Q. When did that one start? 1 Monday, 6 February 2012 A. That was a scoping operation at the beginning and it 2 (10.00 am) 3 LORD JUSTICE LEVESON: Good morning. really only started -- the actual investigation --4 fairly recently, so only autumn. MR JAY: Sir, the first witness today is Sue Akers, please. 5 LORD JUSTICE LEVESON: Thank you. 5 LORD JUSTICE LEVESON: Could I just express my gradual duty 6 MS SUSAN AKERS (sworn) 6 for the assistance you've provided to the Inquiry. 7 7 Questions by MR JAY I have taken considerable care not to prejudice any of 8 your investigation, so I hope I haven't. 8 MR JAY: Make yourself comfortable, please, and can you 9 A. Thank you. please provide the Inquiry with your full name? 10 MR JAY: Owing to the size of these operations -- and you're A. Yes, Susan Akers. 10 11 11 Q. Thank you very much. You provided the Inquiry with going to tell us in a minute the number of staff who are 12 12 a witness statement dated 11 November of last year. dedicated to each of them -- your role is one of 13 There's also an open framework document of 4 November of 13 oversight. 14 last year and further open document, I think of Friday's 14 A. Yes. 15 date, 3 February of this year, relating to the three 15 Q. And you report to the Deputy Commissioner? 16 operations which we're going to discuss in due course. 16 A. My -- who I report who has changed. I started by 17 But first of all, about yourself: the witness statement 17 reporting to the Assistant Commissioner. Then, when we 18 is signed and dated by you. It is, therefore, your 18 had a change at the top, I reported to the Acting Deputy 19 Commissioner, and then another Deputy Commissioner and 19 formal evidence to the Inquiry; is that right? 20 A. That's right. 20 now an Assistant Commissioner again. 21 21 Q. Of course, there were previous operations into the issue Q. You are now a Deputy Assistant Commissioner in the 22 Metropolitan Police Service. Your statement deals with 22 of phone hacking, which you describe in paragraphs 10 to 23 23 your earlier career. You were awarded the Queen's 12 of your statement. These are matters which we're 24 24 Police Medal for services to policing in the 2007 going to cover in the second module of this Inquiry, so 25 Queen's birthday honours, and your remit is described in 25 I'm not going to ask you questions about that now. What Page 1 Page 3 paragraph 6 of your statement; is that right? I am going to do is to see where we are current state of 1 1 2 2 A. That is right. play on each of these operations. First of all, 3 3 Q. Paragraph 7, if I could deal with that specifically. Operation Weeting. 4 You've led several of the highest profile MPS 4 LORD JUSTICE LEVESON: Before you do, in relation to the 5 investigations, and there are four of these: first, 5 earlier investigations, I think it's right to explain 6 6 allegations of complicity in the torture of detained that not only will I be asking for assistance from you 7 suspects by British officials. Is that an ongoing 7 in relation to what happened in the past but also 8 investigation? 8 prosecuting authorities and the relevant officers. But 9 9 anybody who feels that they're going to gain insight A. That's an investigation that was concluded only two 10 10 weeks ago. into that at this stage is going to be disappointed Q. Thank you. Then three investigations which are relevant 11 because I don't feel that's the focus of the present 11 12 to this Inquiry: Operation Weeting, which relates to 12 Inquiry. 13 13 A. (Nods head) allegations of phone hacking; is that right? 14 A. That is right. 14 MR JAY: Operation Weeting first. I'd like to deal with the 15 O. That, I think, started in January of 2011; is that 15 issue of victim notification. 16 correct? A. Are you happy for me to use my notes? 16 17 17 A. That's correct. Q. Absolutely. You had provided on Friday a document 18 called "Summary of victim notification", 3 February 18 Q. Then Operation Elveden, allegations of police 19 19 2012. corruption, if I can describe it generically in that 20 way. Is that correct? 20 A. My note says the 6th. 21 A. That's the one that began in June 2012, yes. 21 Q. All right. You have a slightly later incarnation, 22 22 Q. Then Operation Tuleta, allegations that private I assume, of the same document, because I know the 23 investigators hacked into computers for private 23 figures are identical. 24 information on behalf of journalists? 24 A. Yes. 25 25 A. Yes. Q. Can we just run through this? This has been supplied to Page 2 Page 4

- 1 the core participants. I'm not quite sure whether it's
- 2 available for dissemination on screen but in order to
- 3 identify it -- I don't have a URN number for it -- it is
- 4 the third page of the framework document for
- 5 Operation Weeting. It isn't available on screen. I'll
- 6 take a little bit more trouble to identify the component
- 7 parts of this document.
- 8 First of all, DAC Akers, we see potential victims:
- 9 6,349. We know from your evidence that there are 11,000
- 10 pages in the Mulcaire material, if I can describe it in
- 11 these terms. The 6,349 figure, what does that mean,
- 12 please?
- A. That means that we have got names who are people we can 13 13
- 14 identify that are in all the material that we hold. So
- 15 most of it will be the 11,000 pages of the Mulcaire
- 16 documents.
- 17 Q. So these are identifiable names, but there isn't
- 18 necessarily a phone number or anything else which ties
- 19 in with these names; is that correct?
- 20 A. That's correct, yes.
- 21 Q. Then the next category is potential victims with a phone
- 22 number, 4,375 names. So that is a subset, presumably,
- 23 of the 6,349, and as the brackets suggest -- or as,
- 24 rather, the category suggests -- we have here a phone
- 25 number which links up with the name; is that correct?
 - Page 5
- 1
- Q. Then the next category is "Total people contacted by 2
- 3 Operation Weeting (including those that wrote in but do
- 4 not appear in the material)": 2,900 individuals. Does
- 5 that suggest that a significant number of people wrote
- 6 in to you believing that they might be in the Mulcaire
- 7 material, seeking confirmation from you one way or the
- 8 other whether that was so?
- A. That's exactly the position, yes.
- 10 Q. The next category is "Total people contacted who appear
- 11 in the material": 1,578 names. This, again, is a subset
- 12 of the 2,900?
- 13 A. Yes.
- 14 Q. So these are people who you can identify in the Mulcaire
- 15 and related material; is that right?
- 16 A. They are people who have been contacted.
- Q. Who have been contacted by you. And of those, we have 17
- 18 likely victims: 829?
- A. Yes. We've defined "likely victims" as those that have 19
- 20 detail around their names that would make it -- suggest
- 21 to us that they had either been hacked or had the
- 22 potential to be hacked. So some kind of detail that
- 23 would enable a hacking to take place.
- 24 Q. So to be clear about that, obviously there is a phone
- 25 number -- we know that from the second category, the Page 6

- 1 4,375 names, of which this is a subset -- but there is
- 2 additional material which suggests at the very least the
- 3 potential for hacking because there's evidence, for
- 4 example, of unique voicemail numbers, PIN numbers or
- 5 whatever --
- 6 A. Yes.
- 7 Q. -- which raises the level of suspicion to the point at
- 8 which you can say the potential is there is to have
- 9 hacked into this phone?
- 10 A. That's exactly right.
- 11 Q. Is it right that in relation to some of these 829,
- 12 there's yet further evidence, such as recordings of
- voicemails, which may or may not be of additional
- 14 assistance?
- 15 A. Yes.
- 16 Q. So we focus then on the 829 and keep that figure in your
- minds. Of those, you have contacted 581; is that 17
- 18 correct?

