel 4 news journalists would 2 have to come into the online production desk and then it 3 would be not just process but also assessed editorially. 4 If there were any issues, those would be referred up. 5 Q. So tweets, are they moderated afterwards? 6 A. Yes, they are. 7 Q. On the subject of the Internet, it's obvious now there's 8 a lot of competition to provide news on the Internet, 9 some from your old rivals in broadcasting or the print 10 media but also from news sources and bloggers, for 11 example. 12 A. Yes. 13 Q. For the future, do you see a need to extend regulation 14 to Internet news providers any further than there is at 15 present? 16 A. Are you referring here to the unfairness that they don't 17 have to meet what we do? 18 Q. Mm, or any other matter that occurs to you. 19 A. Okay. No. I'm personally not inclined to try and throw 20 a tighter lasso around digital comment and news. 21 I think the issue that I do believe really strongly is 22 that an online version of a mainstream or a broadcast 23 vehicle should display -- I believe it has to carry the 24 brand value, same integrity, same journalistic ethics, 25 otherwise you can damage back to the broadcaster or the</p> <p style="text-align: center;">Page 56</p>

<p>1 newspaper.</p> <p>2 I know there is quite a lovely discussion around:</p> <p>3 can your online representation vary markedly from how</p> <p>4 you appear -- present in print or broadcast, but quite</p> <p>5 often that's a matter of style, projection, because in</p> <p>6 the digital space you talk differently. I'm much more</p> <p>7 freer and looser and convivial -- actually, not always</p> <p>8 so -- but intimate conversation, whereas in broadcast</p> <p>9 and print it's more considered and more formalised. So</p> <p>10 that's not a difference in essence; it's just</p> <p>11 a difference in projection of how you place your same</p> <p>12 journalistic outlook onto a digital space.</p> <p>13 So I would stay the same. I would apply the same</p> <p>14 criteria, the same journalistic ethics. I wouldn't</p> <p>15 expect others to be subject to anything beyond what the</p> <p>16 law, for instance, says as at the moment.</p> <p>17 Q. Thank you. I'm going to take on board the fact that</p> <p>18 you've not worked with the newspapers and are more</p> <p>19 cautious about venturing into that territory. It's of</p> <p>20 course the Inquiry's function to consider the</p> <p>21 recommendations for the future. Is there anything that</p> <p>22 you would like to say to the Inquiry about future</p> <p>23 regulation, either of the print media or the broadcast</p> <p>24 media, at this stage?</p> <p>25 A. One, at the risk of appearing to be yet another witness</p> <p style="text-align: center;">Page 57</p>	<p>1 talk about public officials having -- being able to talk</p> <p>2 to journalists.</p> <p>3 So there may be other moves afoot which are not part</p> <p>4 of this Inquiry but may just have to go on mind in</p> <p>5 a broader context.</p> <p>6 MR BARR: Thank you very much.</p> <p>7 LORD JUSTICE LEVESON: Thank you.</p> <p>8 A. Thank you.</p> <p>9 LORD JUSTICE LEVESON: We'll just have a break.</p> <p>10 (3.40 pm)</p> <p>11 (A short break)</p> <p>12 (3.49 pm)</p> <p>13 MR JOHN GERRARD STEVEN BATTLE (sworn)</p> <p>14 Questions by MR BARR</p> <p>15 MR BARR: Mr Battle, good afternoon.</p> <p>16 A. Good afternoon.</p> <p>17 Q. Could you give the Inquiry your full name, please?</p> <p>18 A. My full name is John Gerrard Steven Battle.</p> <p>19 Q. Are the contents of your witness statement true and</p> <p>20 correct to the best of your knowledge and belief?</p> <p>21 A. Yes, they are.</p> <p>22 Q. I understand, though, that in relation to some of the</p> <p>23 exhibits, the procedures exhibit, you wanted to say</p> <p>24 something about the update that was mentioned briefly in</p> <p>25 the last witness's evidence. The document we have</p> <p style="text-align: center;">Page 59</p>
<p>1 who views -- who can see concerns but is not a solution</p> <p>2 provider, I too would say that I'm anxious about a heavy</p> <p>3 form of statutory regulation in print. I know that the</p> <p>4 discussion is around how to finesse it and how to make</p> <p>5 it much more sophisticated and nuanced, but I do have</p> <p>6 concerns there about statutory regulation in print which</p> <p>7 flow back to issues of licensing, which I think the</p> <p>8 discussion is already trying to see how that could be</p> <p>9 done in ways which it wasn't as politically susceptible</p> <p>10 to control.