1 Monday, 5 December 2011 1 A. No. sir. 2 (10.00 am) MR JAY: Success? A. Nothing. LORD JUSTICE LEVESON: Yes, Mr Jay. 3 LORD JUSTICE LEVESON: Let's get somebody with technical 4 4 MR JAY: May it please you, sir, I'm going to recall 5 Mr Owens. What has been organised is that the core 5 expertise to sort it out. I'll rise for a moment while 6 participants will have relevant evidence on their 6 that happens. Sitting here probably doesn't help 7 7 screens, which was provided to them under usual anybody. So let's just get out and get somebody to sort 8 conditions of confidentiality on Friday. However, 8 it out. Thank you. 9 members of the public will not be able to see what are 9 (10.06 am) 10 on our screens, and indeed the room has been cleared of 10 (A short break) 11 (10.11 am) 11 all members of public and the press -- they're in the 12 12 LORD JUSTICE LEVESON: Very good. marquee -- save for Mr Owens and Mr Aldhouse, because MR JAY: Mr Owens --13 we've taken the view that --13 LORD JUSTICE LEVESON: Entirely. Could I just say that 14 14 LORD JUSTICE LEVESON: Can Mr Aldhouse see a screen? 15 I intend to promulgate in writing the judgment that 15 Well ... 16 I gave on Friday. Revising it over the weekend, it 16 MR JAY: Mr Owens, when you gave evidence on Wednesday, you 17 occurred to me that I had not made it clear that copying 17 explained that original data in hard copy form seized 18 details would not be appropriate and that the idea at 18 following a search on 8 March 2003 was, over the course 19 the end of the Inquiry is that everything should be 19 of time, put by you and your team onto various Excel 20 returned to the Inquiry. 20 spreadsheets. 21 A. Yes. 21 MR JAY: Yes. 22 LORD JUSTICE LEVESON: But I will promulgate that revised 22 O. Are we looking now at about 12 icons which constitute 23 ruling during the course, I hope, of today. 23 those spreadsheets and similar materials? 24 MR JAY: So may I therefore recall Mr Alec Owens, please. 24 LORD JUSTICE LEVESON: Thank you. 25 Q. Can we just identify the nature of the material we are Page 1 Page 3 MR ALEXANDER OWENS (on former oath) looking at? The icons entitled Green Book, Red Book, 1 1 2 Questions from MR JAY 2 Blue Book and Yellow Book, are they the Excel 3 3 MR JAY: You gave an affirmation or oath on Friday. You're spreadsheets of data extracted from different coloured 4 still under that. 4 notebooks which were seized? 5 A. Yes. 5 A. Yes. 6 Q. I'm going to ask for the various files by way of icons, 6 O. And these are the notebooks which I now have in front of 7 if they could be put up on the screen, please. 7 me? TECHNICIAN: You should have them, Mr Jay. 8 A. Yes. 9 MR JAY: They're not on mine. Is there a button we need to 9 Q. If you look then at the files described compendiously as 10 press? 10 RP9, RP15, et cetera, are those the invoices sent by 11 LORD JUSTICE LEVESON: Have you turned the screen on? 11 Mr Whittamore, trading as JJ Services, to various 12 MR JAY: Have they come up on your screen? 12 newspapers? 13 A. No. 13 A. Part of those are, yes. 14 MR JAY: Are they on anybody's screens? 14 Q. And then the JJ Services invoices 1 and 2 spreadsheets, 15 MULTIPLE SPEAKERS: Yes. 15 are they the invoices or remittances paid by the 16 LORD JUSTICE LEVESON: And mine. Have you turned it on? 16 newspapers to Mr Whittamore, trading as JJ Services? 17 MR JAY: Yes. 17 A. They are, sir, yes. 18 LORD JUSTICE LEVESON: The possibility is that you are 18 Q. Then to open one of the books at random -- maybe the 19 governed by the same ... 19 Blue Book. Let's hope that --20 MR JAY: Ah, thank you. 20 A. Just double click on it. 21 LORD JUSTICE LEVESON: I'm very grateful. Thank you. 21 Q. What I'm going to do is just identify the columns 22 MR JAY: The next thing is whether I can operate it from my 22 without asking you to comment further. I'm not going to 23 mouse, which I think I can. 23 ask you to name any newspapers since I'm just doing this 24 A. I'm still blank, sir. 24 for illustrative purposes. Column A is the newspaper 25 group? 25 MR JAY: We're not okay. Page 2 Page 4

- 1 A. It is.
- 2 Q. B is the newspaper within the group. C and D are the
- 3 journalist's name, first name and last name.
- 4 A. Yes.
- 5 Q. Column E is the service requested. You told us quite
- a lot about this last time, Mr Owens, but we can see
- 7 there various types of service. There's the area
- 8 search, where you're identifying where someone lives
- 9 within a particular area --
- 10 A. That's correct, yes.
- 11 Q. Then the occupancy search. You're identifying who lives
- at a particular address; is that right?
- 13 A. Like a voter search, yes.
- 14 Q. The vehicle registration -- well, that one is
- self-explanatory. The "XD", of course, is ex-directory.
- Mobile conversion is deriving an address from a mobile
- 17 number?
- 18 A. Yes.
- 19 Q. Conversion, or "conv", is an address from a landline?
- 20 A. That's correct.
- 21 Q. "F and F" is friends and family and "DIR" -- we don't
- see any of those on this screen but I've seen some -- is
- 23 a directors search?
- 24 A. That's correct, sir, yes.
- 25 Q. If we scroll further to the right, you see the

- Q. You get the fruits of the search f that is the right way
- 2 of describing it, under O to Q.
- 3 A. Yes, that would be the VRM, the colour and the make.
- 4 Q. I'm having difficulty getting this to work. I think
- 5 it's fallen to sleep. Just hold on.
- 6 A. If I can suggest, sir, if you just click onto one of the
- 7 names and then use the arrows at the bottom to go up and
- 8 down and across, it makes it a lot easier.
- 9 Q. It's working now. You can see the details: the
- 10 registration mark and the colour of the vehicle. It's
- probably all the information you can obtain.
- There are also various comments, in particular AA.
- 13 A. You've gone past that.
- 14 Q. I know I have.
- 15 A. Yes.
- 16 Q. Where are these comments derived from?
- 17 A. They were from the original books.
- 18 Q. From the original books?
- 19 A. Yes.
- 20 Q. Thank you. I'm going to alight on three entries in the
- 21 Blue Book. First of all, row 693. Just bear with me,
- 22 Mr Owens. If I use the right-hand scrolling function,
- I will lose control. This is just for purposes of
- 24 illustration. You can see there this was a particular
- search. 693 is a vehicle registration search?

Page 7

- 1 information getter's name, which is H and I.
- 2 A. Yes
- 3 Q. I think we can name the first of these because I don't
- 4 think it's his real name. Taff Jones. Do you see that?
- 5 A. Yes.
- 6 Q. You mentioned him on Wednesday. Is he the blagger that
- 7 Mr Whittamore used in relation to British
- 8 Telecommunications?
- 9 A. He was very professional obtaining their telephone
- 10 numbers from the various telephone companies.
- 11 Q. Was that limited to BT?
- 12 A. No, it was across the board, many companies.
- 13 Q. Okay. I'll ask you a bit more about him later on?
- 14 A. If it assists you, sir, that next name is actually Data
- 15 Research Limited, which has been named.
- 16 Q. Okay. Now, the subject names -- I'm going to be very
- 17 careful with these because some or all of these are
- 18 confidential. The subject, of course, is the target,
- 19 isn't it?
- 20 A. It is, yes, sir.
- 21 Q. And to see how these play through -- I'm having
- difficulty getting it to scroll to the right, but
- I think I'm going to manage. If you look at row 15,
- that's a vehicle registration search?
- 25 A. It is, yes.

- 1 A. It is, yes.
- 2 Q. There's also a phone number there. If one goes to the
- 3 book itself -- it's not so clear, really, from the
- 4 document, but the corresponding entry in the book
- 5 relates to a telephone number in Glasgow and then it
- 6 says:
- 7 "Specific calls from another phone number."
- 8 The area code is 01382. I'm not going to read out
- 9 the whole number. The request was for specific calls
- from that phone number between 6 and 7 in the evening,
- the date requested is not clear and the price was £300
- to £400. Do you know how you would obtain that sort of
- information?
- 14 A. I can only guess -- and I think it's an educated
- guess -- they've actually got the whole of the
- subscriber's telephone bill, the subscriber's list, what
- calls they've made during that evening or during those
- times, and that would only be possible from the phone
- 19 company.
- 20 Q. That's the inference --
- 21 A. Yes, that's the way I would look at it.
- 22 Q. I'm looking now at row 711. We can see the surname
- 23 under --
- 24 A. 71 -- oh, yes.
- 25 Q. I'm not going to ask you to tell us what it is unless Page 8

- 1 I'm told that I can refer to it.
- 2 A. Yes, that's fine.
- 3 O. It's for Mr Sherborne to tell me whether he as an
- 4 objection. No? Okay, I'm not going to refer to the
- 5 name. You can see the first name is under L. Do you
- 6 see that?
- 7 A. Yes.
- 8 Q. No need to read them out. Can you help us a little bit
- 9 more about the request. What was being sought here?
- 10 A. Right. Certainly the orange-coloured one would be an
- earlier search trying to find out where that named
- person or those named people -- which area they lived
- 13 in.
- 14 Q. Yes.
- 15 A. The blue ones underneath, they would relate to the
- actual address, voter's check of the same people.
- 17 Q. Thank you. So that's the coding you're using on this --
- 18 A. That's the colour-coding as the -- it was done.
- 19 Q. Okay.
- 20 A. If we go down, I think, just below that, you'll see
- 21 ex-directory numbers for the two of those.
- 22 Q. There are two ex-directory numbers as well, are there?
- 23 A. Just underneath them, the blue coding.
- 24 Q. Let's see if we can find those.
- 25 A. There they are. They're the yellow ones. That's the Page 9