- 19 A. We've contacted all those people who are -- we are able
 - to contact; in other words, who we've been able to
- 21 identify and get hold of.
- 22. Q. So 581 you have in fact contacted. 231 are
- 23 uncontactable because of unidentified UVNs -- that's
- 24 unique voicemail numbers -- voicemail messages and
- 25 common names, et cetera. So there are all sorts of Page 7
- A. Yes, that's correct. 1 individual reasons why you haven't been able to contact

2

3 who haven't been told for operational reasons; is that

people. There's 231 of those. Then there are 17 people

- 4 right?
- 5 A. Yes, that's right.
- 6 Q. And if you add up the 581, 231 and the 17, you get to
- 7 the 829, which is the total figure.
- 8 A. Yes.
- 9 Q. Can we just see the current state of play with the
- 10 investigation. A total of 17 individuals have been
- 11 arrested; is that right?
- 12 A. That's right.
- Q. What has happened in relation to the 17, if anything? 13
- 14 A. Two of those have had no further action taken against
- 15 them. The remaining 15 are on bail.
- 16 Q. And I think most of these will return to answer their
- 17 bail in March; is that correct?
- 18 A. That's right, yes.
- 19 Q. The investigation strategy. Could you tell us in
- 20 a nutshell what that has been, please?
- 21 A. Well, it's been focused on identifying, securing and
- 22 analysing the evidence that's connected with the
- 23 offences that are under investigation, so offences under
- 24 RIPA and computer misuse.
- Q. Thank you. So the evidence comprises both real evidence Page 8

2 (Pages 5 to 8)

- 1 and witness evidence. The real evidence, if I can
- 2 identify it in these terms: the Mulcaire documents --
- 3 these are the 11,000 pages -- various email exchanges --
- 4 is that right?
- 5 A. Yes.
- 6 Q. -- audio tape recordings of voicemails being hacked,
- 7 notes of hacked voicemails and telephone records; is
- 8 that correct?
- 9 A. Yes, that's right.
- $10\,\,\,\,\,\,$ Q. What about any witness evidence? Is there any of that
- 11 that you've been able to obtain?
- 12 A. We have a number of key witnesses that we will want to
- see, and that process is ongoing now. It will take
- 14 a few more months.
- 15 Q. Thank you. Can you assist us, please, on the issue of
- emails. I think you were originally told that emails
- had been deleted from the system but you have been able
- to reconstruct the email database?
- 19 A. Yes, we've rebuilt -- experts have rebuilt material that
- we thought had been lost, and that was completed towards
- 21 the end of November last year. So we're now going
- through that material.
- 23 Q. Thank you, and the scale of the exercise: 300 million
- emails in all, I think --
- 25 A. Yes.

Page 9

- Q. -- have been retrieved and reconstructed and you are
- 2 presumably using various sophisticated search means in
- 2 presumately using various sopinisticated search in
- 3 order to interrogate the database --
- 4 A. Yes.

1

- 5 Q. -- and bring out the material you require; is that
- 6 correct?
- 7 A. Yes, that's right.
- 8 Q. Is that process of interrogation at a relatively
- 9 advanced stage?
- 10 A. It is, yes.
- 11 Q. Thank you. Are there also documents which have been
- archived which you've been able to look at?
- 13 A. Yes, we've found an archive of hard copy material that
- we are in the processes of going through as well.
- 15 Q. Okay. You probably don't want to give a timescale for
- this but overall you're probably nearer the finishing
- line than the starting gun; is that right?
- 18 A. I'd like to think so, yes.
- 19 LORD JUSTICE LEVESON: Yes.
- 20 MR JAY: Thank you. It has taken some time, but I think you
- also wish to point out that there have been ongoing
- inquiries. Not just this is Inquiry; there's civil
- 23 litigations, in which you've been involved as a third
- 24 party. There's been a judicial review, which has,
- 25 I think, been compromised, and other ongoing --

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- 1 A. And two select committees as well that have --
- 2 LORD JUSTICE LEVESON: To say nothing of the time that I've
- 3 taken up.
- 4 MR JAY: In order to understand the resource implications of
- 5 this, how many staff are dedicated to Operation Weeting?
- 6 A. About 90.
- 7 Q. Does that include police officers and support staff?
- 8 A. It does, and of those 90, there's about 35 that are
- 9 dedicated to the victims, which has been quite
- 10 time-consuming.
- 11 Q. Thank you. We'll hear in due course the resources which
- were applied to earlier operations. That's an issue for
- module 2; we won't address that now.
- I move on to the next operation, which is Operation
- 15 Elveden, which is the inquiry into police corruption.
- 16 The focus there, is this right, is on cash payments to
- 17 police officers?
- 18 A. That's right.

20

- 19 Q. You mentioned the offences which are relevant to
 - Operation Weeting. The offences which are relevant to
- 21 Operation Elveden are offences under the 1986 Prevention
- of Corruption Act which was in place at the material
- time, which, of course, has been repealed. I think
- 24 there's also the common law offence, is this right, of
- 25 misconduct in public office?

Page 11

- 1 A. There is, yes.
- 2 Q. As far as you're concerned -- it may be self-evident --
- 3 is there a public interest in pursuing these matters?
- 4 A. Yes. If the public think that information is being
- 5 leaked by police officers to journalists, then it is
- 6 inevitable that public confidence is eroded, so as far
- 7 as we're concerned, there is a very legitimate public
- 8 interest in investigating this.
- 9 Q. Thank you. The resources which have been dedicated to
- this operation, how many officers and staff are we
- 11 talking about, please?
- 12 A. We have 40 police officers and staff, but we are going
- 13 to grow the team to take account of the fact that we
- moved last weekend into investigation into the Sun, or
- 15 journalists within the Sun.
- 16 Q. Yes. We'll cover that in a moment. So you're hoping to
- expand the team, I think, to 61 officers?
- 18 A. That's right, yes.
- 19 Q. To date, how many arrests have there been?
- 20 A. 14. That's three police officers and one arrest by the
- 21 IPCC, who are involved because of the allegations of
- corruption against police officers. And they're
- supervising that aspect of Elveden.
- 24 Q. Thank you. Now a general point which I think should be
- 25 made is that have you been receiving assistance by the Page 12

3 (Pages 9 to 12)

- 1 MSC, which, of course, is the independent review team
- 2 within News International?
- 3 A. The Management Standards Committee in
- 4 News International. Yes, we have been receiving --
- 5 we've got a co-operative working relationship with them,
- 6 and they are the people who have passed us information
- 7 upon which we've made arrests, as well as supplying
- 8 information to us when we've made requests.
- 9 Q. Thank you. In terms of the chronology, if you look at
- the first period, June to December 2011, did the inquiry
- focus on initial disclosures that identified an
- 12 ex-News of the World journalist who may have paid police
- 13 for information?
- 14 A. Yes, that's right.
- 15 Q. And were others within the News of the World also
- arrested at that point?
- 17 A. They were.
- 18 Q. And without naming anybody, what was their role or
- 19 position within the News of the World?
- 20 A. They varied, but the positions were reasonably senior.
- 21 Q. Thank you. Did the inquiry involve going through large
- volumes of business records and email searches in the
- same sort of way as we've seen for Weeting?
- 24 A. Yes, it did.
- Q. In relation to that specific aspect of the Inquiry, have Page 13

uge 13

- any police officers been identified as suspects?
- 2 A. Not in relation to the initial lines which emanated from
- 3 the emails in June, no.
- 4 Q. I think the line of inquiry developed into looking into
- 5 a News of the World journalist that had met with many
- 6 police officers, there being evidence that some may have
- 7 received cash payments; is that correct?
- 8 A. Yes. Yes, that's the journalist that was arrested
- 9 in December.
- 10 Q. But again, no police officers have been identified as
- 11 suspects as yet?
- 12 A. Not yet, no.
- 13 Q. I think there may be a general issue here. You were
- able to identify journalists as a result of these
- searches. What, if anything, is the difficulty in
- 16 identifying police officers?
- 17 A. Well, the material upon which we're basing it has come
- from the newspaper, so the journalists are identified.
- 19 They don't, as a general rule, identify by name their
- sources, and so -- and they would certainly seek to
- 21 protect any public official that they are making
- 22 payments to because they would know that -- I would hope
- they would know that it's illegal to do so.
- 24 Q. So when you are examining the journalists' own records,
- 25 there is a singular lack of information which would

