

<p>1 Wednesday, 11 January 2012</p> <p>2 (10.00 am)</p> <p>3 (Proceedings delayed)</p> <p>4 (10.15 am)</p> <p>5 Housekeeping</p> <p>6 LORD JUSTICE LEVESON: Before we start today, there are two</p> <p>7 things I'd like to say. The first is that although I do</p> <p>8 not intend to provide a running commentary in relation</p> <p>9 to media coverage of the Inquiry, I am somewhat</p> <p>10 concerned that some of the suggestions which I put to</p> <p>11 the witnesses yesterday have been reported as emerging</p> <p>12 findings. They are not in fact that. I am testing</p> <p>13 possibilities. And one of the ways of doing so is</p> <p>14 asking those who are likely to be affected for their</p> <p>15 views. It is for that reason that I have encouraged</p> <p>16 them either to respond immediately or to consider the</p> <p>17 suggestions and respond later. I would not want it to</p> <p>18 be thought that I have reached conclusions, for I have</p> <p>19 not.</p> <p>20 The second concerns some evidence -- and I put the</p> <p>21 word "evidence" in inverted commas -- given by</p> <p>22 Mr McKenzie the day before yesterday, when he expressed</p> <p>23 his personal views on the credibility of a witness. He</p> <p>24 should not have done so. His views on the credibility</p> <p>25 of a witness are neither here nor there, and do not</p> <p style="text-align: center;">Page 1</p>	<p>1 I saw the written submissions of the Mail. I didn't</p> <p>2 know of its existence before then. And then I think on</p> <p>3 Sunday, or if not on Monday, I can't recall which, I put</p> <p>4 arrangements in place through my learned friend and</p> <p>5 separately for Mr Silva to be called.</p> <p>6 The upshot of that is that there's been somewhat of</p> <p>7 a rush making his statement available to the core</p> <p>8 participants, and I'm told by Mr Sherborne's team that</p> <p>9 it was only placed on the Lextranet system fairly late</p> <p>10 last night. We're making enquiries as to the precise</p> <p>11 time; we don't know at the moment. But it's clear that</p> <p>12 little time has been made available to consider what he</p> <p>13 says.</p> <p>14 In my view, that's not going to matter much, since</p> <p>15 I'm in a position to ask him appropriate questions, but</p> <p>16 if it is necessary to recall him to deal with any</p> <p>17 further matters in relation in particular to Mr Grant</p> <p>18 and the Drs McCann, again that can happen if you think</p> <p>19 it's right.</p> <p>20 Finally, for various reasons I would like to start</p> <p>21 with Mr Silva and move on to the editor of the Mail on</p> <p>22 Sunday, Mr Wright, and then finish today with</p> <p>23 Ms Hartley, if that's agreeable to you.</p> <p>24 LORD JUSTICE LEVESON: Right.</p> <p>25 MR JAY: Unless there's any other preliminary observation</p> <p style="text-align: center;">Page 3</p>
<p>1 affect me in any way. He was entitled to give evidence</p> <p>2 of fact, although I think his evidence was rather more</p> <p>3 of opinion than of fact, but that's as far as it goes.</p> <p>4 MR JAY: Sir, may I say something about today's evidence?</p> <p>5 LORD JUSTICE LEVESON: Yes.</p> <p>6 MR JAY: First of all, some people may be wondering why</p> <p>7 Mr Paul Dacre is not on the list for today. The answer</p> <p>8 is he's not available for the rest of this month, and</p> <p>9 indeed for today, but we have lined him up, as it were,</p> <p>10 for 6 February, so he will be taken slightly out of</p> <p>11 sequence.</p> <p>12 Secondly, the supplementary statement of</p> <p>13 Ms Liz Hartley, which you've seen and has been made</p> <p>14 available, my learned friend Mr Sherborne has had little</p> <p>15 time to consider that statement. I will indeed of</p> <p>16 course be asking Ms Hartley certain questions about it,</p> <p>17 but I should make it clear, it's without the benefit of</p> <p>18 any lines having been put to me, quite understandably,</p> <p>19 by Mr Sherborne's team.</p> <p>20 If it's necessary to recall Ms Hartley to deal with</p> <p>21 any specific matters in the interests of justice, then</p> <p>22 that will occur.</p> <p>23 Thirdly, the witness statement of Paul Silva, who is</p> <p>24 the Daily Mail picture editor, it's dated 22 December,</p> <p>25 I was only made aware of its existence last Friday, when</p> <p style="text-align: center;">Page 2</p>	<p>1 that anybody would like to make, may I start by calling</p> <p>2 Mr Silva?</p> <p>3 LORD JUSTICE LEVESON: Yes. I'm sorry if other core</p> <p>4 participants haven't had the opportunity of seeing some</p> <p>5 of these statements with as much leisure as they would</p> <p>6 wish. I don't want in any sense to prejudice lines of</p> <p>7 questions that are appropriate, but everybody's had to</p> <p>8 work under a degree of pressure. If it's necessary for</p> <p>9 a witness to be recalled, as I think I might have said</p> <p>10 earlier in connection with other witnesses, then that</p> <p>11 will happen.</p> <p>12 MR JAY: Thank you.</p> <p>13 MR CAPLAN: Might I mention one thing in relation to</p> <p>14 Mr Silva's evidence? I think I can say quite clearly</p> <p>15 it's through no fault of ours that Mr -- what happened</p> <p>16 was there was a Section 21 notice served on our picture</p> <p>17 editor and indeed on other picture editors in December.</p> <p>18 Mr Silva's statement was filed before Christmas with the</p> <p>19 Inquiry --</p> <p>20 LORD JUSTICE LEVESON: It was dated 22 December, Mr Caplan.</p> <p>21 There was no criticism of you or your team at all in</p> <p>22 that. It obviously didn't percolate through to be</p> <p>23 considered until after the break. Why it's taken quite</p> <p>24 so long to put it on the system I'd be interested to</p> <p>25 know, but for other reasons rather than to try and</p> <p style="text-align: center;">Page 4</p>

<p>1 ascribe responsibility. I just want to make sure that 2 we can proceed. 3 MR CAPLAN: Thank you. 4 MR JAY: I think the explanation is this: that when the 5 batting order, as it were, for the Mail was assembled, 6 and it was me who did that, I was unaware of the 7 existence of Mr Silva's statement. It's probably my 8 fault, but it doesn't matter. So it wasn't thought 9 necessary to put his statement on the core participants' 10 side of the website. 11 LORD JUSTICE LEVESON: Very good. We'll see how we get on. 12 I'm sure we'll manage, if not concluding the matter 13 today, then very shortly thereafter. 14 MR JAY: Thank you. May I now call Mr Silva, please. 15 MR PAUL SILVA (sworn) 16 Questions by MR JAY 17 MR JAY: Mr Silva, please sit down and make yourself 18 comfortable. Your full name, please? 19 A. Paul Dominic Peter Silva. 20 Q. Thank you. I hope you have in front of you your witness 21 statement? 22 A. Yes, I do. 23 Q. Signed and dated by you 22 December. It doesn't have 24 a formal statement of truth on it, but is this your 25 truthful evidence?</p> <p style="text-align: center;">Page 5</p>	<p>1 particularly those by celebrities? Do they relate to 2 pictures taken by paparazzi in circumstances which might 3 be debatable? 4 A. In some cases, yes, that is true. 5 Q. And how have those complaints been dealt with? 6 A. Well, the complaint has been made to the managing 7 editor's office. The managing editor then comes to 8 speak to me, I give my version of events and then the 9 managing editor will deal with the complaint 10 accordingly. 11 Q. By your version of events, does that mean you finding 12 out from the agency involved who engaged the paparazzo 13 the circumstances in which the photograph was taken? 14 A. Yes, that's correct, yes. 15 Q. Have there been circumstances in which the complaint has 16 been justified? 17 A. Not so far, no. Not that I'm aware of. 18 Q. And have the complainants always been satisfied with the 19 internal resolution of it by the Mail? 20 A. Given the fact that I've not heard anything back on it, 21 I assume that the answer is yes. 22 Q. Thank you. In paragraph 8 you explain how the system 23 works in relation to the Daily Mail. You receive a vast 24 number of pictures, 30,000 a day, from all around the 25 world.</p> <p style="text-align: center;">Page 7</p>
<p>1 A. Yes, it is, sir. 2 Q. Thank you. We know from your statement that you've been 3 at the Daily Mail now for 23 years and for 13 years as 4 the picture editor; is that right? 5 A. That is correct. 6 Q. And formerly you worked at other picture desks, 7 including the Daily Telegraph, the Evening Standard and 8 the London Daily News. 9 Can I ask you, please, a number of questions arising 10 out of your statement. You say in paragraph 5 you 11 "cannot think of an occasion in recent years where 12 a formal complaint has been lodged with the PCC and has 13 resulted in a ruling and adjudication by the PCC", but 14 you say in paragraph 6 "there have been occasions where 15 complaints have been made". Do you mean by that 16 complaints made directly to the newspaper rather than to 17 the PCC? 18 A. Yes, that's right. 19 Q. Can you tell us something about those complaints? First 20 of all, approximately how many have there been? 21 A. Oh, a handful in the last few years. 22 Q. And by whom have they been brought? 23 A. They can be by celebrities or they've just been by 24 members of the public. It's across the spectrum. 25 Q. Can you tell us, please, anything about the complaints,</p> <p style="text-align: center;">Page 6</p>	<p>1 A. Mm-hm. 2 Q. There are three types of agency, the large international 3 agencies, the domestic news agencies and the celebrity 4 agencies, which you name, and for whom the so-called 5 paparazzi generally work. 6 Can I ask you what you mean by the term "paparazzi"? 7 A. Well, paparazzi is a freelance photographer who doesn't 8 work for any newspaper and is basically taking pictures 9 of celebrities out and about and at photo calls and film 10 premieres, that sort of thing. 11 Q. Thank you. You don't use the word "paparazzi" in 12 relation to the freelancers who work for either the 13 international agencies or the domestic news agencies; is 14 that right? 15 A. That's correct. 16 Q. Why is that? 17 A. They are freelance photographers who cover all sorts of 18 events, news events, court cases. They're not 19 concentrating on just celebrity photographs. 20 Q. Thank you. Then you explain what happens next with the 21 photograph, that there's a picture taster, a selection 22 is made of about 400. Can I ask you though about the 23 last clause of paragraph 9, the criteria by which 24 photographs are taken. You say "and whether they appear 25 to have been taken in a questionable way". What does</p> <p style="text-align: center;">Page 8</p>

<p>1 that mean? 2 A. Whether they breached the PCC guidelines and the code, 3 basically. 4 Q. Are these amongst the 400 photographs which you are 5 going to look at? 6 A. Yes. 7 Q. Or are these photographs which have been excluded before 8 you get -- 9 A. No, no. The paparazzi pictures, if there are any that 10 day, would be part of that selection, would be part of 11 that selection. 12 Q. Are those therefore which might have been taken in 13 a questionable way earmarked for further consideration? 14 A. Yes. 15 Q. Is that what you're saying? 16 A. That's what I'm saying, yes. 17 Q. Who does that earmarking? 18 A. Basically it would be my picture taster. Picture comes 19 in, he says, "Look, this is a good picture, I'm a bit 20 worried about how it's been taken", he refers it to me 21 and then we put the process into action. 22 Q. Then you explain that you have a number of staff 23 photographs and then a larger number, 16, freelancers. 24 But you do the selection from amongst the 400; is that 25 right?</p> <p style="text-align: center;">Page 9</p>	<p>1 then they are in a public place and on that basis we 2 feel happy that the picture's been taken in a public 3 place and we're happy to consider it. If it's taken on 4 somebody's driveway, on their private property, the 5 answer would be no. We're only talking about a matter 6 of yards, I appreciate that. 7 LORD JUSTICE LEVESON: That's the point. 8 A. I know. 9 LORD JUSTICE LEVESON: That's the issue I'm asking you 10 about. 11 A. If it was a situation -- we had a situation where there 12 were pictures of Kate Middleton's mother and sister out 13 shopping and we ran the pictures and we only ran the 14 pictures of them in the street. They then went into the 15 shop and they're in the shop window, which is again only 16 a matter of yards. Some papers used those pictures and 17 there were complaints. That shows the problem you have. 18 A few yards one side were considered okay; move the 19 other way, it then becomes a problem. 20 LORD JUSTICE LEVESON: I just wonder whether the line is 21 appropriately drawn, but there it is. 22 A. It's just coming onto the pavement is -- 23 LORD JUSTICE LEVESON: No, I understand where the line is 24 drawn. The question is whether it's appropriately drawn 25 there. Anyway.</p> <p style="text-align: center;">Page 11</p>
<p>1 A. Yes, ultimately I do. 2 Q. In paragraph 12 you explain the criteria which you 3 apply, and there are 11 of those criteria. 4 A. Mm-hm. 5 Q. Can I ask you specifically about six or seven of them, 6 which is 12.4 to 12.10. 7 LORD JUSTICE LEVESON: Before you get to 12.4, let's start 8 with 12.1. 9 A. Okay. 10 LORD JUSTICE LEVESON: If somebody wishes to drive away, 11 they walk out of their house, that's private, their car 12 is parked in their driveway, that's private. 13 A. Mm-hm. 14 LORD JUSTICE LEVESON: And therefore no photograph? 15 A. No, that would be private. 16 LORD JUSTICE LEVESON: But if their car is parked on the 17 road, so they have to cross the pavement, the pavement 18 is public? 19 A. Correct. 20 LORD JUSTICE LEVESON: Therefore they could be photographed? 21 A. Correct, yes. 22 LORD JUSTICE LEVESON: It sounds a rather arbitrary 23 distinction and doesn't actually aim itself at the 24 substance of what you're trying to avoid. 25 A. It's that line, isn't it? It is a public place, but</p> <p style="text-align: center;">Page 10</p>	<p>1 MR JAY: The issue under the code, and I was going to come 2 to this in a moment, Mr Silva, is whether there's 3 a reasonable expectation of privacy. Do you follow me? 4 And your interpretation of that. It might be said that 5 walking to your car outside your house, there remains 6 a reasonable expectation of privacy because that's what 7 people have to do these days to access their car, but 8 once they are away from their house and in a public 9 place, that's where the dividing line falls. Would you 10 agree with that? 11 A. No, I don't. I think once they're in the street, that's 12 a public street, that is a public place. 13 Q. Is it your view that as soon as the target is in 14 a public place, namely on a street, there is no 15 reasonable expectation of privacy, whatever the 16 circumstances? 17 A. If they're on a public street, it's a public place, 18 they're in view of members of the public, I think that 19 is a public place, in my view. 20 Q. Whatever the proximity or otherwise to the person's home 21 or some other private place? Is that your analysis? 22 A. At the moment, yes. 23 Q. Have you ever sought clarification of that issue from 24 the PCC, because it's an issue which must often arise? 25 A. No. Not personally, no.</p> <p style="text-align: center;">Page 12</p>