</p> <p>11 But actually, my main issue is a completely</p> <p>12 different leg of the discussion, which is this Inquiry,</p> <p>13 quite rightly, is looking at the means of changes in</p> <p>14 regulation because of some appalling lapses and dreadful</p> <p>15 activity on behalf some parts of the print media. But</p> <p>16 there's a different agenda, which is the freedom of</p> <p>17 expression agenda, which is not part of that, but there</p> <p>18 are other issues that could be addressed, not by this</p> <p>19 Inquiry, but would need to be borne in mind in the</p> <p>20 overall context to make sure that this didn't happen at</p> <p>21 the same time as any moves to curtail or to constrain or</p> <p>22 to limit freedom of expression and provision of</p> <p>23 important information by the media. I'm thinking there</p> <p>24 of possible legislation, of recent moves to place curbs</p> <p>25 around -- police is one instance but there's already</p> <p style="text-align: center;">Page 58</p>	<p>1 includes a compliance manual which dates from 2004,</p> <p>2 I think. Is that the document that's been the subject</p> <p>3 of review?</p> <p>4 A. Correct. The original document, the ITN compliance</p> <p>5 manual, was published in July 2004. It has been</p> <p>6 reviewed and there is a new edition, November 2011.</p> <p>7 That is a document which is the updated edition of our</p> <p>8 compliance manual. I've written it, it's been worked on</p> <p>9 for about two years, and it is the standard now within</p> <p>10 ITN.</p> <p>11 Q. As Lord Justice Leveson invited the last witness, we can</p> <p>12 expect a copy of the latest version?</p> <p>13 A. Yes. I'd certainly like to help the Inquiry, if I can.</p> <p>14 LORD JUSTICE LEVESON: Thank you very much.</p> <p>15 Could I just ask: have changes been incorporated as</p> <p>16 a consequence of the events of the last nine months?</p> <p>17 A. It's fair to say that as a grown-up and professional</p> <p>18 organisation, we'd have to have on board the Inquiry and</p> <p>19 what's been discussed here and within the news. There</p> <p>20 have been some tightening up procedures, tilting, as you</p> <p>21 said this morning, sir, towards better regulation.</p> <p>22 I don't think there's been substantive changes as</p> <p>23 a result of this Inquiry but it also includes a lot of</p> <p>24 updates on other issues, such as Twittering in court or</p> <p>25 online posting, so it's an update. Every news</p> <p style="text-align: center;">Page 60</p>

<p>1 organisation has to ensure that its procedures and 2 manuals keep up to the changing times. 3 LORD JUSTICE LEVESON: No doubt. But the one that I have, 4 although Mr Barr is correct that it has an introduction 5 that's dated July 2004 -- do I gather it's actually an 6 updated version that has been altered over the years? 7 A. It's fair to say over the years we've had new policies 8 but the second edition is the one in November 2011. So 9 it's not updated by month. I'd like to think our 10 standards are constant, but from time to time they'd 11 need to be updated. 12 LORD JUSTICE LEVESON: Yes, all right, thank you. 13 MR BARR: So you tell us in your witness statement that you 14 are an employed barrister and you were called to the bar 15 in 1985. Since 001, you've been a lawyer in the 16 broadcast industry and have worked for over ten years as 17 a head of compliance at ITN. Prior to that, you worked 18 as a lawyer in the newspaper industry and the main 19 newspapers you worked for were the Daily Mail, the Mail 20 on Sunday, where you were between 1995 and 2001, as the 21 group legal adviser, and Today newspaper, where you were 22 a legal manager from 1990 to 1995; is that right? 23 A. That's correct. I have experience both in the newspaper 24 industry and in the broadcast sector. 25 Q. I'm not going to pass over the opportunity, therefore, Page 61</p>	<p>1 that. Firstly, that I am there to advise, to ensure 2 that on the day the correct advice is given to 3 lawyers -- is given to journalists and editors, but also 4 an over-arching duty, I think, to ensure that there is 5 some guidance given to the journalists and to the 6 organisations to ensure it complies with the law. So 7 it's advice plus compliance. 8 LORD JUSTICE LEVESON: The compliance limb suggests that you 9 are not merely advising; you can direct. Is that right 10 or not? 11 A. I would say guide and advise. It's not for me, in the 12 end, to make the decision. I am a lawyer, in the end, 13 not an editor, not the chief executive. 14 LORD JUSTICE LEVESON: I understand. But if you're 15 responsible for compliance, presumably that carries with 16 it some -- I don't say "teeth"; that's not the right 17 word, but rather more bite -- I am saying "teeth" -- 18 than if you're a legal adviser alone, who might say, 19 "Well, if you do this, then this has certain 20 consequences." Presumably as head of compliance, aren't 21 you rather more in a position to say not merely: "If you 22 do this, this might have certain consequences", but: 23 "Given my role as responsibility for compliance, you 24 can't do this" or: "You shouldn't do this"? 25 A. Yes. I wouldn't always be quite so blunt at that. Page 63</p>