- 1 Q. We will see that in the narrative. I saw that, of
- 2 course, over the weekend. We can see that in column E.
- 3 And the targets --
- 4 A. Are named, first names and surname.
- 5 Q. Yes, and it cost £500?
- 6 A. On that particular line, it's got "successful", £500.
- 7 Q. Yes. I'm going to close this file and go to the Green
- 8 Book. The methodology is exactly the same, isn't it,
 - Mr Owens?
- 10 A. Yes.
- 11 Q. I want to find row 880. I'll be told whether there's
- 12 a difficulty with the name here. There may not be on
- this occasion. Maybe it would be quicker if the
- technician were to do this for me. I want to scroll to
- the left. Exactly, thank you very much. Back to the
- left, please. That's lovely. Right, if you stop there.
- 17 It's one of the witnesses who gave evidence.
- Mr Sherborne will tell us whether there's a problem, but
- what this shows is an occupancy search and two
- 20 ex-directory searches.
- 21 A. Can I just ask, whatever the technician's done, he's
- altered the colour so I can only see the first entry.
- 23 Q. It should be a light blue.
- 24 A. Yes, that's an occupancy search.
- 25 Q. Also I think there are two ex-directory searches in the Page 11
- 1 ex-directory numbers for the addresses as listed above.
- 2 Q. We're looking at --
- 3 A. There's -- yeah.
- 4 Q. It's the yellow, is it?
- 5 A. Yes, if you just go further along, you'll see a name
- 6 there at the beginning. That's the -- no, the other
- 7 way.
- 8 Q. Okay, my apologies.
- 9 A. That's the name of another private detective that
- 10 actually obtained them, and they are the two
- 11 ex-directory numbers for those addresses.
- 12 Q. Thank you very much. If we go finally in this book to
- row 1014, we will see that it's a criminal record check.
- 14 I'm not going to spend further time on it.
- 15 LORD JUSTICE LEVESON: Just try once more, Mr Jay.
- 16 MR JAY: I'm getting slightly frustrated with it.
- 17 LORD JUSTICE LEVESON: I understand that. Try and move up 17
- 18 the bar.
- 19 MR JAY: All right.
- 20 LORD JUSTICE LEVESON: There you are. You've done it.
- 21 MR JAY: Right.
- 22 A. Yes.
- 23 Q. We'll have to scroll further along, won't we? What is
- the green code?
- 25 A. The green code is CRO, criminal records check.

- 1 yellow?
- 2 A. Yes.
- 3 Q. At 881 and 882.
- 4 A. Yes.
- 5 Q. Then there's an associated individual --
- 6 A. Yes.
- 7 Q. -- at 803.
- 8 A. That's an occupancy search followed by ex-directory
- 9 search, telephone number.
- 10 Q. Thank you. That cross-references with some evidence
- that we heard. But to be clear, the ex-directory
- searches were for landlines, not mobile phones?
- 13 A. You'd have to go back and let me have a look.
- 14 Q. We saw there ex-directory --
- 15 A. That's all ex-directory (inaudible), but if you go back
- 16 to --
- 17 Q. So we have to go all the way to the left to see the
- phone numbers?
- 19 A. I'll tell you whether it's a landline or a mobile. Yes,
- they're landlines.
- 21 Q. We can see the part of the country.
- Okay, now the Yellow Book. Towards the end of the
- book, we have members of our national team. Not
- 24 necessary to say which but it will be fairly obvious.
- 25 2002, a whole load of ex-directory searches. There's Page 12

3 (Pages 9 to 12)

- one interesting line at 5798, again, without identifying
- 2 the paper. I don't know whether you can help me to get
- 3 to row 5798.
- 4 A. That's it.
- 5 Q. If we go to the far right, column AA -- hold on. 5798.
- 6 The request is:
- 7 "Phone bill for June 2001."
- 8 And the price was £800?
- 9 A. That's what it's got on there, yes.
- 10 Q. But without knowing more about what the purpose was
- behind this request, we can't take it further, can we?
- 12 A. The only thing I can say about that one is Whittamore
- did that himself, because that is a blag, as we put it,
- wherever it's white. I think -- could I ask you to go
- to the far end? There might be some reference where
- Whittamore's actually phoned up the telephone company
- 17 himself and got it. If you could go right to the end.
- 18 LORD JUSTICE LEVESON: The far right or far left?
- 19 A. The far right as you're looking at the screen and just
- 20 go back a bit. Little bit more.
- 21 MR JAY: There's the information-getter column, isn't there,
- which we saw. I think it's a bit further to the left.
- 23 A. If it's white, Whittamore's done it himself, but he
- 24 hasn't -- he normally puts down "such-and-such a blag"
- along the line, but he hasn't on that one.

- 1 Q. Okay. As I said, we can't begin to take that further --
- 2 A. No.
- 3 Q. -- without knowing more about what the purpose was
- 4 behind it.
- 5 Can we look, please, at row 6593. Thank you. This
- 6 starts off as being a mobile conversion search and an
- 7 occupancy search.
- 8 A. Can you go right over to the left, because you go up to
- 9 row F here. I need to go to row C.
- 10 Q. Okay, so we can scroll ...
- 11 A. That's it.
- 12 Q. We take 6593 and 65949 together. 6593 is the mobile
- 13 conversion?
- 14 A. Yes.
- 15 Q. And 6594 is the occupancy, but there's a mobile number
- 16 there?
- 17 A. Yes.
- 18 Q. If one looks at the entry in the Yellow Book itself, it
- reads "Mob Conv", then a telephone number, then
- 20 underneath that "Occ". Then it says:
- "Cancelled by charged."
- An address is given in brackets. Do you know what
- "cancelled but charged" means or why it might have been 23
- included here?
- 25 A. No.

Page 14

- 1 Q. If we can go a little bit further down, however, to row
- 2 6603, where we have a number of --
- 3 A. Family and friends.
- 4 Q. Is that the magenta or a violet?
- 5 A. Yeah. That's the colour-coding for family and friends.
- 6 Q. It's clear from the original book that there was
- 7 a landline number. It then says:
- 8 "F & F on T-P."
- 9 Presumably that's telephone?
- 10 A. Telephone, yes.
- 11 Q. Then you can see ten family and friends' numbers --
- 12 A. Can you scroll up a bit, please?
- 13 Q. -- which we with see under column G.
- 14 A. I can only see four. You'll have to scroll up a little
- bit more. No, scroll up, please. That's it. Keep
- 16 going. That's it.
- 17 Q. We can see them all there. The mobile number under F is
- the mobile number which had already been obtained?
- 19 A. In fact, you can still see it above there, where it's
- been obtained, and then it's obviously appeared on the
- 21 list of family and friends of whoever that number would
- be, the main number belongs to.
- 23 Q. That's correct, and there's also a 0041 number, which
- 24 may be Switzerland. It doesn't really matter.
- 25 To the right, it says:

Page 15

- 1 "Charge £500."
- 2 And then:
- 3 "£100 for Taff agreed."
- 4 It's unclear for that whether the £500 is for all
- 5 ten numbers or for each number, but it may well be for
- 6 all ten numbers.
- 7 A. It could be. We can't be --
- 8 LORD JUSTICE LEVESON: A name and then a price?
- 9 MR JAY: That's right.
- You can't help us under column AB, above the --
- because the inference you drew at the time, if you look
 - at columns AA and AB, is that it was £500 for each
- 13 family and friend.
- 14 A. That's what it looked like when it came out on this
 - disk, but actually it's just one entry, £500, and it's
- 16 "£100 agreed for Taff", so we can't say whether it's
- 17 £500 or £5,000. 10 at £500, I mean.
- 18 Q. Although we do know that British telecommunications
- 19 allow you 10 family and friends' numbers. It's been
- their policy for as long as I can remember.
- 21 A. Yes.

12

15

- 22 Q. Under column AB, we see a 20 and a 22. We don't know
 - what those are. They might or might not be the ages of
- 24 the individuals concerned. As it happens, if they are,
- 25 the ages are not quite right, according to my research.

- 1 That's probably as far as we could take that one.
- 2 Sorry, I've missed out one point. If we could go
- 3 back to the yellow and row 146 to 156. 146, sorry. Go
- 4 right up.
- 5 Thank you. 146 concerns a newspaper which isn't in
- 6 this jurisdiction. There's certainly one CRO search
- 7 there, isn't there?
- 8 A. Yes.
- 9 Q. Then there's an area search and occupancy search?
- 10 A. Yes
- 11 Q. But if you look further down at 152 to 153, there's
- 12 a mobile conversion?
- 13 A. Yes.
- 14 Q. And then between 156 and 165 there are a series of
- 15 searches?
- 16 A. Yes.
- 17 Q. Ex-directories, occupancies?
- 18 A. All in the same name, yes.
- 19 Q. And all in the same name. Okay.
- We'll move now to the Red Book. Go straight to row
- 21 1281. The reason why I'm doing this is it
- 22 cross-references with evidence we have heard. Nearly
- there. Right. Can we scroll to the right, please? We
- see some names under N.
- 25 A. Yes.