<p>1 Q. Have you ever sought advice from your editor on that 2 issue? 3 A. I've never taken it up personally with the editor, no. 4 Q. It's an issue which must arise quite often, mustn't it? 5 A. Well, to the best of my knowledge I can't recall 6 a complaint about a photograph taken of somebody when 7 they're in the street getting into a car, whether it's 8 outside their house or outside their office or wherever 9 it may be, I don't recall that. 10 Q. At this stage I was going to ask you specifically about 11 items 12.4 to 12.10. Can I just ask you to look at 12 those before I ask the general question. The general 13 question is this: how would you know, simply by looking 14 at the photograph, what the answers were to those 15 questions? 16 A. Starting at 12.4? 17 Q. For example. 18 A. Well, if you get a photograph and the person is in more 19 than one situation, so he's photographed just outside 20 his home and then a bit further down the road, it's 21 clear they've been followed and then you would ask that 22 question on that basis. So it should be obvious from 23 the sequence of photographs you get whether following 24 has taken place or not. 25 Q. I understand the answer to that question, but of course</p> <p style="text-align: center;">Page 13</p>	<p>1 Q. Do you do it with all 400 photographs? 2 A. No, not all 400 photographs are paparazzi pictures. The 3 paparazzi pictures, if there are any that day, may only 4 form just a very small number, maybe half a dozen, maybe 5 a dozen. So we're not dealing with 400 pictures. 6 Q. Thank you. Is this right, that these are the questions 7 you ask specifically in relation only to the paparazzi 8 pictures which you get on a particular day? 9 A. Yes. 10 Q. Are they the questions therefore that you will always 11 ask in relation to the paparazzi pictures? 12 A. Yes, we do, yes. 13 Q. As you explain later in your statement, by going to the 14 agency and making an express enquiry? 15 A. Yes. 16 LORD JUSTICE LEVESON: Before you pass on, let me just pick 17 up that question, Mr Silva. What difference would it 18 make, if I go back to my example of the subject walking 19 out of his house, and I accept your evidence that once 20 they get on the street that's public, what's the 21 difference if the photographer's been waiting there two 22 minutes, 20 minutes, three hours or all day? 23 A. It depends what the story is sometimes. Sometimes if 24 they're there two minutes, we think that's fine, we 25 don't think there's any harassment. If somebody's been</p> <p style="text-align: center;">Page 15</p>
<p>1 if there is only one photograph you wouldn't know one 2 way or the other whether -- 3 A. That's a fair point. 4 Q. So that's that one. 12.5, "Was the subject harassed in 5 any way?", how would you know that? 6 A. We'd ask them. 7 Q. Ask who? 8 A. The photographer or the agency in question. 9 Q. What might cause you to ask that question? 10 A. It depends what their demeanour is like in the picture. 11 Do they look agitated, do they look like they are 12 unhappy, are they trying to hide their face? You know, 13 they're all various indicators which would make that 14 clear. 15 Q. So the answer is: if there's some evidence, some 16 indication of possible harassment, that would be the 17 trigger to you asking the photographic agency? 18 A. Normally, yes. Normally it should do, yes. 19 Q. What about 12.6, "How long was the photographer taking 20 the photographs for"? How would you begin to know the 21 answer to that? 22 A. We ask them. It's a simple thing. We say, "How long 23 were you there for?" 24 Q. What might prompt you to ask that question? 25 A. We just do that as a matter of course now.</p> <p style="text-align: center;">Page 14</p>	<p>1 there all day long, they would need to be able to 2 justify being there for that amount of time. There 3 would have to be a special reason for them being there 4 for that long period of time. 5 MR JAY: I'll come back to that one with a specific 6 example -- 7 A. Yes. 8 Q. -- which is dealt with later in your statement, 9 Mr Grant's case. 10 12.7: "Was the subject aware they were being 11 photographed?" In order to know the answer to that 12 question, it may be obvious from the photograph itself 13 because the subject is looking in such a way that you 14 would be able to deduce that. 15 You need to know something about the lens used, 16 which is 12.9, is that right? 17 A. Yes, we do, yes. 18 Q. The lenses these days often are quite powerful telephoto 19 lenses, are they? 20 A. Yes, but they are not used on every occasion. 21 Q. No, of course not. 22 A. No. 23 Q. Just if we had a flavour of it, some witnesses have 24 spoken of long lenses and have used a verb 25 "long-lensed". What sort of range are we talking about?</p> <p style="text-align: center;">Page 16</p>

<p>1 A. 500 onwards. 500 ml camera onwards. 2 Q. Sorry, that doesn't mean much to me. In terms of 3 distance, please, from -- 4 A. It could be the distance of a football pitch, say, 5 that's what you could be talking about there. But with 6 regard to lens, we would also ask were they shooting on 7 a short lens, because that's also quite important, 8 because if you're shooting on a short lens, it means 9 you're very close to the subject and you're right in 10 their face, so you need to know that as well. It's not 11 just about long lens, it's about the use of lens all 12 round. 13 Q. Of course, with a short lens, you would be more likely 14 to deduce the subject's demeanour and get the answers by 15 inference to 12.7 and possibly some of the other 16 questions; is that right? 17 A. That's right. As I say now, with regard to paparazzi 18 pictures, these questions are now asked automatically on 19 every story, irrespective of what the subject is. 20 Q. Thank you. I'm asking a technical question here, but 21 you can get a good quality photograph, can you, of 22 someone's face from a distance the length of a football 23 pitch; is that right? 24 A. Yeah, with the right lens. With the right lens you can, 25 yes.</p> <p style="text-align: center;">Page 17</p>	<p>1 in, and clearly times have changed and we've had to 2 change accordingly. As a result of that, we come up 3 with these questions on every occasion when we deal with 4 paparazzi pictures. 5 Q. I think it's obvious that there's been a change, but the 6 question is really directed to why has been there been 7 a change. Is it because of some editorial direction? 8 Is it because you've received legal advice? Or is it 9 because you have simply reacted to what you perceive to 10 be a change in culture and attitude? 11 A. I think it's the latter, to be honest with you. We've 12 reacted to the change in culture at the moment. 13 Q. Can you be a little bit more precise about that? Is it 14 because you feel yourself that maybe photographs 15 previously were taken too oppressively and that you feel 16 that you needed to adapt your practices or the practices 17 of those who you engage to reflect that? 18 A. No. I think it's primarily to satisfy myself that 19 whatever pictures I put forward for publication in the 20 Daily Mail, I am satisfied as best I can that they are 21 taken in the proper way. That is my prime 22 consideration. That is the reason why we do this on 23 every occasion. 24 Q. I understand all of that, Mr Silva, and that's laudable, 25 but what I don't quite understand is what is it which Page 19</p>
<p>1 Q. The last one, 12.10, "How many photographers were 2 involved in taking the photographs?", is this to deal 3 with the media pack point? 4 A. Yes, absolutely. 5 Q. That if you have a number of paparazzi -- 6 A. Yeah, has there been a scrum when somebody's come out 7 their house? We need to know that. 8 Q. Although some of the paparazzi would not be sending 9 photographs on this occasion to you, they would be 10 sending photographs to someone else, is that so? 11 A. It's possible, but by and large you find the paparazzi 12 send their pictures to all papers, all organisations. 13 Q. But in a paparazzi scrum sort of situation we're always 14 getting close, aren't we, to 12.5, "Was the subject 15 harassed in any way"? 16 A. Yes, we are. 17 Q. How long would you say would these questions be 18 systematically asked of photographic agencies who engage 19 paparazzi? Are we talking about the last year, the last 20 five years? 21 A. I'd say about the last three or four years, I would say. 22 Q. What is it that has prompted that? 23 A. There's obviously been a change in the way we operate. 24 From when I started 23 years ago, I don't think we asked 25 any questions of photographers when they put pictures Page 18</p>	<p>1 caused you to adopt this practice three or four years 2 ago? 3 A. I can't explain that. That's my explanation. My 4 explanation, as picture editor, I want to be satisfied 5 that the pictures I put forward for publication are 6 taken properly, and in accordance with the PCC rules and 7 guidelines as best as possible. Once that's happened, 8 I'm happy to put them over for selection in the 9 newspaper. 10 Q. I think that's as far as I can press that point. 11 I'll now move on to paragraphs 14 and 15. You 12 explain there that there are circumstances where 13 paparazzi take photographs and there is a reasonable 14 expectation that people, the celebrities, whoever, will 15 be photographed. You mention film premieres, you 16 mention circumstances in which members of the Royal 17 Family or whoever are at sporting events, and in 18 paragraph 16, there are certain restaurants, which are 19 well known about, where you would have a reasonable 20 expectation of being photographed, is that so? 21 A. That is correct, yes. 22 Q. Is it the case that celebrities go to these restaurants 23 in the hope that they're going to be photographed? 24 A. I think that is true, yes. 25 Q. Why do you say that? Page 20</p>

5 (Pages 17 to 20)

<p>1 A. You see the same people going around the circuit. 2 You'll see them at the restaurant one night, you'll see 3 them at the nightclub the next night. They know 4 photographers are going to be there, they know that 5 there's a good chance that by being there you are going 6 to get your photograph in a newspaper or a magazine or 7 on a website, and it's just part of the celebrity 8 circuit. 9 Q. That wouldn't necessarily demonstrate that the celebrity 10 would hope to be photographed. It might be that the 11 celebrity would resignedly expect to be photographed 12 there. Do you see the difference? 13 A. Yes, I appreciate that. 14 Q. Human nature being as it is, some celebrities, it might 15 be said, would want to be photographed at a particular 16 occasion, but my question was directed to whether you do 17 deduce that merely because they were going to particular 18 nightclubs or particular restaurants? 19 A. No, it's just a feeling you have, a hunch you have. 20 It's no stronger than that. 21 Q. Okay. And then paragraph 17, you identify the 22 contentious area, don't you Mr Silva, when celebrities 23 are photographed away from these situations, that's to 24 say near their home -- I think we've touched on that 25 point, haven't we, already: walking, for example, from Page 21</p>	<p>1 or a public place where they are on holiday? It has to 2 be taken in a public place. Is it a public beach or 3 a public place? We wouldn't take it on hotel grounds, 4 anything like that, that would be private, but if it's 5 on a public beach, that would be okay. 6 Q. So to go back to one example we heard about, a beach on 7 a tropical island which is part of a hotel and therefore 8 private, you wouldn't be taking photographs in that 9 situation? 10 A. No, we wouldn't. 11 Q. Is that your position? 12 A. That's correct, yes. 13 LORD JUSTICE LEVESON: But if they walked on the main 14 street, then that would be fair game? 15 A. Well, for example, if you were in somewhere like the 16 Maldives, you'd have to go way out of your way to get 17 there. No, the answer would still be no on that. 18 MR JAY: Okay. Can I deal with the last category at this 19 stage: out with their family or visiting a park or 20 museum. Can I understand what your evidence is in 21 relation to out with their family? 22 A. They're out with their children -- 23 Q. I understand what it means, but what is your policy with 24 regard to the taking of photographs? 25 A. On that, well, very careful on that one because we're Page 23</p>
<p>1 the driveway to the car -- on holiday, and while they're 2 out with their family or visiting a park or museum. 3 A. Mm-hm. 4 Q. "It is on these occasions when I will always quiz 5 a photographer or agency as to how the photographs were 6 taken." 7 So in those circumstances, you would ask the 8 paragraph 12 questions; is that correct? 9 A. Yes, I would do, yes. 10 Q. Can I just ask what general rules you might apply? Near 11 their home, we may already have covered the general 12 rule, but I think your evidence is that as soon as the 13 subject leaves his or her driveway, which is private 14 property, and moves on to public property, the highway, 15 then really almost as an absolute rule that person can 16 be photographed; is that your position? 17 A. At the moment, yes. 18 Q. By which you mean: unless someone says otherwise? 19 A. Yes. 20 Q. Okay. Can I just understand, I know each case might 21 turn on its own facts, but can I just understand a bit 22 more about the holiday example, please? 23 A. Mm. 24 Q. What rules or principles are you applying to that? 25 A. Well, the main principle is that: is it a public beach Page 22</p>	<p>1 very careful with regards to people's children, so in 2 most cases we don't use them. We would most probably 3 ask their agent are they okay with them? And in extreme 4 cases, if we were desperate to use the picture, we would 5 pixelate the pictures of the children or crop them out 6 of the picture in some cases. 7 Q. I'm a bit troubled by that. Couldn't it be said that 8 however famous someone is, when they're out with their 9 family then they're really out of bounds and you 10 shouldn't be taking photographs of them at all, should 11 you? 12 A. Possibly, yes. 13 Q. Possibly or probably? 14 A. Possibly. You have a situation, for example, we have 15 the Beckhams. They're out with -- David and 16 Victoria Beckham are out with their children quite 17 a lot, photographs are taken of them with their 18 children, both in America and England, and there's never 19 ever been a complaint, as far as I can recall, from the 20 Beckhams on that particular issue. 21 Q. I understand that you may well be right that there 22 hasn't been a complaint, but the presence or absence of 23 a complaint is not the only litmus test. It's whether 24 there's a standard here. The Beckhams are not taking 25 their children out as some sort of protection against Page 24</p>

<p>1 being photographed, because after all they are being 2 photographed, but couldn't it be said on their behalf 3 they're out with their children, out with their family, 4 you should really keep off them? Wouldn't you agree 5 with that? 6 A. I don't know what to say. No, I can't answer that. 7 Q. The last one, visiting a park or museum, by which you 8 mean any sort of recreational activity -- 9 A. Oh, any -- 10 Q. -- what's the policy there, Mr Silva? 11 A. By and large, no, we wouldn't touch them if they were in 12 a park or going to the cinema or any recreational 13 facilities, we would try and avoid it, if we could. 14 Q. Whether or not they're out with their family; is that 15 right? 16 A. Yeah. 17 LORD JUSTICE LEVESON: They have to walk along the street to 18 get there. 19 MR JAY: That was the next question. 20 LORD JUSTICE LEVESON: I'm just concerned about the 21 situation of somebody who is concerned about their 22 privacy. We heard some witnesses who were very 23 concerned about the impact of photographers on their 24 children, and whether you pixelate them out or not, 25 actually they're bothered about that. You probably know</p> <p style="text-align: center;">Page 25</p>	<p>1 A. From the Daily Mail newspaper? 2 Q. Yes. I'll ask some further questions and when we have 3 them, I must ask you about them. This other general 4 question, though: are there certain celebrities who you, 5 as it were, keep off because of either actions they've 6 brought, injunctions they've obtained or -- because you 7 know they're difficult? 8 A. Quite possibly, yes. I can't think of any specifically 9 at the moment, but I would say yes. If we know there's 10 a problem with a celebrity, they may be involved in 11 legal proceedings against the paper on another matter, 12 we would avoid them for that moment, or we would 13 certainly refer it to our legal department for guidance 14 before doing anything at all. 15 Q. Because we heard evidence I think from Mr Edwards 16 a couple of days ago in relation to Sienna Miller, 17 whether she's someone who you keep off? 18 A. We're not as fascinated with Sienna Miller as other 19 papers are, for the main newspaper. 20 Q. Because? 21 A. I can't explain that, we just aren't. She's not -- we 22 have certain celebrities that we like and we do a lot of 23 in the paper. We have done stuff on Sienna Miller in 24 the past but not quite as much as, say, Kate Winslet or 25 people like that.</p> <p style="text-align: center;">Page 27</p>
<p>1 the witness that I have in mind when I'm talking about 2 that. What's your view about that? 3 A. About what, sorry? 4 LORD JUSTICE LEVESON: About those who are concerned to 5 protect the privacy of their children and therefore 6 don't want to be photographed when they're walking down 7 the street with their children, even if you're going to 8 pixelate their children's faces? 9 A. As a family man, I agree with them. I hear their 10 concerns and I would comply with whatever they ask. 11 LORD JUSTICE LEVESON: So should there be a system -- and 12 I have to be careful about making any suggestions these 13 days -- but should there be a system that if those who 14 are in the public eye and who do not court publicity 15 wish to protect themselves and their privacy, they 16 should be able to go to somebody and say, "I'm just not 17 interested in any of this", and so all the press can 18 understand that their privacy is sufficiently important 19 that in the normal run of situations they should just be 20 left alone? 21 A. Yes, I would agree with that, yes. 22 MR JAY: We've found a couple of very recent examples, and 23 such is the power of modern technology, I'm going to 24 have to ask you about those. 25 There's a slight technical hitch.</p> <p style="text-align: center;">Page 26</p>	<p>1 Q. This isn't anything personal, of course, Mr Silva. 2 A. No, no, no, no, no. 3 Q. What you're saying is because of the Mail brand and 4 because of the Mail readership, there are certain people 5 who are of more interest than others. That's all you're 6 saying? 7 A. That's correct, yes. That's what I should have said, 8 yes. 9 Q. Okay. I'm going to ask you about paragraph 19, the 10 musician who was suffering from cancer, attending 11 a cancer clinic. When you saw the photograph in the 12 first instance, was it clear to you that the person was 13 attending a cancer clinic? 14 A. No, because he was just walking from left to right, 15 basically. It was in the caption said he was going to 16 his clinic. 17 Q. Right. Sorry, the caption provided by the agency? 18 A. By the photographer saying, "This is him arriving at his 19 cancer clinic". 20 Q. But as soon as you knew that, why didn't you immediately 21 put the photograph in the notional bin? 22 A. The photographer rings up and says, "I've just put in 23 a set of pictures to you", I ask him to describe it, he 24 describes it, we then ask how he took the pictures, he 25 explains how he did it. He said "He's all very happy".</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 We said, "How did you know he was going to this cancer 2 clinic?" and it was then that it transpired that they'd 3 followed him from his home to the clinic. On that 4 basis, the photographs went straight in the bin. 5 Q. But once you know the simple fact that the subject, the 6 musician, is attending a cancer clinic, which you are 7 warned about on the caption, that's enough, isn't it -- 8 A. As I said, this all happens in a matter of minutes. 9 Pictures come in, he's on the phone, you deal with it 10 there and then and it was all over very shortly. 11 Q. This is a picture I'm looking at on the Mail Online. Do 12 you provide photographs to the Mail Online? 13 A. I don't. I'm picture editor for the Daily Mail 14 newspaper. They have a separate editor for the 15 Mail Online. 16 Q. Oh, right. Maybe I could ask you to comment 17 nonetheless. It's Simon Cowell on board his yacht. 18 It's on the Mail Online for today. The yacht, of 19 course, is a private place. Do you know about this 20 photograph? 21 A. No, I don't. Because of this, I wasn't on desk 22 yesterday, I was off desk, so ... 23 Q. Fair enough. The caption or the copyright is 24 matrixpictures.co.uk. Who are they? 25 A. I've mentioned them as one of the paparazzi agencies who</p> <p style="text-align: center;">Page 29</p>	<p>1 Q. Okay. Paragraph 21.5: 2 "Member of Royal Family on holiday in a yacht and 3 kissing a woman in the sea -- rejected as the picture is 4 considered intrusive." 5 A. Mm-hm. 6 Q. Certainly. I think we could probably all agree with 7 your reasons there. Let's see if I can work out the 8 second example. Again it's the Mail Online, 21 March 9 last year. A picture of Sandra Bullock, so it may well 10 have been taken, probably was, in the States. 11 A. Mm-hm. 12 Q. She's playing with her son, Louis, and a friend of 13 Louis', in a park. By your standards -- I know you 14 weren't responsible for this photograph at all -- that 15 would be out of bounds, wouldn't it? 16 A. I'd have to see the picture. We didn't put it in the 17 paper. It's not one that I can recall, so without 18 knowing the full circumstances, I can't really comment. 19 Q. One of the photographs is from Splash, which we know is 20 one of the -- 21 A. Is another agency, yes. 22 Q. And the other is from Fame/Barcroft Media, I think. 23 A. Yes. 24 Q. Is that a similar -- 25 A. It's a similar operation, yes.</p> <p style="text-align: center;">Page 31</p>
<p>1 are in my -- 2 Q. Yes. You're the expert. Would you be able to say, 3 looking at a photograph, whether it is a long lens 4 photograph? It probably is, given the circumstances. 5 LORD JUSTICE LEVESON: Unless he's in a scuba diving 6 suit ... 7 MR JAY: It might be the yacht is by a -- 8 A. Is it moored up? I've not seen the picture, so I don't 9 know. 10 Q. Okay. I think there's another one of someone in a park 11 which we're going to find in a moment. 12 Paragraph 20, you give an example, the wife of the 13 Prime Minister, where her specific consent was obtained; 14 is that right? 15 A. That's correct. 16 Q. Then you give examples in paragraph 21 of photographs 17 which were rejected. 18 A. Mm-hm. 19 Q. Example, a member of the Royal Family who is shopping 20 rejected because she may have been followed to get the 21 picture. 22 Without knowing more about the circumstances, you're 23 not necessarily providing all the reasons here, but 24 you're providing the main reason? 25 A. The main reason, yes.</p> <p style="text-align: center;">Page 30</p>	<p>1 LORD JUSTICE LEVESON: You presumably need the consent not 2 only of the mother of the child, but the mother of the 3 friend of the child, the parent of the friend of the 4 child? 5 A. Possibly, sir, yeah. 6 MR JAY: What's disturbing about those photographs -- 7 I mean, I don't want to overplay this -- is that the 8 faces of the children haven't been pixelated. Do you 9 want to have a look at these photographs? 10 A. Yes, I'll happily do that. 11 Q. I hope this machine isn't going to go dead on me. It 12 needs to be tapped every now and again. 13 Has it come up on your screen? 14 A. No, not yet. 15 Q. Okay, we're going to give you the tablet. I know these 16 aren't your photographs, you're not the Mail Online, but 17 you can still help us, please. 18 Sir, have they come up on your screen? 19 LORD JUSTICE LEVESON: That doesn't fit with a couple of 20 your rules. 21 A. I can't really comment on that. I don't know what 22 circumstances the pictures were taken, I don't know if 23 Sandra Bullock was okay with the pictures taken, did she 24 say to photographers, "I don't mind, you can take these 25 pictures"? I don't know.</p> <p style="text-align: center;">Page 32</p>