<p>1 to ask you to compare the two to some extent. Is there 2 a discernible difference in the ethical culture in the 3 newspapers you worked for and at ITN? 4 A. Well, you won't be surprised to learn that that was 5 a question that I thought I'd be asked, because I do 6 have quite unique experience in both broadcast and the 7 television sector. 8 The first thing I'd like to say is this: the 9 difference between the broadcast sector and the news and 10 the newspaper sector are not as large as you might 11 think. The journalists, from my experience on both side 12 of the industry, do try to report the truth and do try 13 to act in an ethical way. That's my experience from my 14 time in newspapers and in the broadcast sector. 15 Where I think the main differences come are in what 16 you might call the architecture of the organisations. 17 Within the broadcast sector, we have quite a clear 18 corporate governance in terms of our compliance manual, 19 in terms of training, in terms of the lawyer, myself, 20 attending the main editorial meeting in the morning. In 21 addition, I think the role of the lawyer is slightly 22 different in the television sector to the newspapers. 23 For example, I am the head of compliance. In the 24 newspapers, I was a legal adviser. So as the head of 25 compliance, I think that certain things follow from Page 62</p>	<p>1 There's a process of doing it -- 2 LORD JUSTICE LEVESON: No, no, I'm trying to phrase it quite 3 brightly. 4 A. Yes, but I think fundamentally you're correct, that 5 there is more bite to the role as a compliance lawyer in 6 the television sector than there is in newspapers, but 7 that's not really just about the lawyer. There are 8 other things as well. For example, we have tighter 9 external regulation through Ofcom, and also, as an 10 organisation, ITN, we're the programme maker, not the 11 actual broadcaster, and part of the equation is what the 12 broadcaster says -- you know, ITV or Channel 4, and 13 their role in the programme as well. So it's greater 14 external regulation but also internal regulation. 15 But I go back to my fundamental point: what the 16 journalists do and what they're trying to do, there's 17 not as much difference as you would think. 18 MR BARR: Can I ask you to compare attitudes to legal risks. 19 Were the newspapers prepared to take greater legal risks 20 when publishing stories than television news has been in 21 your experience? 22 A. I think it's fair to say different organisations have 23 different levels of risk, and my experience is that the 24 broadcasters -- we would probably take a risk level akin 25 to a broadsheet, something like a broadsheet newspaper, Page 64</p>

16 (Pages 61 to 64)



<p>1 but a tabloid newspaper may, in some circumstances, take 2 a higher risk than a broadcaster. But that is the 3 nature of the plurality of the media.</p> <p>4 Q. In terms of methods, did you sense, comparing your 5 experience of the two branches of the media, any 6 difference in the types of methods that the present 7 media journalists were prepared to use? Were they 8 prepared to use riskier methods?</p> <p>9 A. It was quite a long time ago I was in newspapers -- it 10 was 12 years ago -- so in terms of the actual details of 11 methods, I can't really recall, you know, details of 12 methods from my time in newspapers. My experience in 13 the last 12 years is in broadcast and the methods there 14 are quite rigorous. You can see through the ITN 15 compliance manual and the BBC producers guidelines that 16 there is a contrast in what you might call the slightly 17 prescriptive way that broadcasters carry out their 18 journalistic methods compared to what you've seen 19 through others giving evidence on the newspaper side.</p> <p>20 Q. When you were working for the newspapers, were there any 21 rumours of phone hacking circulating?</p> <p>22 A. No.</p> <p>23 Q. Did you ever come across phone hacking?</p> <p>24 A. No.</p> <p>25 Q. Did you ever come across the payment of public officials</p> <p style="text-align: center;">Page 65</p>	<p>1 A. We do not have a large amount of defamation and privacy 2 legislation, it's fair to say. I think the key with ITN 3 is to try to ensure that problems are stopped before 4 broadcast, and we work very hard through our systems and 5 high journalistic standards to ensure that what is 6 broadcast is in compliance with the law and industry 7 codes, and I think that that culture ensures that we 8 actually have a low level of litigation and a low level 9 of complaints.