Page 17

- Q. Is there a problem mentioning these? I'm told there is
- 2 no problem mentioning these. The surnames or last names
- 3 are Grant and Hurley.
- 4 A. Correct.
- 5 Q. I have the original open in front of me. There was an
- 6 area search for both Grant and Hurley?
- 7 A. Yes.
- 8 Q. South of the river, if I can put it in those terms.
- 9 Then there's a vehicle registration search. Could you
- $10 \qquad \text{tell us a little bit about that because I know you} \\$
- 11 investigated that?
- 12 A. Yes. Basically we went to see Mr Grant at his offices
- because a number -- a VRM, vehicle registration mark,
- 14 comes up against his name. As it turned out, he
- couldn't recall it and possibly thought he may have been
- seen in -- it may be a friend's car he's been seen in or
- was talking to somebody standing by that car, but he
- personally couldn't remember the car itself.
- 19 Q. Yes, fair enough. Were there any telephone numbers,
- 20 including mobile numbers, relating to Mr Grant?
- 21 A. I -- I'd have to check the books but I don't think so.
- There may have been.
- 23 Q. There are none I've been able to see.
- 24 A. Okay.
- 25 Q. To close this file and move now to RP9 and RP15. These Page 18

- 1 are the invoices out to the newspapers?
- 2 A. Yes, yes.
- 3 Q. They're put together in a fairly similar way, if not
- 4 quite the same way, as --
- 5 A. If you could scroll to the left so I can -- thank you.
- 6 Q. -- the books themselves.
- 7 A. Right, yes.
- 8 Q. We can see the methodology. The newspapers, the person
- 9 who is to be invoiced within the newspaper, the service
- 10 requested -- well, H is the date of the work, which we
- 11 haven't covered before. The service requested is I.
- 12 "Confidential enquiries", we see. Could you help us
- a bit about those?
- 14 A. Not really. They were -- that's what they were,
- 15 confidential enquiries. That's all we -- we got some
- hints off the comments mark in some of them. But no, in
- the main it was just "confidential enquiries".
- 18 LORD JUSTICE LEVESON: That's the words written in the book's
- 19 "Confidential enquiries"?
- 20 A. Yes. Obviously we'd -- he wouldn't tell us and we never
- 21 got an opportunity to ask any members of the press what
- they might have been.
- 23 MR JAY: If one goes to column AE, the "Additional
- comments", one can see this in relation to some
- 25 confidential enquiries quite a lot further down.

Page 19

- 1 A. I think you've gone past it.
- 2 Q. I thought it was 1813. We see a series of
- 3 confidential -- those are the 49 --
- 4 A. I think if you go back to where you were, sir, the
- 5 confidential enquiries.
- 6 Q. I think my note may be incorrect. It was quite a lot
- 7 higher up, wasn't it, Mr Owens? Let me keep column AE
- 8 in sight.
- 9 A. Okay.
- 10 Q. Right. And just scroll up.
- 11 A. Where you are at the moment is actually referring to all
- the ex-directory numbers that were obtained. There we
- go. That's it.
- 14 Q. These are some annotations. We see reference to some
- 15 blags.
- 16 A. Yes, where his company (inaudible) individuals. But
- most of the comments are contained in invoices, too.
- There's an awful lot of references to comments there
- which you could possibly associate with a story that was
- in the press.
- 21 O. We get some idea of the costs of each service from
- column AG.
- 23 A. Yes.
- Q. See if we can summarise this, since I've looked at this
- carefully. The price for an occupancy search appears to Page 20

5 (Pages 17 to 20)

- be £17.50 --1
- 2 A. That's correct, yes.
- Q. -- in general. The price of an area search is £30?
- 5 Q. The price for an ex-directory search varies a bit, but
- it's around £75?
- 7 A. That's correct.
- 8 Q. Confidential enquiries usually have a special price?
- A. They can be anything.
- 10 Q. The mobile conversion is £75?
- 11 A. Correct.
- 12 Q. The vehicle registration search costs anything in
- 13 between £150 to £200.
- 14 A. It went up. It was £150 to Whittamore. It went up to
- 15 200 when, shall we say, the DVLA source was neutralised,
- 16 because somebody else was doing it then.
- 17 Q. Thank you. From row 1070, we have a series of searches
- 18 which are all described as "occupancy" under column I,
- 19 but were charged out at £40.
- 20 A. Yes, this was --
- 21 Q. You heard me say that the occupancy was £17.50. Here we
- 22 are. We can see them now. What do you think or what do
- 23 you know those to be?
- 24 A. I know they're all ex-directory numbers. They were
- 25 bundles of what I'd call documents he was going to hand Page 21
 - 1 in to his accountant for tax purposes, so he couldn't
- 2 exactly put "XD" next to each one, so he just put
- 3 "occupancy" there. If you go right to the other end,
- 4 you'll see it's our friend Taff Jones, the expert in
- 5 phone work, getting phone numbers, that he was paying it 5
- 6 to, but they were more or less tax forms that he was --
- 7 Q. Okay. Looks as if one's getting a discount for quantity
- 8 because it's down from the £75.
- 9 A. No, that's what he paid to Taff.
- 10 Q. Pardon me.

- 11 A. Then he would charge the press £75.
- 12 Q. Thank you, Mr Owens.
- 13 A. So he'd make £35 on every transaction.
- 14 Q. Now the JJ Services invoice number 2 -- there's a mass
- 15 of data on this. I'd quite like to scroll so I can see
- 16 the columns. Here we go. It's fairly similar, isn't
- 17 it, Mr Owens --
- 18 A. Yes, very similar.
- 19 Q. -- to the previous --
- 20 A. When you were saying before about comments, this
- 21 particular document has most of the comments that you
- 22 would associate with a newspaper story.
- 23 Q. Yes. Let's see whether that is borne out. I think it
- 24 will be. I imagine I might have noted my papers in the
- 25 wrong place. Let's have a look at row 1813 and just see Page 22

- 1 whether there are any interesting comments there. Yes,
- 2 we are seeing some, I think. There's quite an
- 3 interesting one at 1816.
- 4 A. B&B Sex Party.
- 5 Q. Just gives us a flavour. Of course, we have no idea
 - whether any of this ever found its way into stories. So
- 7 a veritable treasure trove of information in all these
- 8 files.

- 9 What I've done over the weekend, Mr Owens, is check
- 10 the electronic Excel files for the green, red, blue and
- 11 yellow books respectively against the originals of the
- 12 books, and the spreadsheets are borne out by -- it would
- 13 be wrong to say an analysis of every entry in the books,
- 14 but certainly dipping into numerous entries.
- 15 A. Yes, sir.
- 16 O. What I haven't been able to do is cross-reference
- 17 entirely or really significantly the audit trail through
- 18 from, say, the Blue Book back into the RP19 and RP15
- 19 files and then into the JJ invoices 1 and 2 files.
- 20 A. We managed to do that, but over much more than
- 21 a weekend.
- 22 Q. Yes, okay. Thank you, Mr Owens. I'm going to ask you
- 23 now, please, if you can bring to hand a file which
- 24 contains various legal advice.
- 25 LORD JUSTICE LEVESON: Has that concluded the work in Page 23
- relation to this schedule?
- 2 MR JAY: It does.
- 3 LORD JUSTICE LEVESON: Is there any reason why we shouldn'
- now open up the proceedings so that those who are not in
- this room can see any document that is exhibited?
- MR JAY: There is no reason unless a core participant wishes 6
- 7 matters to be explored as a result of the evidence I've
- 8 adduced from Mr Owens. I've received no notification
- 9 that there are --
- LORD JUSTICE LEVESON: Well, does anybody want to raise an 10
- 11 question which will require us to look again at these
- 12 books which contain extremely confidential information?
- 13 MR JAY: Well, the question I'm asked to put can be posed
- 14 when the public is back in this room.
- 15 LORD JUSTICE LEVESON: All right.
- 16 MR JAY: I think we can therefore close these files, please,
- 17 and perhaps pause for a minute or two to see whether
- 18 there are people waiting outside.
- 19 LORD JUSTICE LEVESON: Yes. I'm keen to admit the public to
- 20 this room and to open up the document screens to the
- 21 other room as soon as possible. Is that going to take
- 22 a couple of minutes?
- 23 TECHNICIAN: It will, sir. We'll have to have technicians
- to do it.
- 25 LORD JUSTICE LEVESON: Right. I think we'll do that so that Page 24