<p>1 LORD JUSTICE LEVESON: I understand the problem. But on the 2 face of it, if it came to you, you would be asking lots 3 of questions? 4 A. If that was a British celebrity taken in a British park, 5 just for argument's sake, yes, we would be asking a lot 6 of questions. We would be asking was the mother aware? 7 All the questions I listed in paragraph 12 would all be 8 asked with regards to those pictures. 9 MR JAY: It might be said that -- and of course I appreciate 10 you're not speaking for the Mail Online, you're the 11 Daily Mail, it's an American celebrity, obviously, and 12 therefore there's no risk of any comeback. Is that 13 fair? 14 A. I suppose so, yeah. 15 Q. We also have Sandra Bullock who in one of the 16 photographs -- we can scroll it down -- is, at least 17 from my inference, is now aware that her photograph is 18 being taken and is trying to shield the friend's child. 19 It's her child, pardon me. It's this one here. 20 LORD JUSTICE LEVESON: All right, let's have a look at that. 21 And let the witness see it. 22 A. Thank you. 23 MR JAY: We can draw our own conclusions from that. 24 Who is the picture editor of Mail Online? 25 A. Elliot Wagland.</p> <p style="text-align: center;">Page 33</p>	<p>1 giving evidence in due course, but you don't know, and 2 this is self-evident, whether they, the agencies, are 3 instructing their paparazzi in the same way as you are 4 in relation to the paragraph 12 questions? 5 A. No, I don't know that, no. 6 Q. Thank you. Can I ask you another specific example, 7 paragraph 27, resignation of Dr Fox. 8 A. Mm-hm. 9 Q. Wasn't the very fact in those circumstances of sending 10 a photographer to his home address arguably oppressive? 11 A. No, it was a major story, this was a major government 12 scandal. He'd just resigned, and we needed a picture of 13 him on that day to go with the current story, so, no, 14 I don't think so. 15 Q. Do you know where the photograph was taken? 16 A. Where it was taken from? 17 Q. Mm. 18 A. Yeah, from a street, from a public street. 19 Q. So is this a situation where Dr Fox had left the 20 precincts of his home, entered a public street and then 21 a photograph was taken; is that right? 22 A. That would be correct, yes. 23 Q. Paragraph 28, though, another case of a photographer 24 being sent to a politician's home, this time it's the 25 Deputy Prime Minister's home.</p> <p style="text-align: center;">Page 35</p>
<p>1 Q. Does he apply the same standards as you or different 2 standards? 3 A. No, he applies the same standards as us. 4 Q. Okay. Can I move on through your statement, please, 5 Mr Silva. Ethical conduct by photographers, 6 paragraph 24 and following. 7 Can I ask you about the strict guidelines you refer 8 to in paragraph 25? Can you be precise about the 9 guidelines you give out to your photographers, please? 10 A. Well, the guidelines are given out to my photographers, 11 always very much the points that I raise in 12 paragraph 12. They have to make sure that when they're 13 out on the job, they conduct themselves in a proper 14 manner, there's no harassment of anybody concerned and 15 that when they're representing the paper and the 16 integrity of our paper, that they do their best not to 17 do anything wrong. That's basically it. 18 Q. It may be that the fair interpretation of the evidence 19 the Inquiry has received to date is that problems aren't 20 arising in relation to the staff photographers of any 21 title; the problems are arising in relation to the 22 so-called paparazzi, who are engaged by the agencies you 23 mention. 24 A. Mm-hm. 25 Q. Of course, we've asked some questions and they'll be</p> <p style="text-align: center;">Page 34</p>	<p>1 A. Mm-hm. 2 Q. The circumstances were a disagreement in relation to the 3 recent Euro summit veto. Your photographer was asked to 4 leave, you say, by Mr Clegg's press officer and he duly 5 did so. 6 A. Mm. 7 Q. And then the press office rang your picture desk to 8 thank him. Wasn't it entirely foreseeable, though, that 9 the press officer, if available, would ask your 10 photographer to leave? 11 A. I don't understand the question, sorry. 12 Q. Wasn't it obvious that if a press officer was made aware 13 that your photographer was outside Mr Clegg's home, that 14 there would be immediate call for the photographer to 15 leave? 16 A. Not necessarily. No, not necessarily, no. 17 Q. But the -- 18 A. But this was a major political story. Nick Clegg hadn't 19 turned up in the Commons during the debate on the 20 European situation. We hadn't found Nick Clegg at that 21 point. We needed to get a picture of him, David Cameron 22 in the Commons, Nick Clegg doing whatever he was doing. 23 He may have gone home. We went to his home, the press 24 officer said "Look, could you leave", and we left and 25 that was the end of it.</p> <p style="text-align: center;">Page 36</p>

<p>1 Q. The reason the call came was that the press officer 2 rightly thought that Mr Clegg's home was out of 3 bounds -- 4 A. No, no, no, he wasn't going to be there -- he wasn't 5 going back to the house. He said, "There's no point you 6 being here, he's not going to come back to the house" 7 and on that basis we moved on. 8 Q. So it was an entirely pragmatic decision, there was no 9 point you being there, rather than it wasn't right for 10 you to be there? 11 A. Correct; correct. 12 Q. Okay. Paragraph 30, please, Mr Silva. Is this right, 13 that there is a policy now in relation to 14 Pippa Middleton that photographs of her are not taken 15 when she's going about her ordinary business? 16 A. Yes. 17 Q. For how long has there been that policy at the Mail? 18 A. Since the royal wedding. It's certainly come to the 19 fore since the royal wedding. 20 Q. Why has there been such a policy? 21 A. There's no reason to photograph her when she's out and 22 about doing her own thing. At the moment, we have a 23 situation where there must be nine or 10 agencies 24 outside her door every day. She goes to get a coffee or 25 she goes back into her house, you get about 3 to 400 Page 37</p>	<p>1 Q. But the way I read paragraph 30 and the way 2 I interpreted your evidence is that you have a stricter 3 policy in relation to Pippa Middleton? 4 A. No, we don't. The policy is the same for everyone. The 5 same policy applies to everyone. 6 Q. So why have you rejected photographs of her when she is 7 just in the street? 8 A. They're of no interest. There's no reason to be doing 9 her every day, taking pictures of her every day just 10 going to buy a coffee or buy a newspaper or whatever. 11 Q. Is this simply again a pragmatic decision based on 12 a superfluity of coverage of Ms Middleton, or is there 13 some ethical principle applying here? Can you explain 14 which it is? 15 A. I would think it's a bit of both, really, to be honest 16 with you. 17 Q. Why do you say that? 18 A. Well, I think, as I said to you, I can't see -- it's 19 just about the justification of photographing 20 everybody -- one person every day as she walks out of 21 her front door. There are occasions when 22 Pippa Middleton does go to events where photographers 23 are invited, she's been to a couple recently and she's 24 been photographed there and we've been happy to use 25 those, but her just coming out of her door every day, Page 39</p>
<p>1 pictures on that a day. There's no need for it. 2 There's no reason to use them, there's no justification 3 for using them. 4 Q. Is this a policy which is just the Daily Mail's or does 5 it apply more widely? 6 A. No, I think it applies to all papers. I've not seen the 7 pictures used anywhere in any British newspaper 8 publication. 9 Q. Why is she different from any other celebrity when she's 10 doing her own thing? Why is she -- rightly one may 11 say -- immune from being photographed where other 12 celebrities might be photographed? 13 A. I don't think she is, no. I don't think she is. 14 LORD JUSTICE LEVESON: You don't think she's a celebrity? 15 A. No, I think the rules apply to both her and the 16 celebrities. 17 MR JAY: I'm not sure I follow that answer, because you told 18 us earlier that you feel that provided someone is off 19 private land, for example their driveway -- 20 A. The argument I'm trying to make there is it's about -- 21 the idea I was trying to get across is as long as the 22 picture was taken in a public place, that's the general 23 principle of that, that's what I'm trying to get across, 24 we don't want to take pictures on people's private 25 property. Page 38</p>	<p>1 there's no reason to use that. 2 Q. I'm just trying to understand -- this is the last 3 question I'll ask on this topic -- what you mean by "no 4 reason to use it". Aren't you really saying, "We 5 already have enough photographs of her doing precisely 6 this, we don't need more"? 7 A. No, I'm not saying that, no. 8 Q. What are you saying? 9 A. I'm saying that there's no justification for 10 photographing her every day leaving her home. 11 Q. The issue of digital alteration of photographs you 12 address under paragraph 33. You fairly say -- and under 13 paragraph 34 -- it's getting harder to spot this, as the 14 technology improves. 15 A. Mm-hm. 16 Q. Are you confronted with situations now where you're 17 suspecting that a photograph may have been digitally 18 altered? 19 A. Very rarely, very rarely. I can't think of an example 20 off of top of my head. 21 Q. Do you feel you would have the expertise to be able to 22 tell? 23 A. You would have to look at these pictures very carefully 24 because software on computers is so good, you would have 25 to look very, very carefully. Page 40</p>

<p>1 Q. Okay. May I move on to a specific case now which you 2 were asked about in the formal notice that was sent to 3 you, and that's Mr Grant's case. I make it clear that 4 Mr Grant, owing to the circumstances in which this 5 statement was made available, has not been able to 6 respond to this, so I'm responding to it without the 7 benefit of any assistance he could give me through 8 Mr Sherborne. I've obviously looked carefully at 9 Mr Grant's evidence and the photographs in question. 10 Paragraph 36. Your photographers were not 11 instructed to and did not take any photographs of her 12 before the birth. But you weren't aware, were you, of 13 the date of the birth or the fact that there would be 14 a birth? 15 A. Myself personally, no. 16 Q. No. On 2 November, the day following the announcement 17 of the birth in a US magazine, you sent one of your 18 photographers to the woman's house. Why did you do 19 that? 20 A. Well, it was a major showbiz story which was of great 21 interest to our readers and that's the reason why we 22 sent. 23 Q. But you were immediately and automatically dealing with 24 a circumstance, were you not, that unless the mother 25 gave her consent, you would be acting intrusively,</p> <p style="text-align: center;">Page 41</p>	<p>1 paper. Sometimes there's so much doom and gloom in the 2 paper, it just brightens the whole thing up. 3 Q. Can I just ask two follow-up questions on that? You say 4 an ideal world, but it might be said in an ideal world 5 that sort of photograph, father, mother and child, is 6 really an entirely private matter for the parents of the 7 child. It's none of our business whether they provide 8 such a photograph or indeed whether you seek to engineer 9 a situation whereby you might get such a photograph? 10 A. I'm not sure it's a private matter -- 11 Q. Isn't that right? 12 A. No, I don't agree with that. 13 Q. Why not? 14 A. I have I hope explained to you why. I think the whole 15 thing was brought into the public domain by two things 16 in particular. We had a press release issued by 17 a magazine in America saying that Hugh Grant had just 18 become a father, and we then have a situation where the 19 agent confirms the story a few hours later, okay, and 20 this agent issues a four-line statement confirming it 21 and puts in a curious phrase, "The baby's been born 22 following a fleeting affair". 23 Now, the agent could in that statement have carried 24 on and said, "Look, Hugh Grant and the woman in question 25 will not be giving any interviews, they do not want to</p> <p style="text-align: center;">Page 43</p>
<p>1 wouldn't you? 2 A. No, the purpose of going to the house was to see if we 3 could get a posed-up picture of Hugh or mother with 4 baby. Now, our response to this story was no different 5 to the reaction that we've done on previous occasions 6 when other celebrities or high profile people have 7 become parents for the first time. For example, when 8 David Cameron or Gordon Brown, they became fathers, we 9 went to the hospital along with other papers and they 10 eventually posed up with their children. Other 11 celebrities, you know, like Jamie Oliver, David Jason, 12 we've gone to the hospital, asked them if they would 13 pose up with their partner and the baby, and they've 14 done so, and the idea was to do exactly same thing here. 15 Q. So really what you're trying to do is to achieve 16 a situation where you say there would be a posed-up 17 photograph, in other words a photograph which would be 18 taken consensually? 19 A. Yes, absolutely. In an ideal world, it would be nice if 20 Hugh and his partner and the baby, if they'd issued 21 a picture, we didn't have to take it ourselves, they 22 issue it to every paper, it's a lovely picture. 23 Sometimes what celebrities do, they say, "If you use 24 this picture, money can be donated to charity". It 25 means it's a nice picture which we would like in the</p> <p style="text-align: center;">Page 42</p>	<p>1 pose up, and we would ask people to respect their 2 privacy at this time and not to converge on their 3 respective houses", but there was nothing of that in 4 there, there was no inclination in that statement that 5 there was a privacy matter or there was a problem ahead. 6 Q. It depends where you start from, though, Mr Silva. Is 7 not the starting point that this is a private situation? 8 So unless the agent or the celebrity says expressly 9 either, "I'm happy to give an interview", or, "I'm happy 10 to give a photograph", the presumption must be that 11 they're not happy to allow themselves to be 12 photographed? Isn't that the true analysis? 13 A. No, no. As I said, our response is consistent with how 14 we've reacted when other celebrities and high-profile 15 people have become parents for the first time, or become 16 parents. The story breaks, we then go to their home or 17 the hospital, we ask them if they'll pose up, if they 18 say no, you leave and you move away. 19 Q. But isn't your response engendered more by a wrong 20 analysis of the situation here? The correct analysis, 21 it might be said, and I'm putting it to you certainly on 22 that basis, is that we have a situation of privacy. 23 This is a family matter. Whether or not a photograph is 24 given up is entirely the decision of Mr Grant and the 25 mother of the child. Unless they say yes, the</p> <p style="text-align: center;">Page 44</p>