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- 1 enable you to identify the police officers. You need to
- 2 attain that information by other evidence; is that
- 3 correct?
- 4 A. Yes.
- 5 Q. If that evidence is available.
- 6 A. If we can.
- 7 Q. Go back to the chronology, December 2011. I think the
- 8 email searches eventually identified an officer from
- 9 specialist operations, or that directorate, who had had
- suspicious contact with the News of the World. Was that
- officer arrested in December 2011?
- 12 A. Yes.
- 13 Q. A Sun journalist -- and this is all in the public
- domain -- was arrested in November 2011. Where did the
- information come from which enabled you to authorise
- 16 that arrest?
- 17 A. That came from the internal review which was being
- 18 conducted by the Management Standards Committee at
- 19 News International into their other papers.
- 20 Q. Now, we know it was on Saturday, 28 January 2012, that
- 21 further Sun employees were arrested. Again, that is all
- in the public domain.
- 23 A. Yes.
- 24 Q. Where did the information come from which enabled those
- 25 arrests to take place?

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- 1 A. It came from the disclosures, again, from the Management
- 2 Standards Committee, as well as our own analysis of the
- 3 material that we've been handed.
- 4 Q. The position here -- we're not going to name the
- 5 journalists in this Inquiry but the information is all
- 6 in the public domain. Anybody can Google it, frankly.
- 7 There are four journalists, one police officer and
- 8 I think one further journalist who --
- 9 A. Is abroad.
- 10 Q. -- is abroad at the moment.
- 11 I think there's one general issue again which you'd
- 12 like to mention here, which I'm not saying is impeding
- your inquiry but may explain why it proceeds in
- 14 a certain way, and that's the issue of PACE 1984 and
- 15 Article 10 and the journalist exception. Are you in
- 16 a position to obtain production orders against
- 17 newspapers and/or journalists?
- 18 A. All the legal advice that we've had has told us that
- 19 whilst you have the co-operation of News International,
- as it is in this case, we must proceed by the way of
- 21 protocol, and that's what we're doing. So it's
- voluntary disclosure as opposed to applying for
- a production order through PACE.
- 24 LORD JUSTICE LEVESON: Yes, because PACE makes it clear that
- 25 if there are other ways of getting the information, you

- 1 have to try them.
- 2 A. Absolutely.
- 3 LORD JUSTICE LEVESON: And you're not entitled to seek
- 4 a warrant if somebody's prepared to provide the
- 5 information to you voluntarily.
- 6 A. Absolutely.
- 7 LORD JUSTICE LEVESON: I think I might be responsible for
- 8 a Divisional Court decision to that effect.
- 9 MR JAY: It may have been clearer in relation to Operation
- Weeting what the possible time scales were. In relation
- 11 to Elveden, this is an ongoing inquiry. Is this right:
- one can't really say when, if at all, the position might
- be attained when charges could be brought or --
- 14 A. I wouldn't be able to say that anyway, because it's the
- 15 CPS that make the decisions as to timing and what, if
- any, charges would be brought, but I think I'm less
- 17 confident in saying that I think we're nearer the end
- than the beginning on Elveden than I was when I made
- 19 that comment about Weeting.
- 20 Q. Thank you very much.
- 21 LORD JUSTICE LEVESON: Do I gather from your evidence and 21
- your statements that in fact the Metropolitan Police are
- working extremely closely with the
- 24 Crown Prosecution Service throughout each one of these
- 25 investigations?

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- 1 A. Absolutely, and that's really increased over the last
- three months, I think, where we have pretty much
- 3 dedicated lawyers working alongside us.
- 4 MR JAY: Thank you. The last operation is Operation Tuleta.
- 5 I'm not sure how you prefer to pronounce it; it probably
- 6 doesn't matter. You provided again an open framework
- 7 document, which is largely self-explanatory, but can
- 8 I just draw out a few points here. The first of them:
- 9 what are the resources dedicated to this operation?
- 10 A. They're much smaller than the previous two, because
- we're only dealing with -- we're scoping it and then
- looking and seeing whether we are going to embark upon
- a full investigation, and at that point then we will
- look at the resources that we'll attach to each
- investigation. So there's a smaller number of officers,
- the numbers of which I don't have to hand, but I think
- it's something in the region of -- or will be, when
- we've resourced it -- about 20.
- 19 Q. Thank you. At present, this is at the scoping stage; is
- 20 that right? But you're looking or assessing, rather, 57
- separate allegations of data intrusion?
- 22 A. Yes.
- 23 Q. This does overlap, to some extent, with Operation
- Weeting because these include allegations of phone
- hacking, but they're more specifically computer hacking Page 18

- and then other medical and confidential records?
- 2 A. Yes.
- 3 Q. You say in paragraph 4:
 - "The allegations are of an historic nature."
- 5 How far back are we talking there, please?
- 6 A. Some of them are connected with investigations that go
- 7 a very long way back, back into as long ago as the late
- 8 1980s, but -- I don't have the exact dates to hand but
- 9 some are connected with very historic investigations
- that the Met has undertaken.
- 11 Q. Thank you. And some are more recent, and it ties in
- with some evidence we heard, I think it was on
- 13 28 November.
- 14 In terms of the scale of the electronic data, you
- refer to four terabytes of data, which I understand to
- be a vast amount.
- 17 A. Yes.
- 18 Q. I'm sure exactly how --
- 19 A. I think a terabyte is one billion.
- Q. I think the whole of -- well, anyway, it's a lot.
- 21 LORD JUSTICE LEVESON: Well, if you printed it out, what
- 22 would it look like?
- 23 A. I've no idea. It would be a huge amount. Vast.
- 24 MR JAY: Can you deal with paragraph 5. You deal with the
- 25 allegations which are being considered.

Page 19

- 1 A. Well, we've had an allegation of -- these are the
- 2 allegations where we have put the matter before the
- 3 Crown Prosecution Service and they have decided that
- 4 there will be no further action taken. They include an
- 5 allegation of blackmail in connection with the
- 6 publication of a newspaper story, an allegation of
- 7 breach of anonymity under the Sexual Offences Act by
- 8 newspapers, and allegations of telephone interceptions
- 9 against a person who was awaiting trial for
- 10 manslaughter.
- In the first two, there was insufficient to
 - prosecute, and in the last one, our enquiries were able
- to prove that those interceptions didn't occur.
- 14 Q. But there are other diverse allegations that remain
- 15 active and you list those.
- 16 A. Yes.