1 1 we've kept people out of the full detail for as limited put on the screen and you'll see it. 2 a period of time as possible. 2 A. Oh, yes, okay. Yes, that's correct. 3 I'll rise a moment while that is done. Thank you. 3 Q. I'm going to read out salient parts. It's a conference 4 (10.51 am)4 to discuss Operation Motorman and the instructions to 5 (A short break) 5 counsel which have been sent. Can we look at Taff (10.56 am) 6 6 Jones, which is at the very bottom: 7 7 LORD JUSTICE LEVESON: Mr Jay, before you carry on, it "With regard to Taff Jones, he obtains BT 8 perhaps is worthwhile just summarising that which you've 8 ex-directory definitely numbers." 9 just done, which for those who didn't have access to the 9 Is that information you obtained, Mr Owens? 10 data on screen must have been extremely difficult to 10 A. Yes. That was found amongst the papers and later 11 11 follow. confirmed by Taff Jones himself. 12 It's abundantly clear, looking at the electronic 12 Q. Did you interview him? 13 records, which you've checked against the actual A. Yes. 13 14 documents, that Mr Whittamore had collected together Q. "He explained that Taff Jones is a biker and an 14 15 a vast amount of personal data. The documents identify 15 ex-soldier. The method he uses is by ringing from 16 the names of titles and specific journalists at the 16 mobile phone numbers, which he changes every three 17 titles apparently or inferentially making the request. 17 months or so. There is one phone number with telephone 18 It identifies the names of people from a wide range of 18 billing contacting Whittamore and billing in reverse, 19 19 public life and in the public eye, and provides Whittamore to Jones." 20 addresses, telephone numbers, mobile telephone numbers 20 So taking that in stages, who is he ringing from his 21 21 and charging details for that information. It's not mobile phone numbers? 22 necessary to go into the identity of the individuals, 22 A. He's using the -- he -- normally BT or whichever phone 23 save and except as you did in relation to Mr Grant, 23 company, purporting to be an engineer and getting the 24 24 because of course a question was asked of him which information he wants. And then, after he's got the 25 25 created some doubt as to whether he had been shown information, he would ring Whittamore and pass him the Page 25 Page 27 1 information from this particular investigation -- it's details that he's asked for. 1 2 clear that he was -- but it's not necessary otherwise to 2 Q. Thank you? 3 identify titles or names and certainly not necessary to 3 A. So it's between the telephone companies and Whittamore, 4 identify the persons who were the targets of enquiry. those particular phones. 5 In relation to some of them, it is absolutely right that 5 Q. If we go to the next page, which is 48711, we'll learn 6 there may well be a public interest justification in the 6 some more at the top of the page: 7 enquiry. In relation to others, however, it is 7 "It is clear, however, that he uses EIN numbers (an 8 difficult, if not impossible, to see what public 8 EIN number is a number given to a BT employee and has an 9 interest justification there could be. 9 8 as the prefix) ..." MR JAY: Thank you, sir. 10 10 So it's a form of password; is that right? 11 LORD JUSTICE LEVESON: Do you dissent from that summary? 11 A. Yes. 12 MR JAY: No. 12 Q. "... in order to pretend to be an engineer to provide 13 LORD JUSTICE LEVESON: Thank you. 13 this EIN number on which there are no checks made." 14 MR JAY: Mr Owens, I'm asked to pose this question to you: 14 A. That's correct, yes. 15 do you know how far back in time the books go? 15 Q. Again, did you deduce that from the papers you seized --16 A. I think the earliest entry we found in the documents 16 17 would be about 1997, but it's my guessing that the books 17 A. Correct, yes. 18 stretch from about the end of 2000 to the start of 2003. Q. -- and interviewing Mr Jones? 19 Q. Mr Owens, do you recall going to see counsel in 19 A. Yes, sir. 20 Birmingham on 3 October --20 Q. Then it carries on: 21 A. I did, yes. Down in Birmingham, yes. 21 "Data Research Limited were the subject of the 22 Q. We have an attendance note of that conference. The last 22 search warrant executed by Devon and Cornwall Police on 23 five numbers are 48710. 23 which [you] attended on behalf of the 24 A. I'm sorry, could you tell me what the tab is? 24 Information Commissioner. As part of the documentation 25 25 Q. It might be tab 2 in front of you, but it's going to be to which there is an assertion the privilege, another Page 26 Page 28

- 1 document found was a blaggers manual."
- 2 A. Yes.
- 3 Q. "The use of EIN numbers, a method of obtaining
- 4 information links, was in it. Currently there is no
- 5 evidence to link Jones to particular mobile phones,
- 6 although Roy is able to say that he has phoned him on
- 7 one of the numbers."
- 8 A. Yes, that's correct.
- 9 Q. We can look then under the heading "Gunning". We can
- 10 see further information in relation to area searches,
- 11 but let's look at what counsel advised under his name
- 12 with regard to the prosecution of the press. This is
- 13 what he said:
- 14 "Although there is evidence to support
- 15 a prosecution, a prosecution would not be considered
- 16 favourable because of the financial aspect."
- 17 A. Yes.
- 18 Q. Put in other terms, what was he saying there?
- 19 A. Basically said it would be too expensive.
- 20 Q. Yes. Then counsel asked if there was any way in which
- 21 friends and family details could be lawfully obtained
- 22 and there is not?
- 23 A. No.
- 24 Q. Had you carried out any enquiries to ascertain that?
- A. Well, obviously we'd spoken to BT and asked them and Page 29

has been waived by the ICO. It bears the number 48716.

- 3 Q. This is advice that counsel gave, I think, on
- 4 22 December 2003, which was now nine months after the
- 5 research, wasn't it, Mr Owens?
- A. December would be nine months, yes. 6
- LORD JUSTICE LEVESON: So just let's understand this. This
- 8 is a barrister who has been instructed by solicitors
- acting for the Information Commissioner to advise on the 9
- 10 material that you've obtained in relation to a potential
- 11 prosecution?
- 12 A. Yes, sir.
- 13 LORD JUSTICE LEVESON: So his opinion is his opinion and
- 14 there's a value for that purpose but none other. It's
- 15 to help the Information Commissioner make a decision?
- 16 A. That's it, yes.
- 17 LORD JUSTICE LEVESON: Right.
- 18 MR JAY: In paragraphs 2 to 4 of the advice, if I can
- 19 summarise it, he was saying effectively there's enough
- 20 evidence to allege a conspiracy to contravene Section 55
- 21 of the Data Protection Act and the parties to the
- 22 conspiracy, at least at that stage, were going to be
- 23 Messrs Whittamore and Dewes, although we know
- 24 subsequently that four individuals were on the charge or
- 25 on the indictment relating to that conspiracy.

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- they've said, "Not unless you know the people or you're 1
- 2 one of the friends or family who might know them", but
- 3 trying to get that sort of information had to be
- 4 illegal.
- 5 Q. Yes. Did you make similar enquiries of DVLA at Swansea?
- A. Well, yes, obviously we dealt with Swansea quite a bit. 6
- 7 But there are legal ways of getting numbers -- or
- 8 person -- the owner's details from Swansea, but that's
- 9 conditional. It's -- you write in, pay a fee, but it
- 10 has to be on one of their special reasons.
- 11 O. Yes. We've done some research on that and can submit
- 12 a note together with policy advice from Swansea, which
- 13 supports what you're saying.
- 14 A. Yes.
- 15 LORD JUSTICE LEVESON: In other words, if you've had an
- 16 accident with car that's driven off and you've got the
- 17 registration number, then that would be a reason to
- 18 get ---
- A. I've done it myself when my daughter had an accident. 19
- 20 Well, a car hit her when she was on the -- a nightclub
- 21 car park, and the police couldn't help because it wasn't
- 22 on the road. So that would be a legitimate request.
- 23 MR JAY: Yes. That's clear.
- 24 I'm going to ask you, please, to look at counsel's
- 25 written advice, which is under tab 4, which privilege

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- 1 I really want to turn to the second page, under the 2 heading "Journalists". This is 48717. This is what
- 3 counsel says:
 - "Having regard to the sustained and serious nature of the journalistic involvement in the overall picture,
- 6 there can be little doubt that many, perhaps all, of the
- 7 journalists involved have committed offences."
- 8 A. Yes.

4

5

10

- 9 Q. I don't think he should be interpreted as saying that in
 - relation to each and every request, each and every
- 11 journalist will necessarily have committed an offence.
- 12 He's not going that far?
- 13 A. No.
- 14 Q. Then he says -- and it's true it's only counsel's
- 15 inference from his reading of the papers:
- "The inference, overwhelming, it seems to me, is 16 17 that several editors must have been well aware of what
- 18 their staff were up to and therefore party to it."
- 19 Really, I'm introducing this for the next paragraph:
- 20 "I understand that policy considerations [it should
- 21 say] have led to their view [it should be 'the view']
- 22 that enforcement of some sort rather than prosecution is 23 the way forward in respect of the
- 24 journalists/newspapers."
- 25 A. That's what it says, yes.

- Q. That sentence may well be consistent with what you were
- 2 telling us on Wednesday, Mr Owens, but apart from the
- 3 meeting you say took place in mid-March 2003, is there
- 4 any further light you can throw on that sentence?
- 5 A. The meeting which took place in mid-March?
- Q. This is the meeting which you told us took place 6
- 7 involving Mr Thomas and Mr Aldhouse. Do you remember
- 8 that? A week or so after the raid, which was on
- 9 8 March.
- 10 A. Oh yes. Nothing, really, apart from basically what I've
- 11 already said, the fact that I -- it was my suggestion
- 12 that we go up and down, right the way to the top and
- 13 right the way to the bottom, and the evidence was there,
- 14 when Mr Aldhouse said -- made those comments that he
- 15 did, that they're too big for us to take on.
- 16 O. Whatever conclusions can be drawn from that sentence, we
- can draw them. What counsel goes on to say: 17
- 18 "I understand and sympathise with that approach.
- 19 This is, I believe, the first occasion upon which the
- 20 scale of the problem has come to light and it may not be
- 21 unreasonable to give the Press Complaints Commission the
- 22 chance to put their house in order."
- 23 A. That's what he's put. That's Mr Thorogood, I think.
- 24 Q. We'll see whether that's reflected on Friday by
- 25 documentation which has already been made available.

- 1 Q. Yes. Okay, I'm not going to comment further on that.
- 2 It speaks for itself.
- 3 Mr Owens, is there anything else you would like to
- 4 say? You have expanded on the evidence you've given on
- 5 Wednesday, we've cross-referenced some of that evidence
- 6 with documents which are available, we've seen the
- 7 underlying material now, and can draw the appropriate
- 8 conclusions. Is there anything else --
- A. No, I think everything's been covered, sir.
- MR JAY: Thank you very much. 10
- 11 LORD JUSTICE LEVESON: Thank you very much for coming back
- 12
- 13 A. Thank you.
- 14 MR JAY: I'm moving on now to Mr Aldhouse.
- 15 LORD LEVESON: Very good.
- 16 A. Do you want me to move these?
- 17 LORD JUSTICE LEVESON: Probably just leave them there and
- 18 we'll see.
- 19 MR JAY: Mr Aldhouse, if I could invite you to come forward,
- 20 please.
- 21 MR FRANCIS GEORGE BODEN ALDHOUSE (sworn)
- 22 Questions from MR JAY
- 23 MR JAY: Mr Aldhouse, I invite you to make yourself
- 24 comfortable and then to provide us with your full name.
- A. I'm Francis George Boden Aldhouse.