<p>1 presumption must be no. 2 A. It became clear -- 3 Q. Isn't that the correct analysis? 4 A. No. It became clear within a day or so that we weren't 5 going to get a photograph, so then we just pulled off. 6 Q. But didn't you know from your -- if I can put it crudely 7 in these terms -- your previous dealings with Mr Grant, 8 that he was bound to say no anyway? 9 A. No. 10 Q. Is that really your answer? 11 A. That is my answer, yes. 12 Q. In this sort of situation, I know he hasn't been 13 a father before, but it would be obvious that a man like 14 him, who is quite entitled to say, "This is a matter 15 which concerns my privacy, it's none of your business", 16 it's a position he's consistently held, that had you 17 asked him, you were going to get that resounding answer. 18 Didn't you know that? 19 A. No. Obviously not. We went to his house in the belief 20 and in the hope that if we could speak to someone and 21 say "Look, could you pose up? Is there a chance?" that 22 was the situation, and that's how we approached it. 23 Q. The other point is why send a photographer to his or 24 rather the woman's home? Why not through the ordinary 25 channels, find out whether they are prepared to give you</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. Okay. I think we understand where you're coming from 2 sufficiently, Mr Silva. I don't press you further on 3 that particular point, if you don't mind. 4 You make it clear in paragraph 37 Mr Grant did visit 5 the house "and we obtained a photograph of him outside 6 the house, which we then used". 7 Of course, that photograph must have been taken 8 without his consent. Would you agree? 9 A. Well no, he was there talking to photographers. 10 Q. Probably telling them to go away, wasn't he? 11 A. Well, it was -- no, I believe it was taken with his 12 consent. He knew he was being photographed, so I was 13 happy to put the picture in. 14 Q. Maybe there wasn't much he could do about it, but did 15 you ask the photographer whether Mr Grant had given his 16 consent? 17 A. No, I did not. 18 Q. You weren't surprised, were you, when Mr Grant, probably 19 quite rightly, made a fuss about this, were you? 20 A. No, given the build-up of photographers over the next 21 day or so, it did grow quite quickly, no, I'm not 22 surprised. 23 Q. I think you also obtained a photograph, is this right, 24 from either a German magazine or a German agency? 25 A. A German newspaper.</p> <p style="text-align: center;">Page 47</p>
<p>1 this posed-up photograph, and if the answer is yes, then 2 by all means take it, but why go to the lengths of 3 sending a photographer to her home, which by its nature 4 amounts to some degree of harassment? 5 A. Well, no, as I said to you, again, we went there in the 6 hope that if she came out, we could ask her, say do you 7 mind if we take a picture, and if she said yes, we would 8 have taken the picture. 9 Q. It's not an answer to my question because you sent 10 a photographer out in the hope, which I understand, but 11 my question was why not wait to get the green light from 12 Mr Grant and/or the mother of the child before even 13 sending someone out there? 14 A. I can't explain that. I've given you my answer and 15 that's the way I approached it. 16 Q. The reason why you did it in this way is that must be 17 your practise, it must be -- 18 A. As I said, it's our normal response -- 19 Q. It's your normal response? 20 A. It's the way we've done it for years. I've never had 21 a situation where anybody's come back and complained 22 when we've gone to the hospital or their home. They 23 normally say, "Look, I don't want the picture taken, go 24 away", we go away. It's a simple question. You ask, 25 you go away.</p> <p style="text-align: center;">Page 46</p>	<p>1 Q. A German newspaper, that's Bild, is that right? 2 A. Bild-Zeitung, yes. 3 Q. We've seen that photograph of Mr Grant -- 4 A. With a German pop star, German singer, yeah. 5 Q. Whatever. Can I just ask you about the circumstances of 6 that? Did you make enquiry of the German agency of the 7 circumstances in which that photograph had been taken? 8 A. I can't remember. I can't remember if we did. 9 Q. Did you follow the paragraph 12 -- 10 A. Yeah, we did, we spoke to the agency as best we could. 11 Q. What answer did you get? 12 A. I can't recall off the top of my head. 13 LORD JUSTICE LEVESON: So you would apply your rules, even 14 if the photograph was taken in a different country? 15 A. Yes. That's it, irrespective of where it was taken. 16 MR JAY: We've seen and we remember the photograph. Could 17 you assist us at all -- if you would like to see the 18 photograph, it's in the third of our bundles. Maybe we 19 should dig it out. Do you have these files? If not, 20 we'll get one handed up to you. I think it's under 21 tab 42. 22 A. I don't have anything. 23 Q. We'll find it for you. Might be tab 43. Yes, it's in 24 two places. Exhibit HG2, which is tab 44, actually. If 25 you go to tab 44 and look first at page 33197, Mr Silva.</p> <p style="text-align: center;">Page 48</p>

<p>1 Do you have it?</p> <p>2 A. No. 33 --</p> <p>3 Q. Take your time. 33197. I'm asking you to pass over</p> <p>4 photographs in the News of the World, because we're not</p> <p>5 interested in those, to the Daily Mail. 33197. First</p> <p>6 of all, there's a picture of the burlesque singer, which</p> <p>7 presumably was an agency picture, it was on the front</p> <p>8 page but this looks like a posed picture, doesn't it?</p> <p>9 A. That's correct.</p> <p>10 Q. We're not troubled by that one. But 33198, these are</p> <p>11 the photographs in question, I think. And you say you</p> <p>12 would have spoken with the agency in Germany about in</p> <p>13 particular the photograph on the left, would you?</p> <p>14 A. Yes, yes.</p> <p>15 Q. I'm no expert. It looks as if it's a public place, we</p> <p>16 can see that?</p> <p>17 A. It's in the street, yes.</p> <p>18 Q. We can see the traffic light in the back. It looks as</p> <p>19 if Mr Grant and Ms Schmidt don't know they're being</p> <p>20 photographed; is that right?</p> <p>21 A. I don't know. I can't remember. I get the impression</p> <p>22 they do know -- my impression is they knew they were</p> <p>23 being photographed, they're walking down the street,</p> <p>24 they're walking towards the photographer. If I remember</p> <p>25 from the sequence of photographs, they then get into a</p> <p style="text-align: center;">Page 49</p>	<p>1 that they simply had no idea they were being</p> <p>2 photographed? You don't accept that?</p> <p>3 A. I can't comment on that at the moment.</p> <p>4 Q. Okay. It may be I shouldn't be attempting to give</p> <p>5 evidence, but it's a matter for others what inference</p> <p>6 might be drawn.</p> <p>7 LORD JUSTICE LEVESON: It's sufficient to go back to what</p> <p>8 Mr Grant said and then draw whatever inferences are</p> <p>9 appropriate.</p> <p>10 MR JAY: We do have the same photograph, a much better</p> <p>11 quality, actually, in the online edition. You may be</p> <p>12 able to help us with this. It says "copyright" and then</p> <p>13 "Exposure". Who are Exposure?</p> <p>14 A. They're a paparazzi agency. They're a celebrity agency.</p> <p>15 Q. A British one or an international one or --</p> <p>16 A. They're a British one, but they have photographers</p> <p>17 around the world who send them their gear and they put</p> <p>18 it out.</p> <p>19 Q. Okay. I can go back to your statement, Mr Silva. Yes,</p> <p>20 we're back to 3 November.</p> <p>21 "There were a large number of paparazzi there ..."</p> <p>22 So there was a bit of a scrum now; is that right?</p> <p>23 A. That's correct, yeah.</p> <p>24 Q. "... and it became clear that the mother did not want to</p> <p>25 pose for an agreed photograph. As a result of this and</p> <p style="text-align: center;">Page 51</p>
<p>1 cab and I think he photographed them while they were in</p> <p>2 the cab as well.</p> <p>3 Q. We can see that on the right, but I must say, and of</p> <p>4 course I'm completely the wrong person to give evidence,</p> <p>5 that the inference I draw, there are two. One, this is</p> <p>6 taken with a long lens, and certainly at the time this</p> <p>7 photograph was taken, the probabilities are that the</p> <p>8 subjects don't know they're being photographed. Would</p> <p>9 you agree with that?</p> <p>10 A. I can't comment on that at the moment.</p> <p>11 Q. Just by looking at the photograph.</p> <p>12 A. You can't tell from that photograph. You can't tell</p> <p>13 from that photocopy.</p> <p>14 Q. It's true, it's not the best quality. You can't assist</p> <p>15 us with the answers you may have received to the</p> <p>16 questions: was the subject followed? Was the subject</p> <p>17 harassed in any way, for example?</p> <p>18 A. My impression from these, from what I can recall at the</p> <p>19 time, there was no suggestion that he was harassed, he</p> <p>20 looked comfortable in the pictures, they were taken in</p> <p>21 a public place, they'd just come out of a restaurant,</p> <p>22 walked a short way down and got in a cab and drove away,</p> <p>23 as best I can recall.</p> <p>24 Q. So you don't accept that it's more likely that the</p> <p>25 reason that Mr Grant and his friend looked relaxed is</p> <p style="text-align: center;">Page 50</p>	<p>1 concerns raised by the PCC, we pulled off the</p> <p>2 photographer."</p> <p>3 Can you explain what you meant by "it became clear"?</p> <p>4 A. Well, after two days -- the story had broken on November</p> <p>5 1, we're now to November 3 -- there had been no sign of</p> <p>6 the mother, Hugh Grant had been there briefly and left,</p> <p>7 he had made his thoughts known, so it was becoming clear</p> <p>8 that this wasn't going to work out, it was time to move</p> <p>9 away.</p> <p>10 Q. Yes, but wasn't it more stark than that, that if I can</p> <p>11 put it in the vernacular, the mother is holed out in her</p> <p>12 house, she doesn't emerge. One reason why she doesn't</p> <p>13 emerge, it could be said as a matter of common sense,</p> <p>14 she doesn't want to be photographed.</p> <p>15 A. Mm.</p> <p>16 Q. It was pretty obvious -- particularly didn't want to be</p> <p>17 photographed with a whole mob of paparazzi there -- that</p> <p>18 this was becoming an oppressive and unfortunate</p> <p>19 situation, wasn't it?</p> <p>20 A. Yeah, I would agree with that, yeah. It's fair enough.</p> <p>21 Q. This is one of your own photographers, though, not even</p> <p>22 a paparazzi?</p> <p>23 A. We weren't actually directly outside their house. By</p> <p>24 this point, we're way down the road, we're not near the</p> <p>25 house.</p> <p style="text-align: center;">Page 52</p>

<p>1 Q. You say "by this point". Had your photographer moved 2 away from outside the house? 3 A. I think from the first day we were never directly 4 outside the door of the house. 5 Q. So where was he or she in relation to the house? 6 A. Some way down the road. 7 Q. So is this the impression that we should draw, that it 8 was the paparazzi who were the mob outside the house, 9 but your photographer was more discreetly placed some 10 distance away from the house; is that right? 11 A. In this case, yes. 12 Q. Have you spoken to your photographer to confirm that? 13 A. I spoke to him again yesterday. 14 Q. And that's what he told you? 15 A. Yeah, I double-checked it again yesterday. 16 Q. Okay, thank you. Then in paragraph 39: 17 "I believe we published two pictures of the mother 18 in the period since the birth, both of which were 19 purchased from agencies." 20 We may have those photographs as well. I don't know 21 whether it's the one at 33198, but it's not going to 22 matter much, the exact photograph. Is it your evidence 23 that in both cases you asked the paragraph 12 questions? 24 A. With regards to the two pictures of -- 25 Q. Yes.</p> <p style="text-align: center;">Page 53</p>	<p>1 were taken with the approval of the McCanns' press 2 officer. Are you saying that you asked your 3 paragraph 12 questions and got that answer? 4 A. No, I think what was done when they came back, the 5 photographers were allowed to stand in one position near 6 the home. I couldn't say exactly where it was. And 7 they were allowed to stand there and take picture from 8 there and I believe that was all set up with the 9 co-operation of the family and the press officer that 10 they had appointed at that time. 11 Q. Did you take any photographs or rather did these 12 agencies take any photographs of the McCanns' children 13 which you used? 14 A. Over that period of time, pictures did come in of the 15 McCanns as they were leaving home with their children. 16 They certainly were taken, yes. 17 Q. What did you do with those photographs? 18 A. Those photographs were used in our papers, along with 19 other papers. 20 Q. I am not interested really with what other papers were 21 doing, but couldn't it be said that such photographs 22 were used in breach of your principles, since they were 23 out with their family, paragraph 17 of your statement? 24 A. Well, this was a unique situation. This was a unique 25 news story where we'd been allowed to stand there by the</p> <p style="text-align: center;">Page 55</p>
<p>1 A. Yes, we did, yes. 2 Q. In paragraph 42, to be fair to you, you rejected 3 photographs provided to you by an agency of Hugh Grant 4 going to the hospital to visit the newborn baby? 5 A. Mm-hm. 6 Q. And you also say no UK newspaper has used those 7 photographs. 8 Can I deal now with the McCanns, please. If I can 9 taking this quite shortly. In Portugal there was one of 10 your photographers out there and that photographer took 11 photographs really on a consensual basis; is that the 12 position? 13 A. Yes. I believe that's true. 14 Q. When they came home, which was in or probably I think 15 before September 2007, there were photographs taken by 16 agencies. You tell us in paragraph 46 what's happened 17 more recently, but in this period, 2007, late 2007, were 18 any of your photographers outside or near to their home? 19 A. Not that I can recall. Over the last two days I've been 20 going through the picture library to refresh my memory 21 on this to see what has actually been used and most of 22 the pictures were done by agencies like Reuters, Getty 23 PA, and the local agencies like News Team that are based 24 in Birmingham, that I can recall. 25 Q. You said to the best of your knowledge these photographs</p> <p style="text-align: center;">Page 54</p>	<p>1 family. We had photographed the children with the 2 parents' approval in Portugal. Up to that point, 3 I don't recall any objection from the family about using 4 pictures of the other two children. 5 Q. I appreciate that on one level this was a uniquely 6 interesting story, but on another level it engaged all 7 the principles, the general principle you've told us 8 about earlier. 9 A. I appreciate -- I understand that. 10 Q. It could be said, could it not, that photographs of the 11 parents, in particular out with their family, out with 12 the children, those photographs should immediately have 13 entered the bin, shouldn't they? Do you agree with that 14 or not? 15 A. In hindsight, possibly, but as I said, at the time -- as 16 I said, it's all as it was at the time -- we had 17 photographed the family with their children, there was 18 no objection raised at the time, and on that basis we 19 were happy to continue using them. 20 Q. I'm just concerned by your policy that it's the absence 21 of objection which matters, because there are many 22 reasons why people don't object, one of which is that 23 they just get fed up with it and move on. I'm looking 24 here -- 25 A. Well, if the press officer or the family had contacted</p> <p style="text-align: center;">Page 56</p>