- 17 Q. These are all issues which are being considered but have
- not been taken, obviously, to the stage of making any
- 19 arrests.
- 20 A. That's right.
- 21 Q. At this stage, of course, you can only give us the very
- 22 general picture through fear of prejudicing your
- 23 investigations.
- 24 A. Yes.
- 25 Q. Finally, can you tell us about Operation Kalmyk? What Page 20

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23

- 1 does that relate to?
- 2 A. This relates to illegal accessing of computers belonging
- 3 to others for financial gain and this is the one of them
- 4 that has been a full investigation as a result of the
- 5 scoping exercise that Tuleta has undertaken, and an
- 6 arrest has been made. In that incidence, one person is
- 7 arrested and is on police bail until March.
- 8 Q. Thank you. You explain this was the subject of the BBC
- 9 Panorama programme, which some of us have seen.
- 10 A. Yes.
- 11 Q. That brings us, I think, up to date with the current
- position, insofar as you can tell us about those matters
- without prejudicing your investigation. It's already
- been made clear that this Inquiry is not concerned at
- this stage to look at the position before you arrived on
- the scene -- in other words, between 2006 and early
- 17 2011 -- since those are matters which fall really within
- 18 the scope of module 2 and will be considered in due
- 19 course.
- Those are all the questions I had for you. There
- 21 may be some further questions.
- 22 LORD JUSTICE LEVESON: I don't think so. Deputy assistant 22
- Commissioner, I hope you'll be prepared to keep the
- 24 Inquiry informed as to the likely timeline that your
- 25 investigations take, because I repeat that I have no
 - Page 21
- wish to cause any difficulty to your enquiries; equally,
- 2 my train isn't stopping.
- 3 A. I understand that, and we'll do everything we can to
- 4 make sure you're kept fully up to date.
- 5 LORD JUSTICE LEVESON: Thank you very much indeed.
- 6 MR JAY: Thank you.
- 7 The next witness is Mr Wootton, please.
- 8 MR DANIEL JOHN WILLIAM WOOTTON (sworn)
- 9 Questions by MR JAY
- 10 MR JAY: Your full name, please?
- 11 A. Daniel John William Wootton.
- 12 Q. Thank you very much. You've provided a written
- statement to the Inquiry, the first page number of which
- is O2616. The version I have is not signed and dated,
- but subject to one correction, is this your formal
- 16 evidence to the Inquiry?
- 17 A. It is, yeah.
- 18 Q. The correction you wish to make is to paragraph 10.1.
- 19 You've sent in some revised wording which you wish to
- adopt.
- 21 A. Yes.
- 22 Q. If it's not in the version which is on screen in due
- course, we will address it specifically.
- You were going to give evidence in December, along
- 25 with other News of the World witnesses, if I can so

Page 22

- describe it, but to suit your then availability, we've
- 2 put you back to this point, so people understand why
 - you're giving evidence now.
- 4 You were employed, I think, by the News of the World
- 5 between February 2007 and its closure in July 2011; is
- 6 that correct?
- 7 A. Yes.
- 8 Q. Can I deal with your background first of all. You tell
 - us in your statement you were born and raised in New
- 10 Zealand and you studied at Victoria University,
- 11 Wellington. You then started a career in journalism.
- 12 You worked for a national broadsheet in New Zealand and
- then a television station, but you moved to the United
- 14 Kingdom in December 2004, where, after working in
- various ways and capacities, you joined the
- News of the World in February 2007; is that correct?
- 17 A. That's right, yes.
- 18 Q. Can I just deal with your career in New Zealand to this
- 19 extent: is there a difference in culture between New
- 20 Zealand and the United Kingdom, speaking very generally?
- 21 A. Well, the set-up of the newspaper world and the media in
- New Zealand is very different. I guess it's a more
 - American-style newspaper market. So every main regional
- 24 centre has one main broadsheet newspaper and there's no
- 25 real tabloid culture.

Page 23

- 1 Q. Thank you. When you joined the News of the World, were
- 2 you given any assurances about phone hacking and related
- 3 matters?
- 4 A. Yes. I mean, when I joined, obviously it was after
- 5 the -- after Clive Goodman and Glenn Mulcaire had gone
- 6 to jail but yes, I mean, myself and the rest of the
- staff were obviously assured that that was an individual
- 8 case, but I think -- I guess the main thing that was
- 9 most important for me is that when I started, it was
- made absolutely clear that that sort of behaviour would
- 11 not be tolerated in any way under Colin Myler.
- 12 Q. Thank you. In paragraph 1.3 of your statement, 02617,
- you explain that initially your line manager was
- 14 a Mr Stenson, who was head of features. You were
 - promoted to TV editor in November 2007. You became
- showbiz editor in September 2008, and that was, as it
- were, your role over the next nearly three years or so.
- 18 Were you an editor or were you really a reporter? Can
- 19 you explain how it operated?
- 20 A. I think the showbiz editor and the showbiz columnist has
- a dual role, because you do edit your showbiz column,
- which is a double-page spread in every week's newspaper,

showbiz-related stories which run elsewhere in the

- but then you are also effectively a reporter on other
- 25 newspaper. So I was an editor in the sense that

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6 (Pages 21 to 24)

24

- 1 I edited my showbiz column.
- Q. Were you provided with a copy of the PCC code of 2
- 3 practice?
- 4 A. Yes. I mean, in fact, on my first day when I joined the
- 5 paper, by coincidence it was the first PCC seminar that
- 6 was held on a regular basis at the News of the World
- 7 from 2007 onwards, and we were all given pocket-sized
- 8 versions of the PCC code so that we could carry them in
- 9 our wallets and that's what I did at all times.
- 10 Q. Thank you. In paragraph 2.4, you explain, the second 11 line, 02618:
- 12 "Usually before my articles were published, they
- 13 would be read at a minimum by Mr Stenson, the managing
- 14 editor, the editor, deputy editors, some associate and
- 15 assistant editors and the legal department, headed by
- 16 Mr Crone."
- 17 Did that happen every time or only if there was
- 18 arguably something controversial or unusual in
- 19 a particular piece?
- 20 A. Every story, even the most trivial of stories, would be
- 21 read by at least four people, I would say.
- 22 Q. Thank you. Was it common for there to be feedback from
- 23 them, testing the substance of what you were saying, or
- 24 was that rare?
- 25 A. I'd say it was -- on any -- not necessarily on stories Page 25

- Q. Could you elaborate on that? You say "no". Why do you 1 say "no" with confidence?
- 2 3 A. It was never my experience. I mean, I guess the one
- 4 thing that maybe I would point out is that the
- 5 individual desks on the News of the World very much ran
- 6 as separate entities, so because I worked under the
- 7 features desk, for example, I would have virtually no
- 8 contact with the news desk, for example. So I can only
- 9 talk, really, in terms of what I saw on a day-to-day
- 10 basis about the features desk.
- Q. Thank you. The Inquiry has received quite a lot of 11
- 12 evidence in relation to the news desk. It may be that
- 13 there were particular features or attributes of that
- 14 department. Is there anything you can say about the
- 15 news desk which might assist the Inquiry?
- 16 A. No. As I say, as showbiz editor working under the
- 17 features desk, I had very, very minimal contact with the
- 18 news desk. Probably the head of news I would have
- 19 spoken to twice in my four years at the paper.
- 20 Q. Thank you. You deal with editorial conferences in
- 21 paragraph 6.6. There's been already quite a lot of
- 22 evidence to the Inquiry about that. You point out --
- 23 this is really at page 02621, six or seven lines down:
- 24 "It was common for the stories featured at the top 25 of each list not to be discussed, as they were usually
 - Page 27

- in my column, because they were usually pretty confident 1
- 2 in my judgment when it came to my column, but I think on
- 3 stories outside the column that were perhaps more
- 4 controversial, then yes.
- 5 O. Could you explain, please, the relationship between you
- 6 and the other desks. We know that there was a features
- 7 desk ---
- 8 A. Mm.
- 9 Q. -- which the substance of what you were writing
- 10 overlapped to some extent, a pictures desk, the news
- 11 desk and the sports desk, which was probably of less
- 12 interest to you. What was the relationship between you
- 13 and the features desk, in particular?
- 14 A. As showbiz editor, I was working within the features
- 15 desk, so a very close relationship. I sat within the
- 16 features desk and was part of the features department.
- 17 Q. Were you, in any sense, in competition with the features
- 18 department?
- 19 A. No.
- 20 Q. Were you in competition, did you feel, with the Sun
- 21 newspaper?
- 22 A. Yes.
- 23 Q. Was there, in your opinion, a bullying culture within
- 24 the News of the World when you were there?
- 25 A. No.

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- the most confidential. The competition at the paper was
- 2 such that even amongst the heads of departments
- 3 confidential stories or secret squirrel stories were not
- 4 revealed for fear of a leak."
- 5 A. Mm-hm.