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- Then counsel says: 1
- 2 "However, the evidence of involvement [it should
- 3 read 'is significant'] and often unpleasant offending
- 4 is, in my opinion, clear enough in very many cases. You
- 5 would be appropriate to caution identified journalists
- 6 and their editors. I doubt whether a formal caution
- 7 would be accepted as such but informal cautioning by
- 8 letter with a suitable selection of (heavily edited)
- 9 evidence attached should achieve the aim."
- 10 Of course, by that point no journalist had been 11 interviewed.
- 12 A. No, this -- if you're talking about this being
- 13 in December, we were stopped from interviewing them
- 14 in April/early May at the very latest.
- Q. Yes then his final shot: 15
- "Those defending in the prosecution might seek to 16
- 17 make capital from the fact that the journalists are not
- 18 being prosecuted. The judge might also comment on the
- 19 basis that the journalists are the ones (it seems) who
- 20 created the demand for this offending. With this in
- 21 mind, it is a sensible precaution to equip me at some
- 22 point before trial with the detail of the reasoning not
- 23 to prosecute. I may need to explain or even defend the
- 24 decision to the judge."
- 25 A. That's what it says there, yes.

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- 1 Q. You've provided us, Mr Aldhouse, with a short witness
- 2 statement which is dated 16 November this year. Is that
- 3 right?
- 4 A. That's right.
- Q. You've signed the statement and verified its truth. Is 5
- 6 this your evidence?
- 7 A. Yes, it is.
- 8 Q. Can I ask you, please, about yourself, first of all,
- 9 Mr Aldhouse. You are a solicitor by training; is that
- 10 correct?
- A. That's right. 11
- 12 Q. And you, in December 1984, became the deputy to the
- 13 first data protection registrar; is that right?
- 14 A. That's right.
- Q. Is the data protection registrar more or less the 15
- 16 forerunner or the then incarnation of the
- 17 Information Commissioner under the 1984 Act?
- 18 A. The then incarnation I suppose is the right way of
- 19 putting it because it's the same office. They just
- 20 changed the name by statute.
- 21 Q. Right, and what happened was the Data Protection Act
- 22 1998 came into force on 1 March 2002 to bring domestic

point you became the deputy -- is this correct -- to the

- 23 law in line with the European directive and at that
- 25 **Information Commissioner?**

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6

7

17

- 1 A. That's right.
- 2 Q. And you stayed as such until your retirement -- is this
- 3 correct -- on 13 January 2006?
- 4 A. That's correct.
- 5 Q. Can I ask you a general question, please, about the
- 6 criminal law before the Data Protection Act 1998 comes
- 7 into force. We know what Section 55 says, but is this
- 8 right, that the first criminal offence was introduced in
- 9 1994 by way of amendment into the Data Protection Act
- 10 1984?
- 11 A. Yes, that's correct. There were other sort of
- administrative criminal offences, but so far as this
- sort of activity is concerned, it was the 1994 Act that
- made the difference.
- 15 Q. Can I ask you, please, a question on Section 55 of the
- Data Protection Act 1998. I don't know whether you have
- that to hand, but you probably know it off by heart.
- 18 A. Not by heart.
- 19 Q. This creates the offence of unlawfully obtaining a
- sector of personal data. Under subsection 1:
- "A person must not knowingly or recklessly ..."
- There are two limbs there and "recklessly" will be
- a subjective test of any criminal statute, won't it,
- 24 Mr Aldhouse?
- "... without the consent of the --"

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- 1 case -- that a journalist would only fall within
- 2 Section 55(1)(b). Thinking about it over the weekend,
 - I would respectfully agree with you. It probably falls
- 4 within both.
- 5 We know from other evidence that on 8 March 2003,
 - admittedly some time ago, there was the initial
 - execution of a search warrant for a search which led to
- 8 Operation Motorman. Did you get to learn about it at
- 9 the time, Mr Aldhouse?
- 10 A. I cannot recall when I first heard about Motorman.
- 11 You'll forgive me, but it's eight and a half years ago
- and memory fades and of course there were other things
- 13 going on. No, I couldn't tell you exactly when I first
- 14 heard about the operation.
- 15 Q. In terms of your responsibilities at that time,
- Mr Aldhouse, was it part of your role as the deputy to
 - provide direction to the head of investigations?
- 18 A. Yes. What had happened was the previous head of
- 19 operations and second deputy had retired in 2001, and
- 20 the head of investigations then reported to me. I don't
- 21 think it would be right to say that I directed
- 22 investigations in any way, but I supervised the person
- 23 who ran the investigations department.
- 24 Q. We heard who that person was on Wednesday, but could you
- 25 confirm her identity?

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- 1 LORD JUSTICE LEVESON: I think there's some objectively 1
- 2 there as well.
- 3 MR JAY: Yes. One would draw inferences, most definitely.
- 4 I'm just interested about (a) and (b), because there
- 5 may be a difference of view about this. Under
- 6 subparagraph (a):
- 7 "... obtain or disclose data or the information
- 8 contained in personal data, or (b) procure the
- 9 disclosure to another person of the information
- 10 contained in personal data."
- Now, if we're looking at the position of
- 12 a journalist -- or it can be an insurance company or
- anybody else -- does that fall within subparagraph (a),
- subparagraph (b) or both?
- 15 A. I'm -- if you'll forgive me, my voice is going. I think
- 16 I'm inclined to the view that it could fall within both.
- 17 I think the fact that you use an intermediary to obtain
- the information doesn't mean that you have not yourself
- 19 obtained it.
- 20 Q. Yes.
- 21 A. So -- and similarly, it could be said that you have
- procured the disclosure. I think it could be an offence
- under either A or B.
- 24 Q. On reflection, if it helps, that's also my view.
- 25 I might have said -- indeed, I did say in opening the Page 38

- 1 A. Yes. At the time we're talking about, it was
- 2 Jean Lockett.
- 3 Q. Yes. Were you head of operations?
- 4 A. No. No. Indeed, I think, as I say in my statement, the
- 5 focus of my work, certainly by that stage and in
- 6 continuing years, was on policy work.
- 7 Q. The evidence Mr Owens gave us on Wednesday is that a few
- 8 days after the search -- so we are now in mid-March of
- 9 2003 -- there was an informal meeting involving you and
- 10 Mr Thomas where Mr Owens gave an explanation of what he
- found. First of all, do you have any recollection of
- any such meeting?
- 13 A. I cannot recall such a meeting. I wondered whether this
- was just because, you know, time passes and my memory
- had faded, so I took the opportunity of consulting my
- old -- or the print-outs from my old electronic diary,
- which I've kept, and I cannot find any such meeting
- in March 2003, or indeed in April.
- 19 Q. Is it your evidence that you simply cannot remember
- 20 whether there was such a meeting or is it your evidence
- that you are fairly sure that there wasn't such
- 22 a meeting?
- 23 A. I think my evidence is that if there was a meeting, it
- 24 would have been a very casual one and a very short one,
- and certainly not scope for a full briefing. If it had Page 40

10 (Pages 37 to 40)

- 1 been a carefully arranged, lengthy meeting, it would
- 2 have been recorded. I don't recall any such meeting and
- 3 I have no record of it.
- 4 Q. So that I put to you what Mr Owens' version is -- and we
- 5 heard his evidence on Wednesday -- his clear evidence to
- 6 the Inquiry was that it was you, Mr Thomas and he. He
- 7 had carried out a cursory analysis of the material and
- 8 was able to demonstrate an audit trail, as he put it,
- 9 from the newspaper through the journalist to
- 10 Mr Whittamore. The blagger was involved, the charging
- 11 element was established, the invoices were sent out and
- 12 the invoices were paid, so there was a complete picture
- 13 which he wished to demonstrate to you and did. Do you
- 14 remember anything about that at all?
- 15 A. No. And indeed, the information I have heard and seen
- 16 this morning is new to me. I had not had that set out
- 17 in that way to me before.
- 18 Q. Have you seen these books before, the red, yellow, green 18
- 19 and blue books?
- 20 A. I've certainly not seen the content. I can't say I've
- 21 never seen the books because it's just possible if I was
- 22 visiting Jean Lockett's office or something, someone
- 23 might have said, "Oh, that's the Motorman books", but
- 24 no, other than that, I have not seen those books before.
- 25 Q. Was there anything in your office at the time which was Page 41

- 1 important buttons, on the face of it.
- 2 A. Yes, it did, but I was otherwise engaged. Half of my
 - time I was in Brussels on article 29 working party
- 4 business or the third -- joint advisory authority
- 5 business, so it might well be that -- I mean, no, it was
- 6 the fact that things just have to happen in my absence.
- 7 LORD JUSTICE LEVESON: Oh, I'm sure, yes.
- 8 MR JAY: You were there for half the time, though, weren't
- 9 you, Mr Aldhouse?
- 10 A. I can't remember the amount of time, but I was there 11 some the time, yes.
- 12 Q. I think the point I was driving at has already been
- 13 made, but isn't it a bit strange, Mr Aldhouse, that with
- 14 the policy ramifications that this might throw up and
- 15 the potential cost implications for your office, that
- 16 you weren't at least involved quite closely in
- 17 discussions with Mr Thomas regarding the strategic
- direction of Operation Motorman?
- 19 A. What can I say? It's for the Commissioner to decide how
- 20 he runs the office. If -- and it is worth bearing in
- 21 mind, of course, that it is -- that the Commissioner is
- 22 a one-man band and if the Commissioner decides to take
- 23 a route, so be it.
- Q. Yes. So is it your evidence that the Commissioner 24
- 25 decided to take a route -- and he'll tell us about that Page 43
- as big or as important as Operation Motorman? 1
- 2 A. From an operational investigations point of view, that
- 3 was probably the largest investigation.
- 4 Q. Were there discussions over the months between you and
- 5 Mr Thomas regarding strategic decisions and policy
- 6 decisions which would bear upon the future conduct of
- 7 the investigation and the prosecutions?
- 8 A. I don't recall any discussions. I do recall that
 - Richard Thomas decided that he wanted to pursue the
- 10 route of going to the Press Complaints Commission and
- 11 writing to Sir Christopher Meyer, but I have to say
- 12 I think that was Richard Thomas' decision rather than
- 13 the result of some discussion.