<p>1 us and said, "Look, as of now we don't want our children 2 photographed or used in the paper", we would adhere to 3 that. There's no way we would ignore that. 4 Q. But the general rule under the code is that photographs 5 of children aren't taken, or rather should not be used, 6 isn't that right? 7 A. That's correct. 8 Q. I just wonder what it is that usurps (a) the general 9 rule in the code, and (b) your policy that people out 10 with their family are not properly the subject of 11 photographs. Apart from the fact that this was seen to 12 be a unique story? 13 A. Well, it was a unique story. It was the most intense 14 story I've ever worked on. It was one of the most 15 difficult we've ever had to deal with, you know. 16 Q. In the Mail Online, again it's not you, we can see 17 a photograph of Dr Kate McCann with her two children, 18 unpixelated. The date is 17 September 2007. Do you 19 want to have a look at that one? 20 A. Yes, please, yes. 21 Q. It's right that she's looking at the camera, but she's 22 obviously in her car, yes. But we can see her two 23 children. We can draw our own conclusions from her 24 expression. There are other photographs which are 25 pixelated, it's fair to say.</p> <p style="text-align: center;">Page 57</p>	<p>1 a much more orderly and better managed way. 2 Moving on to the paparazzi, maybe there is a time 3 that these photographers should be going to some sort of 4 PCC training schemes where they're aware of their 5 responsibilities, aware of the guides, aware of the 6 problems, get them properly trained and also properly 7 accredited as well. I think that's something we should 8 do. 9 I was wondering whether our questions, as 10 a template -- they can be improved on, I accept -- 11 whether that should now be issued to agencies and they 12 should be answering these questions when they submit 13 their photographs. 14 Q. Just wait a minute, please. 15 A. Okay. (Pause). 16 MR JAY: There may be further questions from others, but 17 I've detained you for some considerable time. Those are 18 all the questions I have, Mr Silva. 19 LORD JUSTICE LEVESON: I'm just noting that last answer. 20 A. Thank you. 21 LORD JUSTICE LEVESON: Ultimately I suppose it's right that 22 your paper is responsible for a photograph that appears 23 in it, however it was taken. So if it was taken in 24 breach of the rules, then that's down to you, even 25 though you didn't know about it?</p> <p style="text-align: center;">Page 59</p>
<p>1 A. I think that particular picture, I do recall it, it was 2 put in by one of the agencies. It was by one of the big 3 national agencies, yes. 4 Q. It was put in. It wasn't put in -- 5 A. It was taken and submitted to us, yes. 6 LORD JUSTICE LEVESON: Thank you. 7 MR JAY: There's one other picture I've seen which has been 8 pixelated. 9 A. Mm-hm. 10 Q. Of course, whatever the digital photograph, however it 11 comes to you from the agency, you have the ability, 12 whether it's online or on the print edition, to pixelate 13 it, don't you? 14 A. Oh yes, we do, yes, yes. 15 Q. Going forward, Mr Silva, you have a lot of experience. 16 Are there any suggestions or recommendations you feel 17 you could make to the Inquiry as to how we might go 18 forward? 19 A. Well, with regards to if you take the McCanns' 20 situation, if we ever -- unfortunately we're in the same 21 situation again, I think an organisation like the PCC or 22 the MPA should be stepping in when they were back in 23 England to control the number of photographers or 24 cameramen or reporters that were outside their home. 25 They should be controlling that, so it could be done in</p> <p style="text-align: center;">Page 58</p>	<p>1 A. Correct, yeah. 2 LORD JUSTICE LEVESON: So if there's some penalty attached 3 to that, it's quite important your organisation obtains 4 some comeback from those who have misled you about the 5 photograph, and that's really what you're talking about. 6 A. Basically yes, basically yes. 7 LORD JUSTICE LEVESON: All right. Thank you. Thank you 8 very much. 9 A. Thank you very much. 10 LORD JUSTICE LEVESON: That's a convenient moment. 11 MR JAY: Yes. The time the statement of Mr Silva was put on 12 the system was 10.46 pm on 9 January. 13 LORD JUSTICE LEVESON: Oh. 14 MR JAY: So it wasn't yesterday evening, it was the 9th. 15 LORD JUSTICE LEVESON: Yes, but those who are concerned with 16 his evidence are entitled to be concerned in the same 17 way that some representatives of the press were 18 concerned when other statements were late. It's 19 important that everybody has the chance to read these 20 statements. 21 MR JAY: I appreciate that. 22 LORD JUSTICE LEVESON: And consider them, and we'll have to 23 do what is necessary, if it is necessary. 24 MR JAY: Thank you. 25 LORD JUSTICE LEVESON: Thank you. We'll have seven minutes</p> <p style="text-align: center;">Page 60</p>

<p>1 (11.33 am) 2 (A short break) 3 (11.44 am) 4 MR JAY: Sir, the next witness is Mr Peter Wright, please. 5 MR PETER WRIGHT (sworn) 6 Questions by MR JAY 7 MR JAY: Your full name, please, Mr Wright. 8 A. Nigel Peter Glanville Wright. 9 Q. Thank you. You provided a witness statement to the 10 Inquiry, which under file 1 of the three bundles in 11 front of you will be under tab 5. It's signed and dated 12 by you on 25 October of last year. Is that correct? 13 A. Yes. 14 Q. Thank you. You haven't put a statement of truth on your 15 statement, but is your statement true? 16 A. Yes. 17 Q. First of all, Mr Wright, you are currently the editor of 18 the Mail on Sunday. You have been since 1998; is that 19 correct? 20 A. That's correct. 21 Q. And before then, you were working at the Daily Mail in 22 a number of capacities since 1979, and before that you 23 were at a local newspaper; is that correct? 24 A. That's correct, yeah. 25 Q. So you must be, if you don't mind me putting it in these Page 61</p>	<p>1 probably a difference is that there are a great many 2 more of them today. Proliferation of television 3 channels in particular creates a very large number of 4 people who would claim status celebrity. 5 LORD JUSTICE LEVESON: And also those who aren't really 6 celebrities at all but have been on the television 7 programmes not because they're film stars or -- 8 A. No, I mean people like reality TV contestants who -- red 9 top papers in particular, whose readers are enthusiastic 10 watchers of those sort of programmes, and they treat 11 them in terms of news coverage in much the same way they 12 would film stars or footballers. 13 MR JAY: Yes. Although your statement doesn't say so, we 14 know that the Mail on Sunday continues to make money; is 15 that right? 16 A. Yes. It's become harder in recent years, but we do 17 still make money. 18 Q. Thank you. Are you involved at all with the online 19 editions, or is that someone else's responsibility? 20 A. The Mail Online has its own editor and its own 21 journalistic staff. It takes our content, but it also 22 produces a lot of its own content. 23 Q. You are obviously a long-serving editor, 13 years. Some 24 of the papers we've seen the editors move on more 25 quickly. Is there a reason for that, apart from the Page 63</p>
<p>1 terms, one of the longest-serving employees of the Mail 2 Group? 3 A. I think that would be right, yes. 4 Q. And so are coming to this Inquiry with, as it were, bags 5 of experiences which you can share with us; is that 6 right? 7 A. I'm very happy to. 8 Q. Can I ask you one general question? I appreciate we're 9 dealing on the one hand with the Daily Mail and then the 10 Mail on Sunday. Over the years, 32 years, you've been 11 at both papers, how, if at all, has the culture changed? 12 A. I think the subject matter that newspapers cover has 13 changed enormously. When I joined in 1979, the star 14 reporters on the Daily Mail were the industrial 15 correspondents. These days newspapers don't even employ 16 industrial correspondents. So newspapers change as the 17 political climate changes, as society changes, and as 18 the law and the principles of self-regulation change in 19 regard to news coverage. 20 Q. Has there been a greater interest in celebrity and some 21 would say gossip, or does that not apply to your paper? 22 A. Apart from the industrial correspondents, one of the 23 biggest stars on the Daily Mail when I joined was 24 Nigel Dempster, who was the gossip columnist. There has 25 always been interest in celebrities. Where there is Page 62</p>	<p>1 obvious one, that you're good at what you do? 2 A. Well, I hope I'm good at what I do, but the Mail on 3 Sunday is a large and successful newspaper, and on the 4 whole, successful newspapers don't change their editors 5 very often. 6 Q. Thank you. And the other general point about the Mail 7 on Sunday, this is paragraph 3 of your statement, that 8 you're not so much as other papers under pressure to 9 produce big exclusive stories; the emphasis is less on 10 that and more on the need to maintain a spread and 11 balance throughout the paper that will appeal to your 12 readers; is that right? 13 A. Yes. We are both a newspaper and we publish two very 14 successful magazines. Of course we want to publish 15 groundbreaking exclusive stories, but readers buy us for 16 many other things: columnists, puzzles, human interest 17 interviews, financial coverage. We're a very, very 18 broad church newspaper. 19 Q. And that's what you mean by spread and balance? 20 A. Mm. 21 Q. The paper's managing editor, Mr John Wellington, he's 22 been there for how long? 23 A. He's been managing editor for about 10 years. Prior to 24 that he was deputy managing editor. 25 Q. Thank you. And one other general point about the Mail Page 64</p>

16 (Pages 61 to 64)

<p>1 on Sunday that's in common with other Sunday papers, you 2 tell us this in paragraph 4: there's usually more time 3 available to investigate stories? 4 A. Yes. Sunday newspapers operate in a rather different 5 way to daily newspapers. Daily newspapers have to 6 tackle a very large daily agenda of news, and the 7 editing job is more a matter of what you select, what 8 you don't put in. The Sunday newspapers don't have 9 that. As far as on-the-day news is concerned, Saturday 10 is the quietest day of the week. You have a large 11 newspaper to fill, and you are looking for stories that 12 the daily papers haven't covered and won't cover, but 13 will set the agenda for the following week. So you have 14 to look beyond what is hitting the news editor in the 15 face, and that involves finding stories which require 16 more work, but at the same time you have more time to 17 look at them. 18 Q. Yes. Can I ask you, please, about paragraph 6? I'm 19 going to pass over paragraph 5. Six lines down: 20 "Equally, editorial judgments have to be made 21 quickly and often on partial information. Sometimes in 22 matters of judgment, as with matters of accuracy, we do 23 not get it absolutely right." 24 What do you mean by "partial information" in that 25 context, Mr Wright?</p> <p style="text-align: center;">Page 65</p>	<p>1 exactly what happened in court? 2 A. Maybe it is but I've never had that experience. But if 3 you are a newspaper or a journalist, you don't have the 4 benefit of being able to question people under oath, and 5 very often people will either not answer your questions 6 or give you an answer which is not an answer to the 7 question you've asked. 8 MR JAY: That does happen in court. 9 LORD JUSTICE LEVESON: But there is the oath, and 10 I understand the point. There's a limit to how far 11 we'll take that. Yes. 12 MR JAY: Thank you. You've given us a flavour. 13 A. To take another analogy, if you're a scientist, you 14 would hope to have absolutely conclusive proof of 15 something you want to publish, and you then subject it 16 to peer review. I mean, we don't, I'm afraid, have that 17 luxury. 18 Q. No. You touch on the PCC in paragraph 6. Is it the 19 policy at the Mail, and that includes the Sunday Mail, 20 the Mail on Sunday, to settle complaints immediately so 21 they don't get to the PCC? 22 A. As far as we possibly can, yes. 23 Q. Thank you. And how do you do that? 24 A. Well, John Wellington is our managing editor. If we 25 have a complaint, normally it would either come to me or</p> <p style="text-align: center;">Page 67</p>
<p>1 A. Well, editing a newspaper is not like hearing a case in 2 a court of law. You very often have certain pieces of 3 information of which you are certain, other pieces of 4 information which are the subject of dispute. You have 5 person A claiming a certain thing, person B denying that 6 that certain thing is true. And then areas of a story 7 where you would like to have information, but you simply 8 don't have it. And even if you have been working on 9 a story all week, the judgment normally has to be made 10 on a Saturday afternoon and the full array of 11 information on which you're going to base that judgment 12 is not normally in your hands until that point. 13 Q. I think by "partial information" you really mean that 14 the strength of the evidence supporting a particular 15 proposition is going to vary between very strong 16 evidence, evidence which is disputed and then evidence 17 which is more speculative, and the editor's job, 18 confronted with such a situation, is to make a judgment 19 as to whether the story has properly been stood up or 20 not; is that right? 21 A. Well, there may be areas in which you simply don't have 22 evidence. So you may have a story where you know 23 certain things for a fact, and you would like to know 24 other elements of it, but you simply don't have them. 25 LORD JUSTICE LEVESON: What makes you think that isn't</p> <p style="text-align: center;">Page 66</p>	<p>1 to him, but sometimes it comes to the journalist who 2 wrote the story, we pass it to Mr Wellington, he gets in 3 contact with the complainant, he speaks to the 4 journalist involved, he tries to establish the strength 5 of the complaint. And if we have simply got it wrong, 6 and that does happen, we publish a correction or 7 a clarification straight away. 8 Q. Is it the policy to publish that just online or in the 9 print edition? 10 A. Oh no, we always publish them in the print edition, but 11 we've within the last few months introduced a regular 12 corrections and clarifications column, which appears on 13 page 2 of the paper. 14 Q. And that's in line with your sister paper, the Mail, 15 isn't it? 16 A. Yes. 17 Q. So the corrections page is page 2? 18 A. 2. 19 Q. Regardless, really, of where the original article lay; 20 is that right? 21 A. We changed our policy. It was our policy for many years 22 to carry corrections and clarifications on the page on 23 which the original article appeared, or close to it. 24 This would sometimes lead to disputes, and we were aware 25 that other newspapers had introduced corrections and</p> <p style="text-align: center;">Page 68</p>

<p>1 clarifications columns, and we decided that the time had 2 come to introduce the same policy ourselves, and I have 3 to say I think it helps to correct things quickly. 4 Q. May I ask where this is in relation to page 2? Is it in 5 the middle of the page, at the top of the page; how does 6 it work? 7 A. It's at the bottom of the page. 8 Q. The bottom middle or the bottom left or right? 9 A. Bottom middle. 10 Q. Bottom middle of the page. What is the banner, if 11 anything, which tops the correction? 12 A. "Corrections and clarifications". 13 Q. Okay. 14 LORD JUSTICE LEVESON: This was a policy that you 15 introduced, it was announced, indeed, at the seminar? 16 A. Yes. 17 LORD JUSTICE LEVESON: Yes. 18 MR JAY: Just to give us a flavour, how many of these on 19 average do we see in an edition of the Mail on Sunday? 20 A. It does vary. I think the most we've carried was in the 21 first week when there were about four or five. Last 22 week we didn't have any. The average week there may be 23 two or three. I mean, it's fair to say a lot of them 24 are things that you might regard as trivial, but they're 25 important to somebody.</p> <p style="text-align: center;">Page 69</p>	<p>1 MR JAY: Thank you. Paragraph 9 you deal with the issue of 2 sources. And your evidence is not dissimilar from many 3 others'. But can I ask you this general question: how 4 often are stories published on the basis of only one 5 source? 6 A. You mean one anonymous source? 7 Q. Yes. 8 A. If it is somebody who's given you a story about 9 themselves, I would not have great problem with that. 10 That quite often happens with political stories and 11 sometimes with showbusiness stories. If you have 12 a source and they're giving you a story about somebody 13 else, then I would be uneasy about publishing a story 14 based on one source, and you would certainly want to go 15 to whoever it is the story is about and discuss it with 16 them and get their reaction. 17 Q. Yes. That was really my next question. Is it the 18 policy of the Mail on Sunday to give the subject of 19 stories prior notification of the story you're going to 20 publish about them? 21 A. Yes. I am not completely happy with the term "prior 22 notification". 23 Q. Modify it as you see fit. 24 A. I mean the news room term is "put it to people". 25 I believe very firmly that if you're writing a story</p> <p style="text-align: center;">Page 71</p>
<p>1 Q. Do you tend to negotiate the wording with the 2 complainant or is it your decision? 3 A. We negotiate the wording with the complainant unless it 4 is -- and we do get quite a lot of these -- it's 5 somebody writing in to say that we got the score line 6 wrong in a football match, or -- but if there's anything 7 contentious, we agree it. 8 Q. Thank you. Paragraph 9, please, Mr Wright, "Sources of 9 information". 10 LORD JUSTICE LEVESON: Just before you pass on from that, 11 you said you think that this is a good idea? 12 A. Yes. 13 LORD JUSTICE LEVESON: Why have you reached the conclusion 14 it's a good idea? 15 A. Well, we found that previously you would have a debate 16 about where the correction was going to appear, what 17 sort of prominence it would have, and this delayed -- it 18 often delayed really quite unreasonably the amount of 19 time it took to get the correction in the newspaper. 20 The advantage of having a corrections and clarifications 21 column is you can say, "Look at last week's paper, 22 that's where it will go", and so far everybody we've 23 dealt with has been very happy to see it in that 24 slot. They feel it's given prominence, taken seriously, 25 and it seems to work.</p> <p style="text-align: center;">Page 70</p>	<p>1 about somebody which is in any way contentious, that you 2 should go to them and put whatever matters of concern to 3 them, seek their reaction, and make a judgment on what 4 you're proposing to publish on the basis of what they 5 tell you. 6 Q. Thank you. And as with all policies, there may be 7 exceptions. What, if any, are the exceptions to the 8 principle that the story is put to the person? 9 A. A lot of what we publish is completely uncontentious, 10 and you may -- you may publish a story which is about 11 person A, but includes background which concerns person 12 B, which has been published before and which hasn't been 13 challenged. In those circumstances, you wouldn't go 14 back to person B and put to them again matters that 15 would have been put to them in the past, either by our 16 newspaper or another newspaper, unless you had reason to 17 think that the previous story you were basing your 18 background on was for some reason -- had been challenged 19 or was inaccurate. 20 Q. Yes. Thank you. Stories are, of course, read by the 21 legal department. As a general rule, do you follow the 22 advice of lawyers or not? 23 A. Yes, but not always. 24 Q. I know it's difficult to speak in generalities. What 25 are the sort of situations which might arise where you</p> <p style="text-align: center;">Page 72</p>