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- 6 Q. That would suggest that there was a lack of trust within
- 7 the News of the World, that matters might be leaked
- 8 either into the public domain or perhaps be leaked to
- 9 a rival newspaper. Was that the fear?
- 10 A. I think on Sunday newspapers in particular, there is
- 11 always that fear, because if you get a big scoop on
- 12
 - a Tuesday, for example, you have to keep that story
- 13 exclusive for five days, which is a very long time, 14 especially in this day and age with Twitter and the
- 15 Internet as well as rival newspapers, obviously. So
- 16 I would say probably, yes, the News of the World was
- 17 particularly conscious of the fact that stories could be
- 18 leaked and had been leaked in the past to rivals.
- 20 A. That was just a secret story because of the fact that it

Q. The secret squirrel stories, what do you mean by that?

- 21 could be leaked, so usually they were one-fact stories.
- 22 So in my realm it could be celebrity A splits from
- 23 celebrity B. So a one-fact story that if it was leaked,
- 24 it could very easily be run by another newspaper, so
- 25 those stories would be kept between a very small group Page 28

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- 1 of maybe five executives.
- 2 Q. At these conferences, was there discussion around the
- 3 issue of the use of subterfuge in relation to any of
- 4 these stories?
- A. No. I think if there was a story where subterfuge might 5
- 6 come up, that would be discussed in a smaller group.
- 7 The conference was very much just to run through the
- 8 main points of the story.
- 9 Q. Were you party to discussions about stories which had
- 10 been obtained by using subterfuge? I'm not talking
- 11 about phone hacking now; I'm talking about subterfuge
- 12 more generally, if you follow me.
- 13 A. No, because none of my stories used those methods, so
- 14
- 15 Q. You make it clear that a significant proportion of your
- 16 stories were obtained, really, from the celebrities
- 17 themselves. This is paragraph 6.9.
- 18 A. Mm-hm.
- 19 Q. About what proportion, would you say?
- 20 A. Say it's about half and half, probably.
- 21 Q. Was there any sense, in your mind, that you were
- 22 colluding with the celebrity to put out a particular PR
- 23 version which would be palatable to them, in the sense
- 24 that it would advance their career or their commercial
- 25 interests?

1

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- A. No. I mean, I obviously did a lot of the mainly
- 2 on-the-record interviews at the newspaper. So I think,
- 3 yes, if you're doing an interview with a celebrity,
- 4 quite often it's timed around a movie release, the
- 5 release of a new single, an album. That is the way the
- 6 industry works. But I think I was always very conscious
- 7 not to become a stooge to celebrities, and in terms of
- 8 my relationships, what was that -- that was about having
- 9 the relationship of trust, where they knew that you
- 10 would treat them fairly but it didn't mean that you
- 11 would only ever write positive content.
- 12 But at the same time, I was showbiz editor at
- 13 a time, as I'm sure you can imagine, when the
- 14 News of the World had a lot of rebuilding of trust to 15 do, not only with its readers and the wider public but
- 16 also with celebrities, so one of my jobs was to make
- 17 sure that celebrities felt confident and happy to give
- 18 interviews to the News of the World, or potentially give
- 19 stories to the News of the World.
- 20 So, for example, you know, there may have been an
- 21 instance -- well, there was an instance when one
- celebrity had very sadly had a miscarriage, and that had 23 happened on the Friday and she made the decision that
- 24 the best way to get this news out to the public was to
 - do it through the News of the World, and that was her Page 30

place a lot of trust in the News of the World to be able

choice and that was something that obviously she had to

- 2
- 3 to do that. So it could be those sorts of
- 4 relationships, and I don't think anyone would say
- 5 working together on a story like that was being a stooge
 - to celebrities or colluding with them.
- 7 Q. In one sense, though, you were walking a bit of
- 8 a tightrope, because there would be an interest in the
 - celebrity in using your services and there would be an
- 10 interest on your part in maintaining the trust of the
- 11 celebrity, but if the adverse story which you
- 12 subsequently write without the knowledge and backing of
- 13 the celebrity is too acerbic or too probing or too
- 14 pejorative, you might lose out on further interviews.
- 15 How did you play this careful balance?
- 16 A. It's definitely walking a tightrope, definitely.
- I think usually it relies on trust from both sides, but 17
- 18 I don't think celebrities would say that they
- 19 necessarily got an easy ride from me, but I think they
- 20 would say that I dealt with them fairly and honestly and
- 21 gave them a chance for a right of reply on a sensitive
- 22 story. So I think because the News of the World was
- 23 coming from a position of weakness, it felt like that
- 24 was really important.
- 25 Q. You say in paragraph 6.10 -- you're dealing here with Page 31

1 a situation where the source of the story is not the

2 celebrity himself or herself. You say: 3 "I had a strict policy that however good the

was chose to the celebrity?

information was, I would never run the article without

first receiving independent confirmation, from

a reliable contact, that the facts set out were true." 6

So the reliable contact, is this someone usually who

- 9 A. Usually. It could well be their PR or their agent in 10 that case.
- 11 Q. Did you ever run stories without notifying either the
- 12 celebrity or his or her agent? 13 A. Not often. I mean, there were certain stories that were
- 14 out there in the public domain already, so it wouldn't
- 15 have been necessary to put a call in, and I would say
- 16 during my time at the paper there was literally
- 17 a handful of stories when it would have been requested
- 18 by the editor or a senior executive at the newspaper not
- 19 to put a call in.
- 20 Q. You say in your statement that issues of weighing up 21 private interest against the public interest were not
- 22 really for you but were for editors or subeditors.
- 23 A. Not subeditors. I mean, it would be the decision of the
- 24 editor in the end whether a story was in the public
- 25 interest or not. So I might be involved in those Page 32