9

- 14 Q. I'm not suggesting, Mr Aldhouse, that you were party to
- 15 any decision but were you aware, therefore, that
- 16 a policy decision or a strategic decision was taken
- 17 whereby the matter would be taken up through the PCC
- 18 rather than criminal prosecution of the journalists?
- 19 A. I certainly knew that Richard Thomas wanted to go to the
- 20 PCC as a strategic approach. I don't think I knew that
- 21 he had completely ruled out prosecution.
- LORD JUSTICE LEVESON: Would you expect to be involved in 22 22
- 23 this sort of discussion when you're the deputy? This
- 24 was a very substantial investigation. It was obviously
- 25 taking up some time and really did hit some very Page 42

- 1 on Friday -- but you weren't involved really in any
- 2 significant way in the discussions bearing upon the
- 3 direction he might take?
- 4 A. I certainly don't recall that, no, and I don't just
- 5 think that's failing memory.
- 6 Q. Had you been asked for a view by anyone, in particular
 - Mr Thomas, what would your view have been in 2003?
- 8 A. I think my view in 2003 would have been -- certainly if
- 9 I'd seen the information, had it laid out before me as
- 10
- it's been laid out before you this morning, I think my
- 11 view would have been: we really ought to find a way of
- 12 pursuing this, this is a major exercise, I'm not at all
- 13 sure that it's something that could be handled by just
- 14 two people, an exercise that requires some sensitive
- 15 handling -- because I think if you simply approach
- journalists, they are likely to say, "Why should we 16
- 17 respond is to you at all?" So there would need to be
- 18 some careful construction of the case and the
- 19 investigation. I'm not quite sure whether we could have
- 20 put together the resource to handle such an
- 21 investigation. Not having been put in the position of
- taking the decision, I can't say how I would have
- 23 handled it but I do think that -- yes, I do think there
- 24 was a case for taking the involvement of journalists and
- 25 newspapers further.

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Q. You weren't party, therefore, to a timorous approach 1 gazette articles roundly attacking Elizabeth France and 2 which was dictated by two considerations: first, 2 myself. So I don't fear the media, but there are always 3 a concern that it would be rather expensive and you 3 other considerations. 4 would be at risk as to the cost, of course, if the 4 MR JAY: Did you see counsel's advice, the one I referred 5 newspapers obtain their own legal advice, and secondly, 5 to, 22 December 2003, at the time? 6 that the journalists might put up difficulties in the 6 A. The first time I've seen it was this morning. 7 way of further investigation? You weren't party to that 7 Q. We know you were involved at some later stage. There 8 8 sort of policy, were you, Mr Aldhouse? was a conference with counsel on 27 May 2005, which is 9 A. No, and if I might comment on the expense of 9 our document 48808. 10 prosecution, the practice of the office would be -- if 10 A. Do I have that? 11 faced with a very expensive investigation or 11 Q. I don't know whether it is in those files but we'll 12 provide you with a note of that advice. It's under our prosecution, would be to approach the sponsoring 12 13 department, the Home Office, then LCD, Ministry of 13 tab 25. We'll provide you with it now. 14 Justice, and say, "Look, we might be at risk of 14 LORD JUSTICE LEVESON: Tab 25? 15 considerable expense here. Will you stand behind this MR JAY: Sorry, of the extra bundle of attendance notes --15 16 with grant in aid if necessary?" 16 LORD JUSTICE LEVESON: Yes, but I'm not sure that 17 LORD JUSTICE LEVESON: Hang on. At this time, 2003, we're 17 Mr Aldhouse was at that conference. 18 talking about the Home Office, are we? MR JAY: No, but there's something at the bottom of the 18 19 A. I think we are. 19 page I want to refer him to. 20 LORD JUSTICE LEVESON: Because the Ministry of Justice LORD JUSTICE LEVESON: Right. So be it. 21 doesn't come on the scene until 2008. 21 MR JAY: Thank you. (Handed) 22 A. I can't remember when responsibility transferred from 22 Not a conference you attended, Mr Aldhouse. This is 23 the Home Office to Lord Chancellor's Department, but 23 a conference which followed the hearing at Blackfriars 24 24 whichever sponsoring department it was. Crown Court in April 2005. So that you have your 25 MR JAY: Did you apply your mind to these issues at all, 25 bearings in time, you obviously learnt of that very Page 45 Page 47 Mr Aldhouse? 1 disappointing outcome at the time, didn't you? A. In connection with this case? 2 2 Q. Yes. 3 3 Q. Is it right to say that there was at the very least 4 A. No. a measure of frustration and irritation within your LORD JUSTICE LEVESON: Is that right, Mr Aldhouse? You say 5 office, probably quite understandably? 6 in paragraph 8 of your statement, in relation to the A. I think that's right. 7 suggestion "We can't take the press on": 7 Q. And is that a feeling or sentiment which you shared? 8 "I don't believe I ever said anything remotely 8 A. Yes. 9 corresponding to this quotation. It does not represent 9 Q. Were there discussions about it with Mr Thomas and the 10 my view then ..." 10 way forward? 11 A. "... or now." 11 A. Well, there was certainly some discussion, the detail of 12 LORD JUSTICE LEVESON: That suggests that you did reach that 12 which frankly I can't recall, but you rightly express 13 13 the view held in the office, and that would have been view then. 14 A. I'm sorry, I was responding to the question about 14 the subject of discussion. But as I say, the detail of 15 expense. 15 it I'm afraid I don't recall. 16 LORD JUSTICE LEVESON: I see. 16 Q. At the bottom of page 48808: "JW [who is someone within your office] stated that A. Had I applied to my mind to the costs of a Motorman 17 17 18 prosecution? No, I was never asked to. But the 18 the view of Richard Thomas and Francis Aldhouse was that 19 question about "the press are too big to take on", 19 if the only problem this case faced was the Blackfriars 20 simply not my view. Certainly not the sort of language 20 verdict or other sentence, then the view of the office 21 I would have used, and I think I would point to the 21 would be to continue with the prosecution as it still 22 22 experience that Elizabeth France and I had in would be within the public interest to proceed as 23 23 discussions with the media in 1996, that we were quite regards the criminality of the remaining defendants." 24 happy to stand up to the media and try to negotiate with 24 If this note is right, it indicates that you were 25 25 them. I wish I still had the copies of the press involved, at least at this stage, in part of the Page 46 Page 48

- 1 strategic thinking regarding the future conduct of the
- 2 Operation Motorman prosecutions; that's right, isn't it?
- A. Yes, but I say -- I don't recall the discussions but it
- 4 might well be that Richard and I had talked about it.
- 5 There was certainly discussion about the Blackfriars
- 6 verdict, how disappointing it was, what way should we
- 7 go, but I'm afraid I can't add to that.
- 8 LORD JUSTICE LEVESON: Who is Janet Witkowski(?)?
- A. Oh dear. I'm afraid I cannot recall.
- 10 LORD JUSTICE LEVESON: Sorry.
- 11 MR JAY: I think all I'm gently suggesting, Mr Aldhouse, is
- 12 this -- and it's probably fairly obvious now: we have
- 13 possibly the most important investigation involving your
- 14 office, Operation Motorman. It has very serious
- 15 ramifications. It was clearly being ramped up at this
- 16 stage. Mr Thomas had it in mind to make a report to
- 17 Parliament shortly afterwards and he did. Surely you
- 18 were involved, even in informal discussions with
- 19 Mr Thomas, as to the direction your office was taking,
- 20 weren't you?
- 21 A. Well, I think they would only have been casual ones.
- 22 Certainly, I have no recollection of -- I have no
- 23 recollection of, for example, full briefing material on
- 24 the basis of which one could take decisions. I simply
- 25 was not involved to that depth. It might well be that Page 49
- Richard Thomas would have casually said, "We're thinking 1
- 2 of going this way, does it make sense?" But I'm sorry,
- 3 I was involved to a deeper extent than that.
- 4 Q. In terms of important strategic decisions -- and there
- 5 would be quite a few over the course of the working year
- 6 of an Information Commissioner -- was it Mr Thomas'
- 7 practice to involve you, at least informally, in such
- 8 decisions?
- 9 A. You mean over the whole range of activities of the
- 10 office? It would depend. Activities were divided.
- 11 I think I said I spent most of my time by that stage on
- 12 policy matters, particularly European ones, and I had
- 13 quite a considerable degree of independence within that
- 14 area. I think that was probably the way we tended to
- 15 operate.
- Q. So you don't think it's right that Mr Thomas discussed 16
- 17 with you back in 2003 the right strategic approach to
- 18 Operation Motorman, in particular whether it was correct
- 19 or appropriate bring criminal proceedings against the
- 20 journalists?
- 21 A. I have no recollection of being asked did I think we
- 22 should bring proceedings against journalists, and if
- 23 I had been asked, I suppose I would have taken it in two
- 24 steps. First of all, I would want to know that we had
- 25 investigated sufficiently thoroughly to justify that, Page 50