<p>1 don't follow legal advice?</p> <p>2 A. We employ our legal director, Liz Hartley, who you'll be</p> <p>3 talking to this afternoon, and a number of senior</p> <p>4 in-house lawyers whose advice I would nearly always</p> <p>5 follow.</p> <p>6 We also, on a Friday and a Saturday, we have two</p> <p>7 duty lawyers who read every story in the paper. They</p> <p>8 take slightly different attitudes, because they're</p> <p>9 different people coming in. Sometimes they are</p> <p>10 overcautious, and in particularly on celebrity stories,</p> <p>11 you have to take a view to -- we're talking about libel</p> <p>12 here -- there are certain individuals who are very</p> <p>13 likely to sue and other individuals who, for whatever</p> <p>14 reason, are very unlikely to sue, and because I've been</p> <p>15 doing this job for a very long time, I may have a better</p> <p>16 knowledge of that than the duty lawyer.</p> <p>17 The duty lawyer will point out to me, "Look, this</p> <p>18 could be -- there could be a risk here", and it's their</p> <p>19 job to point out the risk. It's my job to take the</p> <p>20 decision.</p> <p>21 Equally, I sometimes, not infrequently, go to duty</p> <p>22 lawyers and say, "Have you read this story?" "Yes,"</p> <p>23 they say, "it's fine". And I say, "I'm very worried</p> <p>24 about this bit, can I go through it again?" So</p> <p>25 sometimes I take a more cautious view than duty lawyers.</p> <p style="text-align: center;">Page 73</p>	<p>1 Q. Thank you. This is a related question, but it doesn't</p> <p>2 quite bite on the issue of sources. Will you tend to</p> <p>3 know from your journalists the means which they used to</p> <p>4 obtain a story?</p> <p>5 A. Yes. The question I often ask in our news coverage is,</p> <p>6 "How did this come to our attention?"</p> <p>7 Q. Yes.</p> <p>8 A. And particularly since the phone hacking scandal, I will</p> <p>9 quite often want to know what means were used to obtain</p> <p>10 information in the first instance.</p> <p>11 Q. Thank you. I think I may be entitled to ask this</p> <p>12 question, that if phone hacking had occurred at the Mail</p> <p>13 on Sunday, would this follow, that you would have known</p> <p>14 about it, assuming that you weren't lied to by your</p> <p>15 journalists?</p> <p>16 A. Yes. I mean, it's a little bit difficult for me to</p> <p>17 answer that question because I have absolutely no</p> <p>18 evidence that phone hacking ever did occur, but I would</p> <p>19 hope that if phone hacking was going on, it would have</p> <p>20 come to my attention.</p> <p>21 Q. That may be one deduction to be drawn from the answer</p> <p>22 you've given, which is: yes, phone hacking did not</p> <p>23 occur.</p> <p>24 A. Mm.</p> <p>25 Q. I follow that. Can I ask you about paragraph 11 and</p> <p style="text-align: center;">Page 75</p>
<p>1 Q. Paragraph 10, please, Mr Wright. It's really the second</p> <p>2 sentence. I'll ask you to explain or clarify that:</p> <p>3 "The rule on the Mail on Sunday is that journalists</p> <p>4 must reveal their sources to the editor if asked."</p> <p>5 That's a bit more bullish on one level than evidence</p> <p>6 we've heard from other editors. Would you like to</p> <p>7 explain that, please?</p> <p>8 A. Well, I am well aware that if you run a story based on</p> <p>9 anonymous sources and you as editor don't know who those</p> <p>10 sources are, you can find yourself in a very difficult</p> <p>11 position, post-publication, where you have nobody to go</p> <p>12 back to. It's important to me to know that because --</p> <p>13 I'm thinking here probably particularly about political</p> <p>14 stories -- the source may well have their own agenda,</p> <p>15 and if I'm going to make a judgment on a story, I need</p> <p>16 to know where it's coming from and where the person</p> <p>17 who's giving it to us is coming from.</p> <p>18 I may also need to know whether the person who has</p> <p>19 given us the story in the event of a libel action is</p> <p>20 going to be prepared to go to court and give evidence.</p> <p>21 It's not uncommon for people who give you stories not to</p> <p>22 want to be identified in the story as the source of the</p> <p>23 story, but who feels strongly about the issues concerned</p> <p>24 and would be prepared to give evidence were the story to</p> <p>25 be challenged.</p> <p style="text-align: center;">Page 74</p>	<p>1 your reference to, four lines down, a hypothesis or</p> <p>2 a gut feeling about a set of events?</p> <p>3 A. Mm-hm.</p> <p>4 Q. It might be said in relation to some, if not many,</p> <p>5 stories that the tendency is to start off with</p> <p>6 a presumption as to what happened, because it feels</p> <p>7 right or meets with a particular world view, and then</p> <p>8 the temptation is to go and get evidence which supports</p> <p>9 that preconceived position. Is that a failing which you</p> <p>10 would accept or reject?</p> <p>11 A. I would reject that. I mean, I do often -- there can be</p> <p>12 an assumption on news desks that newspapers or editors</p> <p>13 are looking for certain sorts of stories, and</p> <p>14 I sometimes have to tell our news desk, "Look,</p> <p>15 I appreciate this looks as though it's a certain sort of</p> <p>16 story, but you must approach it with an open mind". You</p> <p>17 do have to -- in choosing what sort of stories you're</p> <p>18 going after, you begin with very partial information and</p> <p>19 you then have to go and look for further information.</p> <p>20 Now, something has to guide you as to what</p> <p>21 information to look for, so you have to have -- unless</p> <p>22 it's just a breaking story that, you know, a plane has</p> <p>23 crashed on a Saturday afternoon, but even then you have</p> <p>24 a hypothesis. And if, for instance, God forbid one of</p> <p>25 the new super jumbo jets crashed, one of the things</p> <p style="text-align: center;">Page 76</p>

<p>1 I would ask my reporter is, "You must check for engine 2 failure because we know there has been a problem a year 3 or so ago with one of these planes that had an engine 4 problem, so will you ask, make sure you ask the people 5 investigating, the air traffic control, the airline, 6 whoever, were engines a problem". It's fairly 7 straightforward.</p> <p>8 Q. But you would repudiate the suggestion that you start 9 off with a working hypothesis which fits in with 10 a particular world view and then you move on to 11 establish it? That's something which you, as it were, 12 drum out of your reporters, is it?</p> <p>13 A. I think you have to tell reporters sometimes, "I want 14 you to -- you must go and look at this with an open 15 mind", and if circumstances are not as they appear to 16 be, I want to know that. But it doesn't mean that it's 17 not a story. It may well be a better story.</p> <p>18 Q. Or a different story.</p> <p>19 A. Or a different story.</p> <p>20 Q. Thank you. I'll move on to paragraph 12, inquiry 21 agents. Paragraph 12, you tell us a number of things 22 which you pick up later. The banning of inquiry agents 23 we know was in 2007. The last sentence: 24 "In respect of payments for information, we have 25 a checklist that department heads are required to fill</p> <p style="text-align: center;">Page 77</p>	<p>1 payments might be a bit less, but I may be wrong.</p> <p>2 A. No, they would be more.</p> <p>3 Q. They would be more? Okay. Just give us a feel for sort 4 of the top end of the range.</p> <p>5 A. In the last year -- I'm a bit reluctant without 6 checking, but off the top of my head, the top payment 7 for a major interview would be about £50,000, or a big 8 book serialisation.</p> <p>9 Q. The Lord Triesman case which you mention later on in 10 your statement, we can turn it up at this stage, how 11 much did you pay to the woman concerned? Can you 12 remember?</p> <p>13 A. I can't recall, but it would be of that order. I mean, 14 I can come back to you with that.</p> <p>15 Q. So approximately 50,000? The precise amount is not 16 going to matter much.</p> <p>17 A. It would be something of that order, yeah, certainly.</p> <p>18 Q. The use of inquiry agents, you start on this theme under 19 paragraph 13 of your statement. You were unaware of the 20 use of inquiry agents until we heard of the 21 Information Commissioner's investigation. You make it 22 clear later on that that was in 2004; is that right?</p> <p>23 A. I --</p> <p>24 Q. First sentence paragraph 14.</p> <p>25 A. Yes. It was around the end of 2003, beginning of 2004.</p> <p style="text-align: center;">Page 79</p>
<p>1 in before authorising a payment."</p> <p>2 Are there still cash payments made to sources of 3 information at the Mail on Sunday?</p> <p>4 A. Yes, in limited circumstances.</p> <p>5 Q. And in what circumstances?</p> <p>6 A. There are sometimes people for various reasons who have 7 information which is useful to a story who want to be 8 paid in cash. Sometimes they don't have bank accounts. 9 Some people just like being paid in cash.</p> <p>10 Q. What sort of levels of payments are we talking about 11 here, Mr Wright?</p> <p>12 A. I think it could be anything -- I think the biggest cash 13 payment we've made in the last year was £3,500, but they 14 would mostly be a lot less than that.</p> <p>15 Q. What's the largest payment that's been made to a source?</p> <p>16 A. Well, I've given you the answer.</p> <p>17 Q. Yes, but it would be a non-cash payment then.</p> <p>18 A. I'd have -- I don't have that information with me.</p> <p>19 LORD JUSTICE LEVESON: You don't have a recollection of 20 a super-duper story for which you really had to pay 21 a lot of money?</p> <p>22 A. It depends what you mean by a payment to a source. 23 I mean, would you include a payment for an interview 24 with somebody?</p> <p>25 MR JAY: Well, I think I would, but I'm assuming that those</p> <p style="text-align: center;">Page 78</p>	<p>1 Q. How did you come to learn of the Operation Motorman 2 inquiry?</p> <p>3 A. The Operation Motorman prosecution concerned a story -- 4 or part of it concerned a story that we had run, and we 5 heard that the police were making enquiries about that 6 story.</p> <p>7 Q. Can you tell us, please, about the story? What was the 8 nature of the story?</p> <p>9 A. It was a story about Bob Crow, the General Secretary of 10 the RMT Union. There was some sort of industrial 11 dispute going on, I can't quite remember what, and he 12 was getting a ride to work on a motor scooter.</p> <p>13 Q. How did that story lock in with the circumstances of 14 Operation Motorman?</p> <p>15 A. When the Operation Motorman investigation went through 16 Steven Whittamore's log books, he had logged in his log 17 books that the name of the owner of this motor scooter 18 had been supplied to us by Whittamore.</p> <p>19 Q. So the name of the owner of the motor scooter had been 20 supplied to you by Mr Whittamore?</p> <p>21 A. Yes.</p> <p>22 Q. It follows, therefore, that the information obtained 23 from Mr Whittamore was used to source a story, wasn't 24 it?</p> <p>25 A. No, it was used to -- no. I think we had the story that</p> <p style="text-align: center;">Page 80</p>

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<p>1 he was riding on this motor scooter, and we had 2 a picture of him on the motor scooter, but we didn't 3 know who the motor scooter belonged to. Then Whittamore 4 supplied that information. 5 Q. Did that information, namely the identity of the owner 6 of the motor scooter, find its way into the story? 7 A. Yes. 8 Q. So it might be said it wasn't quite to source a story? 9 A. No. 10 Q. But to provide information which entered a story? 11 A. Yes. Whittamore didn't supply stories. He was used 12 primarily to find names and addresses of people who we 13 needed to speak to in the course of trying to research 14 stories. 15 Q. Yes. I'm going to come back to that, but you've just 16 given us an example of Mr Whittamore providing 17 information which led you to know an important fact 18 which could be used in a story, namely the identity of 19 the owner of the motor scooter; is that correct? 20 A. Yes. But I want to get the sequence correct. He didn't 21 volunteer that information to us. I mean, I have to be 22 slightly careful here because we know what was in his 23 log books. We don't actually know who, if anyone, on 24 the newspaper asked him for this information. We know 25 he'd logged that he had supplied it to us, but we don't</p> <p style="text-align: center;">Page 81</p>	<p>1 A. Yes. 2 Q. Which might range from names and addresses to 3 ex-directory numbers, to vehicle registration numbers, 4 to friends and family numbers to criminal record checks; 5 is that so? 6 A. It appears so, yes. 7 Q. When did you know all of that, though, Mr Wright? 8 A. All of the latter, in August this last year, 2011. 9 Q. Okay. I'm still on the first sentence of paragraph 14. 10 You told us the circumstances in which you discovered 11 from the Motorman inquiry that "we were regularly using 12 the services of the inquiry agent". What we've 13 established so far is one case, namely Mr Crow on the 14 back of a motor scooter. 15 A. Mm. 16 Q. Did it follow from the revelation to you of that one 17 case that you then carried out further enquiries which 18 showed that the Mail on Sunday was regularly using 19 Mr Whittamore's services? What happened? 20 A. I asked whether we were regularly using this man and 21 I was told that we were. I asked our managing editor to 22 check the invoices and see how regularly he was being 23 used. 24 Q. Yes. 25 A. And I was uncomfortable that it appeared that he might</p> <p style="text-align: center;">Page 83</p>
<p>1 actually know that anybody on the paper asked him for 2 it. It would be a simple assumption that they did, but 3 I want to give you very accurate answers. 4 Q. Can I unpick that answer, Mr Wright, that Mr Whittamore, 5 of course, didn't volunteer information to the Mail on 6 Sunday, he always responded to -- 7 A. That's not quite accurate either. He would -- as I now 8 know, some years after the event and after many 9 conversations about this subject -- he didn't ring up 10 and offer stories, he simply offered a service where he 11 would trace, as I say, in most cases names and addresses 12 and telephone numbers. But reporters would ring him up 13 and say, "Can you supply me with an address for 14 so-and-so?" 15 Q. Certainly. 16 A. And he then might offer other similar information. So 17 if you ring up and ask for an address, he might offer 18 you a telephone number as well. 19 Q. Yes. 20 A. But he didn't, as far as I know, and I've never spoken 21 to the man, he didn't offer stories. 22 Q. No. 23 A. No. 24 Q. We're agreed about that. But he had a range of -- an 25 array of information at his disposal, didn't he?</p> <p style="text-align: center;">Page 82</p>	<p>1 be using methods of which we wouldn't approve, with or 2 without the knowledge of people who had commissioned 3 him. So we -- as I say in my witness statement -- early 4 in 2004 we issued an instruction to staff that he wasn't 5 to be used unless department heads were consulted, there 6 was an extremely good reason to use him, and other means 7 of finding out the information had all been exhausted. 8 Q. Yes. Thank you, Mr Wright. Can we again just analyse 9 that? The analysis of payments which you refer to is 10 dealt with under paragraph 13 of your statement. 11 A. Yes. 12 Q. I think what you're telling us is that you smelt a bit 13 of a rat, and so you therefore caused certain enquiries 14 to be undertaken, and those included enquiries of 15 payments made. You say in the penultimate sentence of 16 paragraph 13: 17 "Payments to inquiry agencies for research and 18 information were classed with payments for taxis, 19 flights, accommodation, et cetera, and were monitored by 20 our managing editor." 21 Is that right? 22 A. Yes. 23 Q. What do you mean precisely by the term "classed with 24 payments"? 25 A. We have, in my view, a rather complex and a very</p> <p style="text-align: center;">Page 84</p>