</p> <p>10 Q. In terms of successful litigation, whether it's settled 11 or you lose at trial, can you give us some indication -- 12 not precise statistics but what sort of level of 13 successful legal complaints are we talking about?</p> <p>14 A. Not many. In my time, I've been at ITN now for, as 15 I said, over ten years, and we have not fought a libel 16 case all the way through the courts and lost. We have 17 been -- that's fair to say. In terms of complaints, if 18 we get a libel complaint, we try to ensure we do a fair 19 and reasonable assessment of what the complaint is, and 20 if we believe we've got it wrong, we will try to put it 21 right, ie. we'll reach some form of compromise to 22 resolve the matter. We don't want to fight for the sake 23 of it but as I said, my real point is we do not have 24 a high level of litigation within ITN.</p> <p>25 Q. What sort of volume of settlements are we talking about?</p> <p style="text-align: center;">Page 67</p>
<p>1 by journalists, whether by those on the papers that you 2 were working for or others?</p> <p>3 A. No.</p> <p>4 Q. Can I return now to your witness statement? You tell us 5 about your responsibilities as head of compliance. You 6 start by explaining your advisory duties, then your 7 compliance duties, your obligation being to manage the 8 compliance function. You liaise internally and brief 9 ITN personnel. You draft responses to legal complaints 10 and manage litigation. You draft responses to 11 complaints from the regulator. You provide internal 12 training and you manage the system of duty lawyers. 13 Over the page, you liaise externally on compliance and 14 legal issues and complaints, you write the ITN 15 compliance manual, you draft and put into practice new 16 compliance policies, you provide a monthly update of 17 legal and Ofcom complaints to the director, you attend 18 relevant meetings, you're a representative of the ITN on 19 industry committees. You deal with requests from the 20 police or solicitors for disclosure and you advise 21 non-editorial departments, such as ITN Source, on legal 22 issues.</p> <p>23 From that portfolio of legal activities, can I ask 24 you first of all about litigation. What volume of 25 defamation and privacy litigation does ITN face?</p> <p style="text-align: center;">Page 66</p>	<p>1 A. Well, one thing I would say here, Mr Barr, is a simple 2 point, really. I am a lawyer and it's a matter of sort 3 of professional privilege as well. I think if I was to 4 give out details of numbers to do with the company, it's 5 a matter maybe I'd need to speak to the company about, 6 because it is the company's privilege that I have, not 7 my own.</p> <p>8 Q. If you're concerned about privilege, I won't press you. 9 Perhaps you can take instructions and, if necessary, the 10 figures can be provided.</p> <p>11 A. Yes. I'm happy to, if the company authorise me to do 12 so. It's not something I'm concerned about but it's 13 a matter of --</p> <p>14 LORD JUSTICE LEVESON: Yes. I'm not sure that the extent of 15 litigation is encompassed by the concept of advice given 16 in the course of that litigation. Therefore, in other 17 words, I'm not sure that your company's privilege does 18 arise, but I am certainly content to receive a broad 19 indication later.</p> <p>20 A. Thank you very much. I appreciate that.</p> <p>21 MR BARR: Now, if we move to the question of Ofcom 22 complaints, can you give us an indication of the sort of 23 volume of Ofcom complaints that ITN faces?</p> <p>24 A. We don't have many complaints from Ofcom. I think it's 25 fair to say within a year we would have -- I would say</p> <p style="text-align: center;">Page 68</p>

<p>1 about ten complaints that we have to deal with, although 2 within that number not all of them would be substantial 3 complaints. There would be some which would be querying 4 practices or asking us questions, and about four, 5 I think, would be substantial, significant complaints. 6 Q. You heard Mr Gray's answer to my questions about the 7 operation of Ofcom regulation from the Channel 4 News 8 editor's position. Do you, from your position as head 9 of compliance at ITN, agree with those answers or is 10 there anything you would like to add or take issue with? 11 A. No, I agree with Jim Gray's answers. We are regulated 12 by Ofcom. We respect the regulator, we abide by their 13 code, and we have no issues with the regulation of ITV 14 and ITV news and Channel 4 News by Ofcom. 15 Q. I'd just like to explore the ambit of the regulatory 16 system. Obviously news which is broadcast on the 17 television falls within the Ofcom regime, but I'm right, 18 aren't I, that ITN also provides news content for mobile 19 phone providers to make available on 3G phones? 