- 1 and then -- well, prosecution was normally left to the
- 2 legal advisers to the Commissioner. I wasn't the
- 3 Commissioner's legal adviser. I -- but I don't recall
- 4 any discussion about should we investigate further.
- 5 I -- no, I think any comment I made after -- would now
 - be coloured by retrospection.
- 7 Q. We know that the legal team, including counsel, were
- 8 under the direction of a policy decision -- counsel's
- 9 advice refers to policy considerations -- which amounted
- 10 to this: that the journalists would not be prosecuted,
- 11 indeed the journalists would not be investigated. Are
- 12 you sure that doesn't chime with your thinking at the
- 13 time, Mr Aldhouse?
- 14 A. It certainly wasn't my thinking, and indeed, I would
- 15 have -- no, if I'd been asked, I would have said we
- 16 ought to look further. I'm sorry, you will have to ask
- 17 the Commissioner -- or the former Commissioner for his
- 18 views

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- O. So in terms of Mr Owens' evidence, which we heard on 19
 - Wednesday, what he attributes to you at the meeting of
- 21 mid-March 2003, you don't remember saying anything along
- 22 these lines: "We simply can't take on the journalists,
- 23 they're too big for us", words to that effect?
- 24 A. I have -- not only do I have no recollection of saying
- 25 that; it is simply the sort of thing I would say and, as Page 51
 - I say, it does not reflect my views of -- or indeed my
- previous practice of dealing with the media.
- 3 MR JAY: Okay. Thank you very much, Mr Aldhouse.
- LORD JUSTICE LEVESON: Could I just ask about that? You've
- 5 mentioned something in 1996. I don't really know what
- 6 that's about. I appreciate it's going back in time, but
- 7 could you just paint it in for me?
- 8 A. Yes. In -- the framework directive '95/46/EC was
- 9 adopted in October 1995, and it contains in article 9
- 10 a provision permitting member states to adopt exemptions
- 11 necessary to protect journalism and similar freedom of
- 12 expression. We, the Commissioner and I, set about
- 13 talking to media representatives to see if we could
- 14 develop a consensus view about how that might be
- 15 implemented in what became the Data Protection Act 1998.
- 16 I spoke to -- oh, I -- no, there was an individual
- who is well known for representing the public affairs 17
- 18 media -- I won't mention her name -- and to a number of
- 19 the representative bodies, the periodical publishers and
- 20 the national newspaper press associations and to groups
- 21 of -- to groups of particularly media lawyers, and as
- 22 I say, we -- the Commissioner and I were quite roundly attacked, not in the public print but in the UK Press
- 24 Gazette, and it was very difficult to get the media to
- 25 engage with the fact that here was a directive which

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1 said that it was, at least in part, to protect the 1 Information Commissioner? There's the Commissioner, 2 2 rights to privacy and there were exemptions and how there's you. 3 should though exemptions be -- how should they be 3 A. Yes. 4 deployed, how should they be enacted, and there was --4 LORD JUSTICE LEVESON: There's the number two --5 I recall quite clearly one occasion, a meeting of media A. Well, there are, of course, two deputies. 6 lawyers at DJ Freeman when they still had a big media LORD JUSTICE LEVESON: Yes. 7 practice. One lawyer stood up -- perhaps I ought not to A. Well, the total staff now, of course, is about 300. 8 name the newspaper he represented -- and said that I was LORD JUSTICE LEVESON: But what was the senior staff then? 9 A. Myself and another deputy. One, two, three, can't simply wasting my time, that it really wouldn't matter, 10 10 remember, four assistant commissioners. Several -- then that the newspaper proprietors would ensure that the 11 11 legislation was enacted to suit them. the -- what are we talking about? A management team 12 12 So I -- yes, those things do stick in my mind. of -- I'm trying to think. It would have been the --13 LORD JUSTICE LEVESON: That's rather interesting, isn't it, 13 possibly 10 or a dozen very senior people. 14 because they were joining battle with you. 14 LORD JUSTICE LEVESON: Okay. You've now seen this materia 15 A. Yes. 15 laid out. 16 LORD JUSTICE LEVESON: The legislation was then passed. 16 A. Yes. LORD JUSTICE LEVESON: You've seen the detail that it A. Yes. 17 17 18 LORD JUSTICE LEVESON: And here, within five years, you had 18 contains and the names and all the material that was 19 19 on your desk -- perhaps not you personally, but the documented at the time. Are you surprised you weren't 20 Commissioner's office had on their desk monumental 20 asked and there wasn't a management discussion about 21 21 potential breach. I'm just trying to think how that this? 22 chimes with your memory. This was precisely what you'd 22 A. Am I surprised? I'm disappointed. Not necessarily 23 been talking about seven years before, the problems that 23 surprised. I know that there was, because it's in my 24 24 the European directive would generate. It was being diary, a -- what must have been a fairly substantial 25 ignored. 25 briefing session in August 2003. Page 53 Page 55 A. Let me see. I -- there are two elements to the 1 LORD JUSTICE LEVESON: Yes. 2 legislation. There's the enforcement powers of the A. And I was on leave that week. My diary shows it. I --3 Commissioner and they are hedged around with lots of 3 well, yes, I'm sure in retrospect it would have been --4 complex procedure to make it very -- well, actually to 4 one could well say: wasn't this big enough for the whole 5 make it rather difficult for the Commissioner to take 5 of the management team to be involved? 6 enforcement action against the media. But I think yes, 6 LORD JUSTICE LEVESON: Not least because you'd gone through 7 you are right that the sort of information that was 7 the battle those few years before, so you knew the 8 exposed this morning certainly indicates the -- what 8 history. 9 should I say? -- conflicts between media practice and 9 A. I certainly had views, anyway, yes. classic data protection, yes. 10 LORD JUSTICE LEVESON: I'm sure, yes. Thank you. 10 LORD JUSTICE LEVESON: Was Mr Thomas the Commissioner at the 11 MR JAY: May I ask a few more? 11 12 time? 12 LORD JUSTICE LEVESON: Yes. That's the process of A. Oh yes. Sorry, not in 1996, no. That was Elizabeth 13 13 inquisitorial proceedings, Mr Jay. 14 France. Elizabeth France retired in 2002. 14 MR JAY: Paragraphs 9 and 10 of your witness statement. 15 Richard Thomas became the Commissioner in late 2002. 15 Let's just get a clue what your thinking might have LORD JUSTICE LEVESON: But does it not chime some memory 16 16 been. We need to throw ourselves back, don't we, to 17 with you -- and I appreciate it's a long time ago --17 2003 and ignore your thinking today. If you look at 18 that here was something which had happened which 18 paragraph 9, you use the present tense: 19 actually you'd gone through the mill with those years 19 "My approach to taking formal action against the 20 before, and here it was coming back to demonstrate the 20 media is as follows." 21 accuracy of the perception that you then had? 21 Can I just clarify your use of the tense. Are you 22 A. I think that's why I said to Mr Jay that had I been 22 saying that's your approach in November 2011 or was that 23 asked at the time, my view would have been we should at 23 your approach at all material times when you were the 24 least have pursued investigation of journalists. 24 deputy? It's the latter, isn't it? 25 LORD JUSTICE LEVESON: I mean, how big is the office of the 25 A. I -- so far as I can tell, it is an approach I would Page 54 Page 56

1 1 have taken at the time, it's the approach I've taken for 1996 on how one might implement article 9 of the 2 2 a long time, but memory plays tricks, so you will directive, and certainly concerns were expressed to me 3 3 forgive me if I'm being cautious. But it is then about -- I have a particular meeting in mind and 4 4 certainly -- perhaps because of my dealings with the certainly concerns were expressed about the fragility of 5 European institutions, this sort of approach is one 5 local newspapers and the legal threats they felt they 6 which I have held for a long time. 6 were under. 7 7 Q. You say then in the next sentence: MR JAY: Operation Motorman wasn't involved or concerned 8 "The Commissioner has strong powers, which should be 8 with local newspapers, was it? 9 used in relation to the media with particular A. No, absolutely not. 10 discretion." 10 Q. Can I look at the practical issues you raise in 11 A. Yes. 11 paragraph 10, please. You set out what the section 12 O. You refer to Article 8, et cetera, et cetera, and at the 12 provides. In the second sentence: 13 end of this paragraph you say: 13 "There are practical challenges in the investigation 14 "The pursuit of individual journalists could have 14 of the involvement of individual journalists in such 15 15 cases in demonstrating ..." a chilling effect on those rights." 16 16 Then you make three points: 17 Q. Aren't you telling us there that that would militate in 17 "... first the degree of knowledge on the part of 18 favour of not pursuing journalists, or at least being 18 the individual journalist ..." 19 19 very careful about doing so? That you can find out just by interviewing them, 20 A. Certainly about being very careful. I -- yes, this is 20 can't you? 21 21 A. I think that takes me to the third point. a rather short statement and rather compressed. I don't 22 wish -- I don't wish to speak up for or be seen to be 22 O. Which is what? 23 speaking up for the practices that have already been 23 A. Which is: why should a journalist respond to our request 24 24 exposed to the Inquiry, but I suppose I am concerned for interview? The Commissioner has no power of arrest, 25 25 that if one talks about the press and journalism has no power to compel people to speak to him. These --Page 57 Page 59 1 generally, that you shouldn't catch up the innocent 1 we would be seeking to interview journalists presumably 2 2 along with the guilty. I have a particular concern as prospective defendants to a criminal action. They 3 because of meetings I've attended and things that have 3 would have to be cautioned. A well-advised journalist 4 been said to me about consequences for local newspapers. 4 would simply say nothing. 5 I mean, if I have an anxiety, and the effect -- the 5 Q. Let's explore that, Mr Aldhouse. Just cherry-pick, as 6 problem of a chilling effect, it's for the Gloucester 6 a starting point, the very best cases: the CRO cases, of 7 Citizen, the Oxford Mail, the Farnham Herald and the 7 which there aren't very many, but you could take 8 Nutsford Guardian, not the Sun and the Daily Mail. a sample, and the family and friends cases. The 9 LORD JUSTICE LEVESON: But that wouldn't be to permit them 9 Information Commissioner's office would then make 10 to breach Section 55, would it? 10 a request to interview the individual journalists and 11 11 possibly the individual editors, having pointed out, as 12 LORD JUSTICE LEVESON: What you're concerned about is the 12 must be obvious, that there's a strong prima facie case 13 viability of local newspapers providing a local service 13 which needs to be rebutted. Are you saying that 14 for the local communities, I assume? 14 practical obstacles would have been put in your way 15 A. Yes. But local newspapers have been concerned about the 15 which were so great that your investigations might have 16 way that, for example, defamation has been used to put 16 been thwarted? them in some financial difficulty, and I wouldn't 17 17 A. Well, the investigations might have been thwarted but 18 want -- I wouldn't want a data protection legislation to 18 I think the tenor of your questions is: shouldn't you at 19 simply be another rod to beat their backs with. 19 least try? I think I agree with that. 20 LORD JUSTICE LEVESON: I'm sorry, Mr Jay. Has any local 20 LORD JUSTICE LEVESON: But actually, they wouldn't 21 newspaper ever suggested to you that they were concerned 21 necessarily be thwarted because if you have a paper 22 22 that Section 55 of the Data Protection Act was going to trail that takes you from the journalist on the one hand 23 cause them difficulty? 23 to Mr Whittamore on the other and all the material, as 24 A. Not in so -- no, because the time -- my discussions 24 you've now seen, which you've explained you hadn't seen 25 predate that. I'm thinking back to my discussions in 25 before, if he says nothing, then the prima facie case