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1 discussions and have an opinion, but in the end it would 1 us, so I put a call in on the Saturday morning to that 2 be their decision whether to publish or not. 2 celebrity's PR. The PR made the decision -- wrongly, 3 3 Q. That was really what I was going to ask you. Were there I believed -- that it was a story that all the Sunday 4 ever situations, though, where your opinion was 4 newspapers should cover, so fed out that information to 5 overruled? 5 the showbiz editors on all of my rival newspapers and it 6 A. Probably, I would say. But no examples that I can think 6 ended up going on the front page of one. 7 7 What you have to remember is that there is a need to 8 Q. Did it often happen that your opinion was overruled? 8 protect exclusives, so even though I was a big believer 9 in a right of reply, all I'm saying is that on a small 10 LORD JUSTICE LEVESON: Can you think of examples where you 10 number of casings, a decision would be taken above me --11 might have wanted to check out with a celebrity and you 11 for commercial reasons, usually -- that it wasn't the 12 were told not to? 12 right decision to give a right of reply, because there 13 A. I can think of one, yeah. 13 was a risk -- because in a case like that, we'd worked 14 MR JAY: Without necessarily naming the celebrity, what was 14 very hard to get that story and there was no benefit of 15 the situation there? Can you give us some general 15 us having the exclusive. 16 evidence about it? 16 Q. The example you've given is a positive story. A. Yeah, the situation there was it was actually 17 17 A. Yes. 18 a professional story. It was about whether a celebrity Q. If you've got it wrong and the couple were not getting 18 19 19 was going to take a certain job or not, and one of the engaged, there would obviously be some embarrassment all 20 more senior executives at the newspaper were very 20 round but the harm would not be massive. 21 confident in their sourcing of the story. My gut 21 22 feeling was that we should check it, and they decided 22 Q. What about if the story's a negative story? Was the 23 not to and requested me not to. 23 policy different, do you think? 24 Q. So they published anyway? 24 A. Yes. I mean, a right of reply would only not be given 25 A. (Nods head) 25 if the newspaper or the editor was 100 per cent certain Page 33 Page 35 Q. Perhaps what happened doesn't matter so much. on the truth of a story. Well, at least in my 1 LORD JUSTICE LEVESON: But what's the point here? That the 2 experience, in stories that related to me. 3 story will be given to somebody else? It's unlikely to 3 Q. Was there any discrimination then between whether the 4 be a story that would be injuncted. What was the 4 story was positive or negative in terms of giving any 5 problem? 5 right of reply? 6 A. In that particular case or do you mean in general? 6 A. Yeah. I think if the story was a positive story, there 7 LORD JUSTICE LEVESON: I actually want to know generally. 7 would be a feeling that there may be less need to give 8 Pursue that case, if you like, but I'm keen to know 8 a right of reply. However, in saying that, I would have 9 generally. 9 given a right of reply on 99 per cent of my stories. A. I think in general, the point that I'm making is that as 10 10 That was my policy to do so. 11 a reporter at the newspaper in any way, it's not 11 Q. Thank you. When stories came to you, as you say in 12 100 per cent your decision whether to give a right of 12 paragraph 6.10, from a professional freelancer -- you 13 reply or not. So especially when I was a more junior 13 mean, presumably, a fellow journalist who was flying the 14 reporter, the decision about whether a right of reply 14 story and probably trying to sell it around the 15 would be made or not would usually be taken by someone 15 different newspapers; is that correct? 16 more senior than me, but when I did become the showbiz 16 A. Yes. 17 editor, that would be my decision. But yes, I mean, it 17 Q. Was there an inquiry which you systematically made as to 18 usually was because of the risk of a story being leaked. how that individual obtained the story? 18 19 MR JAY: Even if the discussion to check the story was with 19 A. On a case-by-case basis, yes. 20 the individual concerned, the target of the story? 20 Q. So what were the factors which might or might not have 21 A. Yeah, because, I mean, I can think of so many 21 caused you to make that inquiry? 22 examples -- I mean, quite recently a celebrity who 22 A. I think if it was, for example, a story about -- let's 23 I knew -- I mean, it was a very positive story. I knew 23 just say a celebrity's wedding, where they had 24 they'd become engaged to their long-term partner but 24 information from inside the wedding. Then I would make 25 this was a well-known celebrity, it was a big story for 25 sure that I knew that information, for example,

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23

- 1 hadn't come from them sneaking into the wedding or
- 2 entering private property or using a hidden camera or
- 3 anything like that. I would make sure that it had
- 4 come -- that it had come through valid sources.
- 5 Q. I see. The methods that your evidence is relating to,
- 6 the standards that you applied, were they standards that
- 7 the you saw others applying or do you think you were
- 8 applying a higher standard of probity?
- 9 A. No. On the whole, I think those were the standards that
- I saw, but I think because I -- one of my big roles at
- 11 the newspaper was managing relationships of key showbiz
- figures, I think perhaps at times I would probably take
- a more cautious approach, especially in terms of things
- like a right of reply.
- 15 Q. Thank you. Can I move on, please, to paragraph 7 of
- your statement, and just ask you to explain two
- subparagraphs. We're now on page 02623.
- 18 Paragraph 7.3.3:
- "Editor would sometimes merge two stories together,crediting two journalists in the byline."
- We've seen examples of that in other newspapers.
- 22 That, presumably, is standard practice, is it?
- 23 A. Yes.
- Q. I wasn't so sure about 7.3.4:
- 25 "Where a desk head wrote a story, it was convention Page 37

- 1 certain accepted tabloid conventions.
- 2 Q. Okay. Paragraph 10, please, now, Mr Wootton. You've
- 3 amended paragraph 10.1. This is page 02624. I don't
- 4 know whether we have the amended version available. Is
- 5 that in front of you or do you have the old one?
- 6 A. Yeah, I have it.
- 7 Q. On the screen, can you see which one it is?
- 8 A. It's the old one on the screen.
- 9 Q. So we'll read out the substituted wording. You crossed 10 out "none" and you've said:

11 "There was no specific financial incentive for me to 12 print exclusive stories as showbiz editor because I did

- 13 not receive bonuses, for example, for
- 14 front-page stories. My performance appraisal and my
- remuneration was judged on a number of factors,
- 16 including breaking exclusive stories, my relationships
 - with key showbiz industry figures and my adherence to
- the law and PCC code."
- 19 Can I just ask you about the last point. How was
 - that factor addressed in your performance appraisal,
- 21 namely adherence to the law and PCC code?
- 22 A. It was spelled out. So there were a number of subgroups
 - that you were judged on in your performance appraisal,
- and that was one of them.
- 25 Q. Is this right: if there were PCC complaints which Page 39
- 1 that the article would appear under another reporter's
- 2 name. However, in such circumstances, it could be that
- 3 the first you knew of the article appearing under your
- 4 name would be when you opened the paper and read it on
- 5 a Sunday morning."
- 6 Was that standard practice elsewhere or was it
- 7 particular to the News of the World?
- 8 A. My understanding would be that that was standard
- 9 practice. I mean, I would say that happened hardly at
- all, but every now and then, if there was a particular
- story that had only been worked on by a desk head, and
- it was almost seen as -- it was always seen as
- a positive thing if you were the reporter that was
- 14 gifted the byline, but there could be certain occasions
- when you hadn't seen the story. But I would say --
- I mean, I think it only happened to me once in my very
- 17 early days as a junior reporter.
- 18 Q. It might be said to give rise to ethical issues if
- 19 a journalist who is, as it were, falsely attributed with
- 20 the byline is unhappy with the tone or content of the
- story. Would you accept that?
- 22 A. Potentially, but I do think there are certain tabloid
- conventions, because, for example, my showbiz column ran 23
- 52 weeks of the year with my name on it. Now, obviously
- 25 I didn't work 52 weeks of a year. So I think there are Page 38

- 1 related to you, that would be a factor which might cause
- 2 you to be marked down on your appraisal?
- 3 A. Exactly.
- 4 Q. And you tell us in your statement that at no point have
- 5 you had any PCC complaints?
- 6 A. Upheld, yeah.
- 7 Q. Upheld.
- 8 A. While I was showbiz editor, yes.
- 9 Q. That's paragraph 18.7. So to be clear, there were
- 10 complaints but no upheld complaints?
- 11 A. Mm-hm.
- 12 Q. What do you mean by "upheld complaints"? Upheld in the
- sense of an adjudication or upheld in the sense of
- 14 a ruling?
- 15 A. An adjudication. But actually, I think when I was
- showbiz editor and columnist, which was my last three
- 17 years, I don't believe there were any complaints to the
- 18 PCC about my work.
- 19 Q. So from the period September 2008 to July 2011, there
- were no complaints at all?
- 21 A. Mm.
- 22 Q. So for the period, I think, February 2007 to September
 - 2008, is this your evidence: there were complaints but
- 24 no upheld adjudications?
 - A. Mm-hm.

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- 1 Q. Fair enough. How many complaints?
- 2 A. I think there was one complaint about an interview.
- O. You did receive an award, I think, the British Press
- 4 Award, in 2010 for Showbiz Reporter of the Year; is that
- 5 correct?
- 6 A. Yes.
- 7 Q. One of the bases of that award were your exclusive
- 8 pieces in relation to the death of Mr Gately. That was
- 9 just one of the matters, I think.
- 10 A. Yes.
- 11 Q. You tell us about that a little bit more in 18.5, how
- 12 you held off printing or publishing, rather, information
- 13 until you felt it was appropriate to do so.
- 14 A. Mm-hm.