20 A. We make content for mobile phones. We making a lot of 21 content for the Internet generally as well. 22 Q. Is that the subject of any regulation? 23 A. All the content that is produced by ITN is subject to 24 ITN compliance manual, which I believe sets a higher 25 standard than the Ofcom broadcasting code. So it's not</p> <p style="text-align: center;">Page 69</p>	<p>1 that regulates material on the internet. The Press 2 Complaints Commission does have a role to regulate 3 newspapers that are produced on the Internet, but Ofcom, 4 as far as I'm aware, doesn't, and other regulatory 5 bodies on the Internet, I'm not aware of them. 6 LORD JUSTICE LEVESON: That's interesting. 7 MR BARR: Does the same apply to the 3G mobile phone 8 content? That's not regulated either? 9 A. I think you'll find that the -- if it's a mobile phone 10 content, if it's a video on demand, then it may fall 11 under the ATVOD brief, but again -- 12 Q. If it's text? 13 A. Oh, if it's text? I think it's unlikely. If it's video 14 on demand, that's the way into the regulation. I think 15 when the individuals from Ofcom come to give evidence, 16 they will be better to advise, to actually say what the 17 parameters of their brief is, but -- 18 LORD JUSTICE LEVESON: Yes, well, certainly, but you're not 19 members of the PCC. 20 A. No, exactly. 21 MR BARR: Moving to the paper systems, I think you drafted 22 the compliance manual. You tell us not only about the 23 manual but also internal editorial policies which 24 include one for online posting and one for tweeting in 25 court.</p> <p style="text-align: center;">Page 71</p>
<p>1 really dependent on the individual method by which the 2 content is delivered. 3 LORD JUSTICE LEVESON: Imagine the 4 quite-impossible-to-imagine circumstance in which there 5 was a concern about something you put on the Internet. 6 Would Ofcom deal with that or would actually that be 7 Press Complaints Commission or nobody? 8 A. Well, if it was -- if it was Internet alone, Ofcom would 9 not necessarily deal with it, if it's written text in 10 the actual -- our Internet site. If it was a video on 11 demand, like 4OD or ITV player, Ofcom can regulate that 12 through ATVOD, the relatively recent new regulator, the 13 co-regulator with Ofcom. But it doesn't -- Ofcom, as 14 far as I'm aware, does not have the brief over written 15 text within the Internet. 16 LORD JUSTICE LEVESON: I'm not suggesting there's any reason 17 why it should, but does that mean nobody looks at that? 18 A. No. Within ITN? 19 LORD JUSTICE LEVESON: No. There's no external body? I'm 20 sure ITN have its compliance -- 21 A. I'm not -- exactly right, yes. 22 LORD JUSTICE LEVESON: -- and I'm not attacking its 23 compliance regime or its procedures but I'm looking to 24 see whether something external is there or not. 25 A. I'm not aware of there being a general Internet body</p> <p style="text-align: center;">Page 70</p>	<p>1 A. Yes. 2 Q. Does it follow that it was thought to be such an 3 important issue that there should be separate policies 4 for those activities? 5 A. Yes. Last -- in December 2010, the Lord Chief Justice 6 issued some guidance about tweeting in court. Then 7 there was a consultation. In the interim, ITN produced 8 a protocol about how to carry out this new form of 9 reporting the courts, emphasising the importance of 10 contempt of court and not to prejudice the trial. 11 LORD JUSTICE LEVESON: Yes, I've read it. Because I had 12 some part in relation to the advice, I was quite 13 interested to see how you put all that. 14 A. And then in terms of online postings, again with 15 blogging, tweeting and everything else, it's important 16 that it's re-emphasised to our journalists that our 17 standards are constant. It's not dependent on the way 18 content is delivered. We are a high profile company and 19 whatever is broadcast or published in our name must be 20 able to stand up to our standards. 21 MR BARR: Can I move now to the compliance manual. There's 22 a section on privacy which summarises the law. I'm 23 looking at tab 3, page 24. 24 Over the page, on page 25 at the top, when dealing 25 with what "private" means, the first bullet point is:</p> <p style="text-align: center;">Page 72</p>