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your would be right, and then it's a question of: s there a public interest defence? Now, I think I heard some remarks from you, sir, cardier that – how could his possibly be a public interest defence in these cases? I think it's worth of learning in mind that we're talking about 2003, and large in any of the lawyers in 2002 saying – how can I choose my and the lawyers in a saying and the law	1	there stands unrebutted.	1	defence. I'm merely trying to put myself back in how we
shere a public interest defence? Now, I think I heard some remarks from you, sir, a earlier that how could this possibily be a public interest defence in these cases? I think it sworth bearing in mind that we're talking about 2003, and 1 I certainly remember discussions between senior staff and the lawyers in 2002 saying how can I choose my words correctly? The remarks of the Lord Chief Justice in A v B, the Garry Flitterfor case, were not helpful in now, admittedly we're talking about a case that in now, admittedly we're talking about a case that in now, admittedly we're talking about a case that in interest in having economically viable newspapers, and for that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell they had to print things that they had to sell of trained that they had to sell of trained they had to sell of the	2	A. Um I wonder whether well, let me accept that the	2	reacted to certain legal decisions in 2002, 2003. And,
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Now, I think I heard some remarks from you, sir, carrier that how could this possibly be a public interest defence in these cases? I think it's worth bearing in mind that we're talking about 2003, and to I certainly remember discussions between senior staff. If and the lawyers in 2002 saying how can I choose my and the lawyers in 2002 saying how can I choose with a sory, southers and the public interest defence in the court of Appeal signtly modified those used, but nonetheless it did rather discourage the people like ourselves, senior staff in the Page 61 1 Commissioner's office, from thinking there's a good	4	you would be right, and then it's a question of: is	4	constructed to achieve just what you are saying.
earlier that — how could this possibly be a public interest defence in these cases? I think it's worth bearing in mind that we're talking about 2003, and 10 I Certainly remember discussions between senior staff 1 and the lawyers in 2002 saying — how can I choose my 12 words correctly? The remarks of the Lord Chief Justice 13 in A v B, the Garry Flitcroft case, were not helpful 1 in — now, admittedly were talking about 2003, and 1 in — now, admittedly were talking about a case that could be distinguished. It was a civil case, it was 15 could be distinguished. It was a civil case, it was 15 could be distinguished. It was a civil case, it was 16 interest in having economically viable newspapers, and 16 for that they had to sell—they had to print things 10 that the public were interested in, even if it was 21 title-tartle. 22 Now, I know that in the Court of Appeal signty modified those used, but nonetheless it did rather discourage 25 people like ourselves, senior staff in the Page 61 Commissioner's office, from thinking there's a good — you know, there's a possibility of prosecutions in this 3 sort of case because we thought well, we been a policy decision not to pursue the 10 journalists because you're expressing views which are 21 carried to 10 call that they are 11 carried to 10 call that they are 12 carried to 10 call discharge the order that I made last Monday, which imposed a restriction on the publication of those statements. 11 carried to 10 carried that the carried to 10 carried to 10 call discharge the order that I made last Monday, which imposed a restriction on the publication of those statements. 11 carried to 10 carried to 10 call discharge the order that I made last Monday, which imposed a restriction on the publication of those statements. 12 carried to 10 carried that the carried to 10 carr	5	there a public interest defence?	5	LORD JUSTICE LEVESON: Well, maybe I'll have to re-look at
interest defence in these cases? I think it's worth bearing in mind that we're talking about 2003, and locaring in mind that we're talking about 2003, and locaring in mind that we're talking about 2003, and locaring in mind that we're talking about 2003, and locaring in mind that we're talking about 2003, and locaring in mind that we're talking about ac ase that words correctly? The remarks of the Lord Chief Justice in A v B, the Garry Flitcroft case, were not helpful in now, admittedly we're talking about a case that could be distinguished. It was a civil case, it was interest defence, in the court of the count of the	6	Now, I think I heard some remarks from you, sir,	6	A v B. All right.
bearing in mind that we're talking about 2003, and 10	7	earlier that how could this possibly be a public	7	
10	8	interest defence in these cases? I think it's worth	8	
and the lawyers in 2002 saying — how can I choose my words correctly? The remarks of the Lord Chief Justice 1 in A very 8 the Garry Flitter of tease, were not helpful 1 in — now, admittedly we're talking about a case that could be distinguished. It was a civil case, it was 1 in merest in having exonomically viable newspapers, and 1 interest in having economically viable newspapers, and 1 for that they had to sell — they had to print things 1 tittle-tattle. 20	9	bearing in mind that we're talking about 2003, and	9	
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in A v B, the Garry Flitcroft case, were not helpful in — now, admittedly we're talking about a case that could be distinguished. It was a civil case, it was interim relief, but remarks which suggested that there was a public interest in having economically viable newspapers, and for that they had to sell — they had to print things that the public were interested in, even if it was it ittle-tattle. Now, I know that in the Court of Appeal six months tale, a different Court of Appeal slightly modified those used, but nonetheless it did rather discourage people like ourselves, senior staff in the Page 61 Commissioner's office, from thinking there's a good — poople like ourselves, senior staff in the Page 61 Commissioner's office, from thinking there's a good — you know, there's a possibility of prosecutions in this as ort of case because we thought: well, the journalists have got a fairly casy route to establishing a public interest defence. The world has moved on, of course, and maybe the courts wort see it that way. MR JAY: But all this is demonstrating is that there may well have been a policy decision not to pursue the option of the poople who were the subject of these enquiries — the people who were the subject of these enquiries — trained at the people who were the subject of these enquiries — trained at the series, in you might as well then say that data protection doesn't run to journalists. A. First of all, I don't say that there's a public interest. A. First of all, I don't say that there's a public interest. A. First of all, I don't say that there's a public interest. A. First of all, I don't say that there's a public interest. A. First of all, I don't say that there's a public interest. A. First of all, I don't say that there's a public interest. A. First of all, I don't say that there's a public interest. A first of all, I don't say that there's a public interest. A first of all, I don't say that there's a public interest. A first of all, I don't say that there's a public interest. A f	11	and the lawyers in 2002 saying how can I choose my	11	LORD JUSTICE LEVESON: We'll have a few minutes' break.
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1 I Shall respond appropriately. Thank you all very much for your assistance. Let's wait until 2 o'clock. Thank of the responding properties of the properti				
2 For your assistance. Let's wait until 2 o'clock. Thank 3 MR CARNHAM: Yes. We would encourage you, sir, to remain of 3 3 MR CARNHAM: Yes. We would encourage you, sir, to remain of 3 3 you. 4 (12.08 pm) 5 something that affects the core participants as well as 5 your team. It's inevitable that some statements come 6 or our quite late because the process is a rapidly moving 7 one, and if we are to give my consideration to the 9 potential effect of that so that we can make a decision 10 as to whether representations need to be made, we need 11 at least the time between the publication of the 12 statement to core participants and the calling of the 13 witness. If it's going to be reased publicly dealier 14 than that, that makes that task impossibly difficult. 14 I would add, sir, that you are entirely right, if 15 I may say so respectfully, that if you allow the 16 publication of statements before the witness gets to 17 that that witness table, the matter will be debated in the 18 press long before the evidence is tested here, and that 19 press long before the evidence is tested here, and that 19 press long before the evidence is tested here, and that 20 ought not to be so. 21 LORD IUSTICE LEVESON: Thank you. Does anybody have any 21 22 other view? 22 other view? 23 MR DAVIES: It's not another view, but I was hoping to echo 24 what Mr Garnham says about timing. I could see an 25 argument for another view, but it was they are some of the process of the son of the past we've wanted all the statements to be ready as 25 soon as witness were viginate, and that 26 LORD IUSTICE LEVESON: In understand that. 3 MR SHERBORNE: It's got better. Unfortunately, it's 3 slightly too hat for my witnesses, but I'm one origing to 26 carp. In terms of the approach from now on, we 27 carriating would endorse the principle, sir, that you've 28 adopted. 3 MR DAVIES: It's post home one one or one of the participle, sir, that you've 3 adopted. 4 MR CAPLAN: Yes, please. 3 LORD JUSTICE LEVESON: Thank you very much. Anyhody else 3 was you sub	1	LORD JUSTICE LEVESON: It's certainly my present stance,	1	I shall respond appropriately. Thank you all very much
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