- 15 Q. Can I ask you a little bit more about public interest
- 16 issues. This is 18.1 of your statement. You've touched
- 17 on this already. When there were discussions to which
- 18 you were party about weighing up the public interest and
- 19 private rights, what sort of factors were put on in the
- 20 balance either side of the equation? Can you assist us?
- 21 A. I think -- I mean, I guess the first thing to say is
- 22 that everything to do with public interest was discussed
- on a case-by-case basis. It's not as if we had 23
- 24 theoretical discussions about it. It was to do with
- 25 certain celebrities and certain examples. So it
 - Page 41
 - happened not that often, and when it did, I think one of
- 2 the big factors was who the celebrity involved was.
- 3 So, for example, there was one such case when
- 4 I revealed that a very high-profile celebrity who was
- 5 the face of a well-known supermarket company had been
- 6 taking illegal drugs at her house while her children
- 7 were at home, and in that case, the reason that we did
- 8 decide there was a public interest for that story was
- 9 because of the fact this particular celebrity had been
- 10 filming a reality TV show inside the house when she had
- denied various times that she was taking illegal drugs 11
- 12 in the house, and she'd also made a lot of money off
- 13
- selling her family and promoting this supermarket brand 14 off the basis of the fact that she had previously been
- 15 mother of the year. So in that case, we felt that there
- 16 was a clear public interest for running the story, and
- 17 we actually ran a series of stories about it, and
- 18 eventually she was dropped by the supermarket brand and
- 19 admitted what she had been doing.
- 20 So in that case, for us, there was a clear public
- 21 interest for running that story.
- 22 Q. Could you give us an example, perhaps, which went the
- 23 other way?
- 24 LORD JUSTICE LEVESON: Just before you do, prior to running 24
- 25 that story, was that story run past the celebrity?

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- A. I don't think -- well, it was a series of stories.
- I think on some occasions they were and some they
- 3 weren't.
- 4 LORD JUSTICE LEVESON: I suppose it's really when it broke,
- 5 the first time. The follow-ups could be coped with,
- 6
- 7 A. Well, there were a few examples of this. Yes, the first
- 8 time, yes, that was run past her representatives and she
- 9 denied it and we still ran it.
- 10 MR JAY: And an example which went the other way, if you can
- 11 recall one which might assist us?
- 12 A. I mean, there were many, many times when we were told,
- 13 for example, the celebrity -- well, actually, I can
- 14 think of one where a celebrity who had not sold any
- 15 details of her private life was having an -- or her
- 16 marriage was breaking down because of a relationship she
- 17 was having with another man, and we made the decision
- 18 that because she had never ever sold her private life,
- 19 spoken about it in interviews, that there would be no
- 20 public interest to reveal that story. So it could go
- 21 both ways.
- 22 Q. Thank you. At 18.3, you give an example of a particular
- 23 story which was overwhelmingly in the public interest.
- 24 This related to a programme on the BBC. People were
- 25 invited to phone in using a premium-rate phone-in line
 - Page 43
- 1 but the show had been pre-recorded, so there was
- 2 absolutely no point in doing that.
- 3 A. Mm.
- 4 Q. Of course, these premium-rate lines are very expensive.
- 5 I think they're at least a pound a minute.
- 6 A. Mm.
- Q. If you use a mobile phone, they warn you it's even more, 7
- 8 and you've given us the reference for that.
- 9 A. Yes. I guess the point I was trying to make is the fact
- 10 that people often do dismiss showbiz journalism, but
- 11 there is a lot of showbiz journalism which is in the
- 12 public interest.
- 13 Q. I think it was someone from one of your competitors who
- 14 said the primary purpose of showbiz journalism is
- 15 entertainment. That's not necessarily to denigrate it,
- 16 but is that fair?
- 17 A. I think there's a big aspect of that, yes, absolutely,
- 18 and there -- also, my preference was to write about
- 19 celebrities, to be honest, who wanted to be written
- 20 about. So it was very rare, for example, for me to ever
- 21 write about Hugh Grant, because my belief was that my
- 22 readers of my showbiz column were in the interested in 23 him because he didn't seem to enjoy his job and was
 - pretty miserable, whereas the majority of the people
 - I write about actually love their job. They love the

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- 1 great things that come from being part of showbiz and
- 2 celebrity and they choose to put themselves out there.
- 3 LORD JUSTICE LEVESON: Is it because he wasn't enjoying the 3
- 4 job or because he didn't enjoy being the subject of
- 5 newspaper attention?
- A. Well, I think you could say -- you could argue it was
- 7 one and the same, but to me, he didn't seem to be
- 8 enjoying being a celebrity.
- 9 LORD JUSTICE LEVESON: Well, that's slightly different yet
- 10 again. I mean, his job is to make films.
- 11 A. Mm-hm. I think his job is also -- I mean, he would
- 12 always attend red carpet premieres, for example. He
- 13 would give interviews. So I think it's naive to say
- 14 that you can be a major celebrity appearing in Hollywood
- 15 films and never have any other parts of that job. But
- 16 I would also say there are some actors and actresses who
- 17 absolutely manage to toe the line. I mean, I was
- 18 thinking of Helen Worth, for example, who plays Gail
- 19 Platt in Coronation Street and who has been in that soap
- 20 for three decades. She's someone who will give the odd
- 21 interview, but on the whole will never have stories
- 22 about her private life written about because she has
- 23 made a choice not to ever to put it out there, she's
- 24 never behaved illegally -- so I think there are
- 25 celebrities who make a clear choice at the start of
 - their career not to make themselves public property or
- 2 a tabloid figure. So I think it is possible to do that.
- 3 MR JAY: Putting Mr Grant's case to one side, was it your

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- 4 position that those people who were in the public eye
- 5 because they were film stars, because they were book
- 6 writers or appeared on television programmes, who had
- 7 not, as it were, made it absolutely clear that they
- 8 wanted their private lives kept totally private -- was
- 9 your position in relation to them: they were
- 10 appropriately or could appropriately be the subject of
- 11 pieces in your column? Is that right?
- 12 A. It would depend. I mean, it would depend. I definitely
- 13 believe all celebrities have a right to privacy, and so
- 14 I think it would depend what the context of the story
- 15 was, whether their family was involved and that sort of
- 16

1

- 17 Q. So you would resist any attempt to generalise here; is
- 18 that right?
- 19 A. Well, no, I would say absolutely all celebrities have
- 20 a right to privacy, and I think there are particular
- 21 areas where that's made particularly clear. I mean,
- 22 it's been discussed a lot here, but obviously in terms
- 23 of sexuality, pregnancies, health issues, things that
- 24 involve their children or family members. I mean,
- 25 absolutely, there was a key framework where we would Page 46

- work, but -- that we would work to, but the point that
- 2 I'm making is actually -- you made the point that is
 - showbiz journalism entertainment, and I'm saying that
- 4 yes, the majority of the celebrities that I would write
- 5 about were more than happy to be covered because they
- 6 accepted it was part of the job and they loved their
- 7
- 8 Q. How often did it come about that a celebrity or his or
 - her PR agent came back to you after you published
- 10 a story, saying words to this effect: "We're not going
- 11 to complain about it to the PCC or whoever, but frankly
- 12 we were disappointed by this story, or it was an
- 13 intrusion of privacy"? Did that ever happen or not?
- 14 A. Never that it was an intrusion of privacy but there were
- 15 definitely discussions that would take place sometimes
- 16 after a story was written. I would be -- it would be
 - completely naive for me to say that every story I ever
- 18 wrote, the celebrity was absolutely delighted about it,
- 19 but the whole point of having the open discussion and
- 20 the dialogue with their representatives was so that we
- 21 could find -- so that there was that communication and
- 22 we could find ways to try and work around any issues
- 23 where they may have been unhappy. But I would say those
- 24 conversations were rare.
 - But the point was that people did know that they Page 47
- 1 could talk to me, and I think that's really important.
- 2 Q. So the ambit of these discussions was not about
- 3 intrusion into privacy, you've told us. Was it ever
- 4 about inaccuracy?
- 5 A. No, because I would always give a right to reply on my
- 6
- 7 Q. You, I think, are now working for the Daily Mail?
- 8 A. Among other things, yes.
- 9 Q. You're not on their staff, as it were?
- 10 A. Yes.
- 11 Q. You have a contract with them and I think you have
- 12 a contract with a magazine and also a television
- 13 programme?
- 14 A. Yes.
- Q. You have been following the evidence adduced to this 15
- Inquiry in relation to Mr Grant, in particular his 16
- 17 child?
- 18 A. Mm-hm.
- 19 Q. Would that have been a matter which you feel should
- 20 ethically have been pursued or not, that particular
- 21
- 22 A. Well, I think not, unless he was -- I think my belief is
- 23 what happened is that no newspapers in this country did
- 24 run that story because it was not confirmed by his
 - public representatives. As a showbiz editor, though, Page 48