<p>1 "Reporting in places where there is an expectation 2 of privacy. For example: churches, restaurants, offices 3 and private residences." 4 Do you find in practice that interpreting what is 5 a situation which gives rise to a reasonable expectation 6 of privacy is something that you have to give advice on 7 frequently? 8 A. Privacy is one of the areas -- I would be advising on 9 privacy, it's fair to say. But there are many others as 10 well, whether it be libel, contempt and so. Privacy is 11 one of the areas and it is a part of the role I conduct 12 within ITN. 13 Q. Then paragraph 5.4 on the same page, the concept of 14 proportionality is dealt with and the procedure says: 15 "Any action that amounts to a breach of privacy must 16 always be proportionate to the subject matter under 17 investigation. For example, to justify secret filming 18 in a private place, the actual subject matter and/or 19 wrongdoing being investigated must be serious. Not 20 every investigation will warrant employing such 21 methods." 22 That follows a section on the public interest. Am 23 I understanding correctly that at ITN, before you will 24 invade privacy, you expect there to be a public interest 25 and a test of prohibitionality, both of which must be</p> <p style="text-align: center;">Page 73</p>	<p>1 conclusive in considering a privacy issue." 2 Am I to take it from that that ITN's position is 3 that just because somebody has put aspects of their 4 private life into the public domain, they're not 5 necessarily open season for reporting? 6 A. Exactly right. It depends on the facts of the case. We 7 would look at the specifics. It's fact-sensitive, and 8 if the breach was warranted, taking into account the 9 public interest and our definition of the public 10 interest, then it may be allowed to go forward. But we 11 do provide and -- you know, guidelines to our 12 journalists to ensure that these tests are properly met. 13 It's not a question of, you know, having no guidelines 14 in place. 15 Q. This has been an area of developing jurisprudence since 16 the document was drafted in 2004. Is the position of 17 ITN on this particular issue changing at all in the 18 revised guidance? 19 A. Not significantly. Within 2004, I think within -- there 20 are two sides to this. There's both the regulatory 21 position but also the law as well, and within the manual 22 in 2004, I did refer to the major case, the Naomi 23 Campbell case. So the position hasn't changed 24 substantially. 25 Q. There are also sections on data protection and</p> <p style="text-align: center;">Page 75</p>
<p>1 passed before you proceed? 2 A. Yes, definitely. 3 Q. Is that test applied at the research stage, ie 4 investigating the story, and at the publication or 5 broadcasting stage, or is it applied only once? 6 A. It's applied twice. We have within ITN -- essentially 7 when it comes to secret filming, if we were to do secret 8 filming where there's a high level of privacy issues 9 engaged, there are two stages that would have to be 10 passed. Firstly, there would have to be a stage one 11 form, where the editor signs off and you have to say why 12 it was proportionate, why it was in the public interest, 13 and once the footage has been gained, before broadcast, 14 there would be a second step to ensure that what is 15 broadcast again meets those standards. 16 So it's quite a rigorous process. 17 Q. Looking over the page at paragraph 5.6, there's further 18 guidance about public figures. It says: 19 "Everyone is entitled to some measure of privacy, 20 even celebrities who put their private life into the 21 public domain. However, whether an individual is 22 a public figure, such as a politician or celebrity, who 23 has placed their private life firmly in the public 24 domain, or an ordinary member of the public who has not 25 sought publicity may be relevant but not necessarily</p> <p style="text-align: center;">Page 74</p>	<p>1 surveillance law, and I read the surveillance law 2 section when questioning Mr Gray. It's on page 34. But 3 I saved some questions about this for you as the 4 draftsman. 5 A. Yes. 6 Q. It sets out a number of techniques -- telephone tapping, 7 radio receivers, listening device or intercepting 8 emails -- and goes on to say they "can amount to 9 a criminal offence and should be avoided". Is that 10 really strong enough, given that these techniques are 11 all plainly illegal? 12 A. Perhaps you're right. I think within the revised manual 13 it may be slightly stronger, but we're talking there 14 generally about surveillance techniques, and if you had 15 secret filming that was surveillance, in itself that may 16 not be illegal. It may not be a criminal offence. So 17 it was giving the basic point that telephone tapping and 18 everything else, that can amount to a criminal offence 19 and should be avoided. Really, that's a clear warning 20 to any journalist to stay clear of it unless you're very 21 certain and taking proper advice. 22 Q. Plainly there was a warning. I don't want to detract 23 from that. I was simply wishing to investigate whether 24 you thought it was really strong enough, given how -- 25 A. It's a fair point.</p> <p style="text-align: center;">Page 76</p>