<p>1 thorough accounts system, which lists payments and 2 analyses them under all sorts of headings. The payments 3 to journalists -- this is probably slightly unusual for 4 editors, but when I first became editor we had 5 difficulties with our editorial budget, which was 6 overspent, and I felt that the information that I was 7 getting about our budget was coming too late and not in 8 a form that I could monitor properly, so I set up 9 a system whereby I would get weekly sheets of 10 information on what the accounts department would regard 11 as direct editorial expenditure, which would be payments 12 to journalists, photographers, which is where the budget 13 overruns were mostly accrued.</p> <p>14 But, like all newspapers, there are a lot of other 15 incidental expenses, taxis for reporters, flights, 16 hotels.</p> <p>17 Q. Yes.</p> <p>18 A. And payments to Mr Whittamore, because he wasn't 19 a journalist, fell into that category, which I didn't 20 exercise personal control over.</p> <p>21 Q. Once you discovered this, am I right in saying that you 22 discovered this in early 2004?</p> <p>23 A. Yes.</p> <p>24 Q. Was it clear what the payments were for, even though 25 they were located in, as it were, the wrong place or</p> <p style="text-align: center;">Page 85</p>	<p>1 Q. I'm not putting to you a precise sum of all the 2 transactions involving Mr Whittamore because they went 3 much wider than the positively identified illegal ones, 4 but I think we're agreed we're talking about 5 a substantial sum of money, are we?</p> <p>6 A. Yes. You are using the phrase "positively identified as 7 illegal". I think I would modify that and say "might be 8 illegal".</p> <p>9 Q. At this stage I'm not going to argue about the 10 terminology; we might come back to that.</p> <p>11 Was it clear to you what Mr Whittamore was doing?</p> <p>12 A. His main use to us and the reason that our news desk had 13 been keen to use him was that at this point in time 14 a lot of information that previously you had had to 15 laboriously go to places like Somerset House or to town 16 halls where electoral rolls were kept, he had on 17 databases, which meant that if you were a reporter and 18 you were out of town on a story -- bearing in mind at 19 this point the laptops we issued reporters with didn't 20 have Internet access, people didn't have BlackBerries -- 21 they could ring up Whittamore and he was very good and 22 very quick at cross-referencing electoral rolls, phone 23 books, and supplying reporters with basic information 24 they need to do their job, which is where to find 25 people.</p> <p style="text-align: center;">Page 87</p>
<p>1 a slightly misleading place?</p> <p>2 A. No, the invoices were very vague.</p> <p>3 Q. But what could you deduce by looking at the invoices?</p> <p>4 A. By looking at the invoices, really only the sums of 5 money paid to him.</p> <p>6 Q. How did you know that they were being paid to 7 Mr Whittamore? I mean, I suppose there was his company, 8 JJ Services?</p> <p>9 A. Yes, his name was on them.</p> <p>10 Q. Did you then make enquiries as to the extent to which 11 these payments were being made to Mr Whittamore's 12 company?</p> <p>13 A. Yes. It seemed to me that we were asking him to do 14 things that should be done by reporters themselves.</p> <p>15 Q. Can I just run through this? When we talk about extent, 16 was it clear to you that substantial sums of money were 17 being paid to him?</p> <p>18 A. Yes.</p> <p>19 Q. In relation, for example, to the transactions which the 20 Information Commissioner identified positively as being 21 illegal transactions, the sum he gave was at least 22 £20,000. Does that sound right?</p> <p>23 A. That would be over -- it's a global sum over several 24 years, I think, but yes, it would be about right, 25 probably.</p> <p style="text-align: center;">Page 86</p>	<p>1 Q. Is that last answer based on what you've learnt recently 2 or is it based on investigations you carried out in 3 2004?</p> <p>4 A. That's what I was told then.</p> <p>5 Q. That's what -- who told you that?</p> <p>6 A. The managing editor and the then news editor.</p> <p>7 Q. How did they know?</p> <p>8 A. Well, the managing editors spoke to reporters and asked 9 them why they were using him.</p> <p>10 Q. Did you know how many reporters were involved in the use 11 of Mr Whittamore's services?</p> <p>12 A. At that time, I can't honestly remember, but I know that 13 a number of reporters used him.</p> <p>14 Q. You say that the information you received, mainly from 15 the managing editor but also the news editor, was that 16 Mr Whittamore was using what might be thought to be 17 legitimate sources --</p> <p>18 A. Yes.</p> <p>19 Q. -- for his information, but how did they know that?</p> <p>20 A. Well, that's what they believed to be the case, and this 21 is why I was alarmed when I heard about the 22 investigation into the Bob Crow incident, because it 23 suggested he might be using sources that weren't 24 legitimate.</p> <p>25 Q. Yes. But didn't you have the sense then, once you knew</p> <p style="text-align: center;">Page 88</p>

<p>1 about the Operation Motorman inquiry, that whatever you 2 were being told by the managing editor, there might be 3 a problem here, namely that Mr Whittamore was indulging 4 in illegal practices, either part of the time or the 5 whole of the time, and therefore the Mail on Sunday 6 shouldn't be dealing with him at all?</p> <p>7 A. Yes.</p> <p>8 Q. Possibly you were also alerted to the slightly unusual 9 nature of all of this by the payment system or practice 10 which had been deployed, namely that these payments were 11 classed with payments for taxis and accommodation, 12 because they were, as it were, being or possibly being 13 concealed in some way. Isn't that fair?</p> <p>14 A. No, I don't think that was the case. I think that was 15 just administratively how they had been classed. 16 I don't think there was any deliberate attempt to 17 conceal them.</p> <p>18 Q. Okay, but if you were concerned, as you've just told me, 19 that the Mail on Sunday might be associating itself with 20 someone who used illegal practices, what further enquiry 21 did you undertake then to satisfy yourself that your 22 journalists weren't using illegal practices?</p> <p>23 A. Well, I issued -- or got my managing editor to issue an 24 instruction that enormous care was to be taken when 25 commissioning Whittamore, and that he was only to be</p> <p style="text-align: center;">Page 89</p>	<p>1 running a risk here, Mr Wright, since we know that 2 Mr Whittamore had been arrested and, I think, charged 3 with offences by then, hadn't he?</p> <p>4 A. You're asking me questions that I can't entirely answer, 5 but I know that we became -- you know, our action dated 6 from the point at which we became aware that Whittamore 7 was going to be prosecuted. Whether that was after he 8 was charged, I simply can't recall, but it was around 9 the turn of the year 2003/2004, and in February that 10 year we took steps to stop the use of Whittamore or at 11 least only use him when we were extremely sure that what 12 he was doing was legitimate and there was a good reason 13 to do it.</p> <p>14 Q. Given the scale or possible scale of the unlawful 15 activity involving the Mail on Sunday here, why didn't 16 you take steps to identify the journalists who were 17 using Mr Whittamore's services and make enquiry of them 18 as to whether or not they might have been committing 19 offences?</p> <p>20 A. Well, I thought the most important thing to do at that 21 stage was to ensure -- I mean, what had happened in the 22 past had happened, and you talk about illegal enquiries, 23 but there is a public interest defence under the Data 24 Protection Act, and I would very much hope that had 25 Whittamore made illegal -- possibly illegal enquiries on</p> <p style="text-align: center;">Page 91</p>
<p>1 used in a closely defined set of circumstances, which 2 I've already explained to you.</p> <p>3 Q. I think there must be some misunderstanding here, 4 because the instruction given in February 2004 was well 5 after Operation Motorman started.</p> <p>6 A. Mm.</p> <p>7 Q. I think that Mr Whittamore was arrested in March 2003, 8 and I've seen no evidence that the Mail on Sunday was 9 still using his services in 2004. Your instruction must 10 have related to other inquiry agents, don't you think?</p> <p>11 A. No. No, I think you've got your sequence of events 12 slightly wrong there.</p> <p>13 Q. I'm sure I haven't, actually. Indeed, I'm positive 14 I haven't. But it may be -- and tell me if I'm wrong -- 15 that you were using Mr Whittamore, even in 2004. Is 16 that really the case, though?</p> <p>17 A. The instruction from -- the Bob Crow story was published 18 in February 2003. The instruction from the managing 19 editor was February 2004. From that point onwards, 20 Whittamore was rarely used. We stopped using him 21 altogether in September 2004, apart from two payments 22 which nobody can quite explain, but effectively he was 23 used only on very rare occasions from February 2004, and 24 virtually stopped altogether in September 2004.</p> <p>25 Q. If you were using him as late as 2004, weren't you</p> <p style="text-align: center;">Page 90</p>	<p>1 our behalf, that there would be a public interest 2 defence. But I was concerned that it had become 3 apparent we were dealing with somebody who was acting in 4 ways of which we were not completely aware, that this 5 was a situation which put our staff at risk and that we 6 needed to take steps to stop that situation as soon as 7 possible.</p> <p>8 Q. Okay, but you didn't know one way or another, did you, 9 particularly without asking the journalists, whether 10 there was a public interest defence?</p> <p>11 A. I mean, I suppose what we would have had to have done is 12 hold some sort of star chamber court and call in every 13 journalist on the paper and ask them whether they'd ever 14 used Mr Whittamore and give us all the circumstances in 15 which they'd done so. I'm not sure that was entirely 16 practical. The thing that was uppermost in my mind was 17 to make sure, once we were in possession of this 18 knowledge, that going forward we were acting in a way 19 that was not going to put any of our staff at risk of 20 possible prosecution.</p> <p>21 Q. Yes, but were you aware that the Mail on Sunday had 22 commissioned criminal record checks from Mr Whittamore?</p> <p>23 A. No, I wasn't.</p> <p>24 Q. In those circumstances, the strength or otherwise of the 25 public interest defence was at best highly debatable,</p> <p style="text-align: center;">Page 92</p>

23 (Pages 89 to 92)

<p>1 wasn't it?</p> <p>2 A. Well, without knowing the full details of the</p> <p>3 circumstances, it's impossible to tell, but I mean that</p> <p>4 information we didn't have at that time. It only became</p> <p>5 available in August this year.</p> <p>6 Q. It might be said that you didn't have the information</p> <p>7 because you didn't try and seek it out, did you,</p> <p>8 Mr Wright?</p> <p>9 A. Well, at that point nobody had suggested to us that</p> <p>10 Mr Whittamore was able to do or had done criminal</p> <p>11 records checks.</p> <p>12 Q. But you could have found that out, couldn't you?</p> <p>13 A. But why would I go and look for something that hadn't</p> <p>14 been suggested to me? I mean, I could begin from the</p> <p>15 assumption that every single enquiry that we make</p> <p>16 involves illegal activity of some sort, but I can't do</p> <p>17 that.</p> <p>18 Q. Okay, but certainly by the date of the first Information</p> <p>19 Commissioner's report, which I think is May or June</p> <p>20 2006, did you read the report then?</p> <p>21 A. Yes.</p> <p>22 Q. You could see the sort of things which were going on,</p> <p>23 namely criminal record checks, couldn't you?</p> <p>24 A. There were -- according to the Information Commissioner,</p> <p>25 there were some criminal record checks. But by this</p> <p style="text-align: center;">Page 93</p>	<p>1 first is that the second report, "What price privacy</p> <p>2 now?", which came out in December 2006 had the Mail on</p> <p>3 Sunday high up in the list, didn't it, of what the ICO</p> <p>4 called "positively identified transactions", which in</p> <p>5 their view were in breach of the Data Protection Act.</p> <p>6 We're talking there of a considerable number of</p> <p>7 transactions, and I think 33 of your journalists, isn't</p> <p>8 that right?</p> <p>9 A. You're conflating two things there. I think 33</p> <p>10 journalists is the number who used Whittamore, isn't it?</p> <p>11 Q. No, it's 33 journalists, 266 positively identified</p> <p>12 transactions. I think that is correct, Mr Wright.</p> <p>13 A. Yes, but --</p> <p>14 Q. The precise number might not matter much.</p> <p>15 A. -- isn't that the total number of transactions?</p> <p>16 Q. The total number of transactions involving the Mail on</p> <p>17 Sunday was a higher number than that.</p> <p>18 A. Was it?</p> <p>19 Q. But the table was concerned with a slightly more limited</p> <p>20 cohort. I think we heard somewhere in the region of</p> <p>21 3,700 transactions. This was in questions asked by</p> <p>22 Mr Davies. But at that point you were aware that</p> <p>23 I think the Mail on Sunday was second from the top, with</p> <p>24 the Mail at the top.</p> <p>25 A. Fourth, I think.</p> <p style="text-align: center;">Page 95</p>
<p>1 time we had effectively stopped using Whittamore two</p> <p>2 years previously.</p> <p>3 Q. I appreciate there may not have been any risk of future</p> <p>4 wrongdoing, because as it were Mr Whittamore had been</p> <p>5 closed down, but this goes in relation to journalists</p> <p>6 who might still have been employed by the Mail on Sunday</p> <p>7 having carried out unlawful activities, namely breaches</p> <p>8 of Section 55 of the Data Protection Act. It was within</p> <p>9 your power to find out whether that was the case, wasn't</p> <p>10 it?</p> <p>11 A. I think, you know, you have to apply a rule of</p> <p>12 proportionality in these things. I can only repeat that</p> <p>13 I was concerned for the good reputation and the proper</p> <p>14 function of the paper going forward. I was aware by the</p> <p>15 time "What price privacy?" came out that the appropriate</p> <p>16 authorities, ie the Information Commissioner and the</p> <p>17 police, had conducted an investigation into this, that</p> <p>18 in I think two or three cases they had found evidence</p> <p>19 that they thought warranted a prosecution, which</p> <p>20 resulted in a conditional discharge. I didn't see the</p> <p>21 need to go over ground that they had gone over</p> <p>22 themselves, bearing in mind also that we didn't have and</p> <p>23 weren't shown the evidence, Whittamore's log books, on</p> <p>24 which the Information Commissioner based his research.</p> <p>25 Q. Okay, there are two follow-up questions from that. The</p> <p style="text-align: center;">Page 94</p>	<p>1 Q. Oh fourth, okay. Whatever precisely it was, the finger</p> <p>2 was being pointed firmly in your direction, wasn't it?</p> <p>3 LORD JUSTICE LEVESON: I think the point here, Mr Wright, is</p> <p>4 this. It's not merely a retrospective on Mr Whittamore,</p> <p>5 which I understand what you've said about, but that</p> <p>6 something was going on in your newsroom which you</p> <p>7 clearly hadn't been aware of.</p> <p>8 A. No.</p> <p>9 LORD JUSTICE LEVESON: You may have given some instructions,</p> <p>10 but that something might have been going on might give</p> <p>11 you rise to be worried that you had to get to grips with</p> <p>12 it. I think that's the point that Mr Jay is trying to</p> <p>13 get at.</p> <p>14 A. Yes. That's why we issued instructions to stop using</p> <p>15 Whittamore.</p> <p>16 MR JAY: Okay. When these two reports came out in 2006, did</p> <p>17 the Mail on Sunday take any steps then to query the</p> <p>18 ICO's findings and conclusions?</p> <p>19 A. To query them with the ICO or --</p> <p>20 Q. Yes.</p> <p>21 A. I think we accepted his overall findings. We -- not me</p> <p>22 personally, but the managing editor's office of the</p> <p>23 Daily Mail asked on behalf of the group whether we could</p> <p>24 see the evidence on which this report was based, and we</p> <p>25 were told that we couldn't, because it was covered</p> <p style="text-align: center;">Page 96</p>