<p>1 LORD JUSTICE LEVESON: It will be interesting to see what 2 paragraph 5.25 or its equivalent now says. 3 MR BARR: Can you recall -- 4 LORD JUSTICE LEVESON: Don't ask him to remember. 5 A. I can't remember off the top of my head but I think it 6 does refer to the specific statutes as well. 7 MR BARR: Can I ask you now to think a little bit about the 8 contact you might have had with the police first and 9 then politicians. Have you had any contact with senior 10 police figures in your role as head of compliance? 11 A. No, I haven't. 12 Q. Politicians? 13 A. No, I haven't. 14 Q. Looking towards the future, you have some experience of 15 both sides of the industry and a lot of experience of 16 dealing with Ofcom. Do you have any difficulties with 17 the possibility of a future regulatory system which has 18 a statutory backstop? 19 A. Expressing a personal view, I have a very strong view 20 that the ecology and the way Ofcom is regulated is 21 different to the way the press is regulated and 22 I wouldn't recommend -- and I'm not suggesting -- that 23 they should be regulated together, for a number of 24 reasons. I think firstly it's not necessarily healthy 25 to have such an enormous regulator regulating all organs</p> <p style="text-align: center;">Page 77</p>	<p>1 reverts. That's a question, not a comment. 2 A. I think that's a fair point, and I think you're right, 3 there has been evidence given in this Inquiry and over 4 a number of months about allegations of wrongdoing, and 5 it is a difficult and dark period for the press. But 6 I do -- personally, I'm very interested in the history 7 of freedom of expression. I'm also interested in 8 freedom of expression being protected, and I believe, in 9 terms of going forward, there would be a case for 10 actually seeing whether there could be some stronger 11 regulation of the press without a statutory 12 intervention. 13 As I said, that's my personal view. 14 LORD JUSTICE LEVESON: How? 15 A. How? Perhaps you could do it in two stages. Ie, you 16 could see what the press actually propose in terms of 17 a beefed-up regulation, greater powers, greater 18 independence. Then that could be reviewed and seen how 19 it would work and see who actually has joined up to it. 20 Then, if it was not seen to be working, a second review 21 or stage two, where we say, "This is not working", and 22 as you said this morning, sir, Parliament would 23 intervene. 24 LORD JUSTICE LEVESON: That's actually what happened in 25 Calcutt one and Calcutt two. Calcutt one said, "We'll</p> <p style="text-align: center;">Page 79</p>
<p>1 of the media, and secondly, they have different 2 backgrounds, the press and the broadcast media. The 3 broadcast media is already very heavily regulated 4 through the law, whether it be the Television Without 5 Frontiers directive or the Audiovisual Service Media 6 directive. Within the Human Rights Act, Article 10, it 7 gives the states the rights to license broadcasters. 8 So broadcasters are very heavily regulated within 9 the law, but there has always been within this 10 jurisdiction a strong traditional of the freedom of the 11 press, going back 400 years, and I think that the 12 traditions need to be respected. Adopting the points 13 made by Lord Patten earlier, I would hope that there 14 would be a system that could be viewed or considered by 15 the press first, before there would be some form of 16 statutory regulation. 17 LORD JUSTICE LEVESON: But we've done that. 18 A. I think you have, I think you have done that. I think 19 you are going through that process. 20 LORD JUSTICE LEVESON: No, no, no, no, we've done it in '92, 21 after Princess Diana died, after the McCanns' story. 22 Each time everybody says, "This is terrible, we must do 23 something about it", and everybody says, "Of course we 24 must, this is terrible", and everybody behaves and then 25 some other big story drops out of the ether and it all</p> <p style="text-align: center;">Page 78</p>	<p>1 try it"; Calcutt two said, "We tried it, it failed", and 2 then the government of the day were persuaded not to do 3 anything further about it. 4 A. Yes, but there will always be problems. There will be 5 problems in the future as well and I think it's 6 important that the traditional historic principles that 7 underlie our unwritten constitution -- 8 LORD JUSTICE LEVESON: Help me why. Help me why any form of 9 structure, not in relation to product, but only in 10 relation to process, any form of process that is 11 underpinned in any way impacts on the freedom of the 12 press. 13 A. Well, I think it goes back -- again, it is -- I go back 14 to the basic principle here of separation of powers. 15 That is, if you are putting forward the regulation of 16 the press through statute, then the regulator itself, if 17 it has to regulate on matters to do with politicians or 18 political issues, it will get -- it may be left open to 19 being viewed as not necessarily independent or 20 impartial. 21 LORD JUSTICE LEVESON: But why? Because you could set up 22 a structure -- and I'm not saying I'm going to do it, 23 but you could set up a structure or recommend it -- 24 I won't do anything -- you can set up a structure which 25 made every single person on this body entirely</p> <p style="text-align: center;">Page 80</p>