<p>1 itself by the Data Protection Act.</p> <p>2 Q. I think the Freedom of Information Act would enable you</p> <p>3 to see the information if you'd sought it, but is it</p> <p>4 your evidence that you did expressly seek out this</p> <p>5 information but were refused by the ICO?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Rather than accepted their findings and decided</p> <p>8 to move on? Is that the position?</p> <p>9 A. Well, we asked to see -- I mean, I didn't personally</p> <p>10 ask, but the group asked, because, you know, this</p> <p>11 covered the Daily Mail and a lot of other newspapers,</p> <p>12 magazines and so on. But, overall, we accepted the</p> <p>13 findings of this report.</p> <p>14 I mean, if I may say so, there was something of</p> <p>15 a learning process at this period. We were coming to</p> <p>16 terms with very rapidly changing technology, and</p> <p>17 reporters and other writers in our newsroom were finding</p> <p>18 ways of -- or were adapting to technology more rapidly</p> <p>19 than editors were aware that that they were doing so,</p> <p>20 and rightly or wrongly, it took us a time to catch up</p> <p>21 with what had taken place.</p> <p>22 Q. But the banning of all external search agencies, you</p> <p>23 tell us, took place in April 2007 with immediate effect;</p> <p>24 is that right?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 97</p>	<p>1 A. He went up because prior to becoming managing editor, as</p> <p>2 deputy managing editor, part of his responsibility was</p> <p>3 for what we call systems, which is information</p> <p>4 technology. He had a particular skill at looking at</p> <p>5 payment systems and finding -- and generally finding</p> <p>6 things in our computer records.</p> <p>7 Q. You tell us in paragraph 13, the final sentence, that he</p> <p>8 was the man who you rebuked for failing to alert you to</p> <p>9 the practice of employing inquiry agents; is that right?</p> <p>10 A. Yes.</p> <p>11 Q. Might it not be said that he might not be altogether</p> <p>12 objective, therefore, given the rebuke you had given</p> <p>13 him?</p> <p>14 A. Well, that was many years previously, and I would take</p> <p>15 the opposite view. I think he was very anxious to show</p> <p>16 that he was doing a proper job.</p> <p>17 Q. But it might be said precisely that, that he was</p> <p>18 overanxious to demonstrate that he'd done nothing wrong</p> <p>19 in the past, because --</p> <p>20 A. No.</p> <p>21 Q. -- part and parcel of that was that you'd rebuked him.</p> <p>22 Is that not fair?</p> <p>23 A. Yes, I mean, the reason I rebuked him was over the cost</p> <p>24 of employing Mr Whittamore, and that was a conversation</p> <p>25 we had at the time. He didn't -- you're reading</p> <p style="text-align: center;">Page 99</p>
<p>1 Q. Can I ask you this: you are aware that in August of this</p> <p>2 year a number of individuals referred to in Ms Hartley's</p> <p>3 statement went up to the Information Commissioner's</p> <p>4 office to carry out further investigations?</p> <p>5 A. Yes.</p> <p>6 Q. Were you aware of that at the time?</p> <p>7 A. Yes.</p> <p>8 Q. Whose decision was it to initiate those investigations?</p> <p>9 A. Whose decision was it to send people to the Information</p> <p>10 Commissioner's office? It was taken jointly by me and</p> <p>11 the editor of the Daily Mail.</p> <p>12 Q. And why was that decision made?</p> <p>13 A. We were offered the opportunity to go and look at this</p> <p>14 evidence, which we'd never seen, and we felt we should</p> <p>15 go and look at it.</p> <p>16 Q. Was it a unilateral offer by the ICO or was it pursuant</p> <p>17 to a request that you made?</p> <p>18 A. To be perfectly honest, I can't remember the complete</p> <p>19 circumstances of it. I think it came via the Society of</p> <p>20 Editors, but I'd have to refresh my memory.</p> <p>21 Q. I think there is some reference to that. Were you party</p> <p>22 to the decision as to who should go up?</p> <p>23 A. Yes.</p> <p>24 Q. And why was the managing editor, Mr Wellington, I think,</p> <p>25 why did he go up?</p> <p style="text-align: center;">Page 98</p>	<p>1 something into this which I don't intend. He didn't</p> <p>2 cover up the use of these people; he simply didn't alert</p> <p>3 me to them. There's a difference.</p> <p>4 Q. But wasn't it part and parcel of your concern that there</p> <p>5 might have been illegal activity going on which you were</p> <p>6 unaware of?</p> <p>7 A. Yes, but the managing editor didn't -- it hadn't</p> <p>8 occurred to him that there might be illegal activity,</p> <p>9 which is why he hadn't alerted me. He had taken the</p> <p>10 activities of Whittamore at face value. In fact,</p> <p>11 I don't think it had occurred to anybody that he might</p> <p>12 be doing illegal things. But over the years between</p> <p>13 2004 and 2011, our managing editor had done a lot of</p> <p>14 work on this subject and, you know, I have to give you</p> <p>15 my assessment of an individual who I work with. He's</p> <p>16 not somebody who deliberately hides things from me.</p> <p>17 He's somebody who sometimes doesn't mention things to me</p> <p>18 because he doesn't see that there's a possible risk in</p> <p>19 them.</p> <p>20 Q. The last question on this theme: was the timing, though,</p> <p>21 of the visit to Cheshire and the ICA's office in August</p> <p>22 2011 not more to do with the announcement of this</p> <p>23 Inquiry?</p> <p>24 A. No. I mean, it's not totally unrelated, but I think we</p> <p>25 had only recently received the offer to go and look at</p> <p style="text-align: center;">Page 100</p>

25 (Pages 97 to 100)

<p>1 this. I mean, clearly the fact that this Inquiry was 2 taking place was a matter that was in our minds, but as 3 far as timing was concerned, I think that was governed 4 by -- and it may well be that the Information 5 Commissioner decided to make this information available 6 because of this Inquiry. I don't know.</p> <p>7 Q. Is this right, that you would have sent four people up 8 to Cheshire to carry out this investigation even had 9 there not been this Inquiry?</p> <p>10 A. I can't answer that question. I mean, the circumstances 11 are what they were and we took the decision we did.</p> <p>12 Q. Okay. May I move on, please, Mr Wright, from that 13 topic.</p> <p>14 Payment of public officials, paragraph 15. Can you 15 just identify, please -- you make it clear you've never 16 paid a police officer, have paid public officials on 17 occasion in the past. What sort of public officials are 18 we referring to there?</p> <p>19 A. I want to be a little bit careful about how I answer 20 this, because I don't necessarily want to identify the 21 individuals. I think the most common cases would be 22 people in the armed forces who have played a part in or 23 been party to something that has happened in a war zone 24 which they think needs to be brought to public 25 attention. They're very -- because people don't serve</p> <p style="text-align: center;">Page 101</p>	<p>1 A. But I would include that.</p> <p>2 Q. Of course, without looking at particular cases where the 3 balance falls, it cannot be discussed in isolation, but 4 you have given us three cases. I'd just like to 5 discuss, if I may, two of the three, probably before 6 lunch. It's (b) and (c), Lord Triesman's case.</p> <p>7 This is where a woman approaches you, she's had 8 a relationship with Lord Triesman, she wants to talk 9 about that relationship, and had already made 10 a recording of a conversation with him on her mobile 11 phone, in which he had made a series of allegations 12 about bribery in the World Cup; is that correct?</p> <p>13 A. That's right.</p> <p>14 Q. And the price for the story was financial consideration. 15 Just can I understand this: why was it necessary for the 16 Mail on Sunday to publish anything about the woman's 17 relationship with Lord Triesman, given that you had the 18 hard evidence on the mobile phone of what he said?</p> <p>19 A. Well, the simple logic of the story demanded that you 20 had to explain why Lord Triesman was in a restaurant 21 with a woman 30 years younger than him, who wasn't then 22 in his employ, and why they would be discussing these 23 sort of matters.</p> <p>24 Q. Thank you. So a certain amount of information had to be 25 given out, otherwise the story made little or no sense,</p> <p style="text-align: center;">Page 103</p>
<p>1 in the armed forces for very long, they often find 2 themselves in a situation where they're coming back to 3 Britain, they're going to be leaving the armed forces, 4 they're short of money, they have witnessed something 5 very interesting, and they want to tell you about it.</p> <p>6 Q. Okay. So that's the standard situation you're referring 7 to?</p> <p>8 A. That would be, I think, in the majority of circumstances 9 which I can think of.</p> <p>10 Q. Okay. Paragraph 17, balancing private interest against 11 public interest. You list there a whole range of 12 factors which you weigh in the balance. Many of them 13 are derived from the PCC code, but one or two of them 14 may be your add-ons.</p> <p>15 Is this right, without going through these factors, 16 these are factors which have built up in your mind and 17 in your thinking over many years of experience; is that 18 right?</p> <p>19 A. Yes.</p> <p>20 Q. I don't think you've included a public interest in 21 freedom of expression itself, have you?</p> <p>22 A. Um ...</p> <p>23 LORD JUSTICE LEVESON: You have in the free press.</p> <p>24 A. Yeah.</p> <p>25 MR JAY: Yes, sorry.</p> <p style="text-align: center;">Page 102</p>	<p>1 is that what you're saying?</p> <p>2 A. Yes.</p> <p>3 Q. Are you also saying that some of the private detail, as 4 it were, was not included in the story?</p> <p>5 A. Quite a lot.</p> <p>6 Q. This is an example of you weighing up the public against 7 the private?</p> <p>8 A. Yes.</p> <p>9 Q. Because I think it's obvious from the story that the 10 underlying facts, as it were, that Lord Triesman had 11 made a series of allegations about bribery in the World 12 Cup, those allegations, whether or not they were true, 13 were clearly in the public interest?</p> <p>14 A. Yes, absolutely.</p> <p>15 Q. Then you explain what happened, that there was 16 litigation over this but the --</p> <p>17 A. Yes, I'm sorry, he began with a legal complaint, which 18 he then didn't pursue.</p> <p>19 Q. Yes. There was then a complaint to the PCC and 20 a resolution of the complaint on the basis that certain 21 information was removed from the online version of the 22 article; is that right?</p> <p>23 A. Yes.</p> <p>24 Q. Presumably that information, without going into it, 25 since it would agitate, arguably at least, the breach of</p> <p style="text-align: center;">Page 104</p>

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<p>1 privacy, these were private matters which you excised, 2 did you? 3 A. They were matters which he felt were private. I'm in 4 a difficult situation. If I tell you what they were -- 5 Q. Of course. Then we'll move on to the Lord Mandelson 6 story. 7 A. Yes. 8 Q. This was the story of Lord Mandelson buying an expensive 9 house, £8 million house in an exclusive area of London. 10 Can you define to us, please, what was the public 11 interest in that story? 12 A. I think there's a public interest in knowing how 13 somebody who until a year previously had been 14 a government minister on a generous but not overgenerous 15 salary was able to afford an £8 million house. 16 Q. Certainly. And what was Lord Mandelson's argument? 17 A. His argument was that as he was no longer a government 18 minister, this was a private matter and nobody had any 19 business knowing about it. 20 Q. The information you published, was all of that in the 21 public domain, namely the value of the house in 22 particular and the fact that he had purchased it? 23 A. At this point he hadn't actually purchased it, I don't 24 think. Oh, I've said he had. 25 Q. Your witness statement suggests he had.</p> <p style="text-align: center;">Page 105</p>	<p>1 LORD JUSTICE LEVESON: Just let me understand. It's only 2 just so that I understand how the system works rather 3 than anything else, Mr Wright. 4 A. Mm. 5 LORD JUSTICE LEVESON: He makes a complaint to the PCC. Or 6 25 October 2011 you say, "We will fight the case 7 vigorously"?? 8 A. Yes. 9 LORD JUSTICE LEVESON: That's in paragraph 18(c). So since 10 then, two and a half months have elapsed, and you say 11 it's not being pursued. Does that mean it's been 12 withdrawn? Does that mean it's just gone into abeyance? 13 How does it work? 14 A. Yes. It's not uncommon for people to make complaints to 15 the PCC and then not pursue them. They just lose 16 interest. 17 LORD JUSTICE LEVESON: But what would they have to do to 18 pursue it? Do you mean that he's not responded to 19 correspondence? I'm just quite keen to understand, 20 because this is I think probably the first occasion 21 we've really talked in detail about one of these. 22 A. Yes, yes. I mean, I -- it might have been helpful if 23 I'd rung the PCC before coming here to ask them what the 24 state of play was, but we've had no communication on 25 this for some months now.</p> <p style="text-align: center;">Page 107</p>
<p>1 A. I think, to be honest, he'd made an offer on it. The 2 amount of money was supplied to us by the person who 3 gave us the story. We put that to Lord Mandelson and 4 that aspect of the story he didn't query. 5 Q. I'd assume reading this, Mr Wright, that you had got all 6 the information from the public domain because had he 7 purchased the house, you would know from a publicly 8 available source how much he'd paid for it and it would 9 be in the Land Registry somewhere, but is it the 10 position that this came from a source? 11 A. This came from a member of the public, yes. 12 Q. Right. Do you know how that member of the public had 13 obtained the information? 14 A. I do, but it would be putting them in a difficult 15 position if -- but it was by proper means. 16 Q. So it didn't involve any subterfuge, did it? 17 A. No. 18 Q. Do we know the outcome of the PCC complaint? 19 A. There isn't an outcome. As far as I'm aware, the 20 complaint hasn't been pursued. 21 Q. Does the complaint encompass the photograph? 22 A. I think it was simply on the fact of the story. As far 23 as I recall, there wasn't a particular issue about the 24 photograph. 25 MR JAY: I'm about to move on --</p> <p style="text-align: center;">Page 106</p>	<p>1 LORD JUSTICE LEVESON: I see. 2 A. What -- 3 LORD JUSTICE LEVESON: Certainly in October you were 4 expecting it to fight, because that's what you said. 5 A. Yes, yes. Well, I wrote this witness statement earlier 6 than that. 7 LORD JUSTICE LEVESON: All right. 8 A. We certainly would fight it, if he pursued it. And 9 maybe as a result of hearing me give evidence today he 10 decides he will, but ... 11 LORD JUSTICE LEVESON: No, no, I'm not encouraging him or 12 you or anyone. I'm just keen to understand how the 13 system works. 14 A. Yeah. How the system works with the PCC is exchanges of 15 letters, sometimes phone calls. If somebody makes 16 a complaint about the story, the PCC will talk to them. 17 They sometimes help them in formulating the complaint. 18 They will then write to us and say that "So-and-so has 19 complained under section whatever it is of the code; 20 could you please explain why you've run this story and 21 why you believe it is not in breach of the code". You 22 are obliged to respond within seven days. 23 LORD JUSTICE LEVESON: Even quicker than court! Yes. 24 A. And you do so, and sometimes that's the last you hear of 25 it, because you've explained your reasons and the</p> <p style="text-align: center;">Page 108</p>

<p>1 complainant has looked at your explanation and looked at 2 the code and decided that perhaps it's not in breach of 3 the code after all. 4 LORD JUSTICE LEVESON: But isn't it rather important that 5 you're told that? 6 A. What, that he hasn't -- 7 LORD JUSTICE LEVESON: Yes. That it's not pursued. I mean, 8 I give an analogy not infrequently that the only way one 9 gets better is by being able to look at the answer at 10 the back of the book, and therefore knowing the outcome 11 is itself significant. 12 A. Yes. I mean, this happens with legal complaints as 13 well. I mean, people often don't pursue complaints. 14 LORD JUSTICE LEVESON: I understand in relation to 15 litigation, because as the bills start to ratchet up, 16 interest diminishes and therefore they just drift off 17 and are eventually struck out. But somebody who is 18 mediating for the industry -- I don't say regulating, 19 I say mediating -- 20 A. Yes. 21 LORD JUSTICE LEVESON: -- one would have thought would be 22 quite keen to keep everybody informed. More 23 particularly, obviously, the complainant knows what's 24 going on, but that you should be able to close the file, 25 that you should know, well, actually, that letter, our Page 109</p>	
<p>1 explanation's been accepted, or, well, we've not heard, 2 therefore we're not taking any more action. 3 A. If we're going to break for lunch, I could check whether 4 we have heard anything. 5 LORD JUSTICE LEVESON: I'm sure that's right, and that would 6 be quite interesting, because I've not merely got an 7 editor in front of me, I've got a commissioner, as 8 I understand it. 9 A. Yes, yes. 10 LORD JUSTICE LEVESON: So I'm quite keen on knowing how all 11 this operates. 12 I think that's probably a convenient moment. 13 (1.08 pm) 14 (The luncheon adjournment) 15 16 17 18 19 20 21 22 23 24 25 Page 110</p>	

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