<p>1 independent of government, of politicians, so there's no                  2 invasion of a separation of powers at all. The                  3 judiciary are legislated in all sorts of ways, but even                  4 before the fourth estate, I think everybody would agree                  5 that an independent judiciary is a vital component of                  6 our society.                  7 A. Yes, I totally agree. I support the independence of the                  8 judiciary enormously.                  9 LORD JUSTICE LEVESON: Yes. That wasn't my point. My point                  10 was that there are all sorts of statutes that affect us                  11 without affecting our independence.                  12 A. Yes, but I think also you have to take into account                  13 perception, how it is viewed, and the perception is                  14 important to ensure that it is not perceived as a                  15 regulator that is in some way governed by politicians.                  16 It's quite a big leap from self-regulation by a number                  17 of newspaper editors to independent statutory                  18 regulators. I would suggest that there may be stages                  19 between those two, which could and should be considered.                  20 With humble respect, I was asked the question by                  21 Mr Barr, so I'm giving my personal view.                  22 LORD JUSTICE LEVESON: Oh no, no, don't get me wrong, I'm                  23 not -- you're entitled to your view. This is absolute                  24 right, and I'm interested in your opinion because you're                  25 obviously concerned in this area and have been for</p> <p style="text-align: center;">Page 81</p>	<p>1 LORD JUSTICE LEVESON: Right.                  2 MR BARR: Sir, that's it for today.                  3 LORD JUSTICE LEVESON: Thank you very much. 10 o'clock                  4 tomorrow morning. Thank you.                  5 (4.24 pm)                  6 (The hearing adjourned until 10 o'clock the following day)                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 83</p>
<p>1 a very long time. I am simply concerned to understand                  2 why the existence of a process, which is staffed                  3 entirely independently, should be seen as impacting                  4 adversely on the freedom of the press or freedom of                  5 expression. I have difficulty with that. You say it's                  6 a perception thing, and I think that's what Mr Harding                  7 said, "If they could change that, they could change                  8 anything." Well, they can change anything now.                  9 A. Exactly right. So the point is, before we get to that                  10 stage, my opinion is that other options should be                  11 explored and tested before we actually make that                  12 significant step of statutory regulation, but that is                  13 a personal view, I have to say.                  14 LORD JUSTICE LEVESON: Well, it depends what you mean by                  15 "statutory regulation", but I understand.                  16 A. Yes, thank you.                  17 MR BARR: Can I ask whether you agree with Lord Patten's                  18 evidence that the regulatory system which Ofcom has                  19 provided has had the effect of regulating but not of                  20 censoring broadcasters?                  21 A. That's fair to say. I agree with that.                  22 MR BARR: Thank you. I have no more questions for you.                  23 A. Thank you.                  24 LORD JUSTICE LEVESON: Thank you very much indeed.                  25 A. Thank you very much, sir.</p> <p style="text-align: center;">Page 82</p>	<p>1                  2                  3                  4                  5                  6                  7                  8                  9                  10                  11                  12                  13                  14                  15                  16                  17                  18                  19                  20                  21                  22                  23                  24                  25</p> <p style="text-align: center;">Page 84</p>

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