12 (Pages 45 to 48)

1 I was very concerned and disappointed when I heard one responsible for breaches of that code? 2 2 aspect of Mr Grant's evidence, though, which was that A. Again -- in terms of at the newspaper? So it would be 3 3 his publicists, who are in America, have a policy not to the editor. 4 4 LORD JUSTICE LEVESON: No, no, no, in terms of the respond to any British -- well, I don't know if they 5 said tabloid newspapers or newspapers in general, 5 regulatory model. 6 because I can tell you that one of the biggest A. Oh, again it's self-regulation, but it's an independent 7 7 body, so there's no state involvement in it. frustrations as a showbiz editor is when you're 8 8 LORD JUSTICE LEVESON: But who is on it? attempting to give a right of reply to a celebrity and 9 A. Not the editors of the newspapers, as far as I believe. you're getting a brick wall put up, because the whole 10 LORD JUSTICE LEVESON: Am I right in understanding that point is no one wants to publish an inaccurate story. 10 11 11 actually they're going through some thinking at the But I do believe a right of reply should go both ways, 12 because again, in that case, Mr Grant's representatives 12 moment also about what should be happening? 13 ended up confirming the story to an American magazine, 13 A. Yeah. I mean, the main difference in New Zealand is 14 who then published it, and I think it's a question: was 14 that when this body upholds a complaint against 15 15 a newspaper, the newspaper has to publish their findings that fair? Because actually, if a newspaper is giving 16 you the courtesy of a right of reply, why should there 16 in full, so actually in the newspaper, the wording of this body. So they don't use their own wording. 17 17 be a blanket decision never to respond? I definitely 18 18 LORD JUSTICE LEVESON: I see. But you say that the think it needs to be a two-way street. 19 Q. I think it's implicit in what you're saying that the 19 self-regulator doesn't consist of editors; it's 20 subject matter of the story, namely Hugh Grant's child, 20 independent people? 21 21 was an appropriate subject matter, as it were. Your A. That's my belief, yes. 22 complaint is directed to Mr Grant, not the story; is 22 LORD JUSTICE LEVESON: Right, well, I'm sure we can find 23 23 out. Thank you very much indeed, Mr Wootton. that right? 24 24 A. I think it's appropriate to ask him about it, and my MR JAY: Would it be convenient to have our short break? 25 LORD JUSTICE LEVESON: Yes. belief is that that's all any British newspaper did. Page 49 Page 51 LORD JUSTICE LEVESON: What about going to the lady's home? 1 (11.17 am) A. That wouldn't be a tactic that I would use. But I do 2 (A short break) 3 think it's fair to ask someone -- that was the tactic 3 (11.25 am) 4 that I would use: to ask someone's PR or agent in MR BARR: Good morning, sir. Our next witness is Mr Owens. 5 a formal capacity. 5 LORD JUSTICE LEVESON: Thank you. 6 MR JAY: So it would be appropriate, then, to write a story 6 MR NICHOLAS LEE OWENS (sworn) 7 which was limited to him being the father of a child but 7 Questions by MR BARR 8 you wouldn't want to go further than that by going to 8 MR BARR: Mr Owens, once you've made yourself comfortable. 9 the lady's home and everything else we've heard about? 9 could you tell the Inquiry your full name, please? 10 Is that your evidence? 10 A. Yes, it's Nicholas Lee Owens. A. I'm saying that if Mr Grant had confirmed that, which he 11 O. Are the contents of your witness statement true and 12 did, yes. 12 correct to the best of your knowledge and belief? 13 Q. That, Mr Wootton, covers the ground I wished to raise. 13 A. Yes, they are. 14 I've had no lines of inquiry suggested to me by others 14 Q. You tell us that you are a reporter on the Sunday 15 in your case, but there may or may not be some --15 Mirror. You've worked for the Sunday Mirror since April 16 LORD JUSTICE LEVESON: Well, there is one. You've said that 16 2006. Before that, you worked at the Lancashire Evening 17 the press in New Zealand is differently organised and 17 Post as a newspaper reporter. You were named Press 18 there isn't a tabloid culture. 18 Gazette Regional Journalist of the Year, North West A. Mm-hm. 19 19 Report of the Year and Johnston Press Journalist of the 20 LORD JUSTICE LEVESON: But how do the New Zealand press deal 20 Year. You received those awards for a range of 21 with issues such at privacy? 21 articles, including working undercover as a traffic 22 A. It's self-regulation. So there's a code similar to 22 warden, investigating life inside a prison and sleeping 23 23 a PCC code. on the streets for a week to expose the problems facing 24 LORD JUSTICE LEVESON: I won't ask whether they have 24 homeless people in Preston. borrowed our code or we've borrowed theirs. Who is 25 25 You give us three examples of undercover work you've Page 50 Page 52

- 1 done, including exposing hygiene failings at a turkey
- 2 factory, the production of cheap clothing in Bangladesh,
- 3 and a courier firm which was swindling the National
- 4 Health Service out of money for phantom trips.
- 5 Can I ask you a little bit about your training to
- 6 become a journalist. Is it right that you undertook
- 7 both undergraduate and postgraduate training?
- 8 A. That's right, at the University of Central Lancashire.
- 9 Q. How familiar were you in March 2009 with the PCC
- 10 Editors' Code?
- A. Very familiar. The PCC code is interwoven into my job, 11
- 12 so it had been part of my job from day one.
- 13 Q. You were aware of what it says about privacy then?
- 14 A. Yes.
- 15 Q. And you were aware that medical records are especially
- 16 sensitive?
- 17 A. Sorry, was I aware at what point of that, sorry?
- 18 Q. Were you aware that medical records are matters of
- 19 especially sensitivity?
- 20 A. I was aware that it was within the code, yes.
- 21 Q. You tell us in your witness statement that when someone 21
- 22 rings the Sunday Mirror, you are often interested in
- 23 speaking to them, possibly for what they tell you when
- 24 they ring up but also in case they have other material
- 25 for you; is that right?

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- A. Often we go and meet people, yes.
- 2
- go and meet someone who, on the telephone, hadn't told
- 4 you about anything which seemed to be interesting to
- 5

1

- 6 A. I mean, within our office -- I obviously work in a busy
- London newsroom -- we get lots much calls coming in 7
- 8 every day from members of the public with information of
- 9 a varying nature, and often it's not until you go and
- 10 meet the person and you listen to what they have to say
- 11 and you find out the full element of that information

- 14 somebody face to face.
- 16
- 17 every caller or whether some sort of filter is applied?
- 18 A. Well, you don't meet every caller. You deal with
- 19 everything on a sort of case-by-case basis day to day.
- 20 Q. So it follows they have to tell you something
- 22 them?
- 23 A. Normally, it will be something interesting, yes.
- 24 Q. You also tell us that one of the things that you might
- 25 keep in mind is whether or not you should be stinging

- 1 the person who's come forward. We heard, when senior
- 2 members of your organisation gave evidence a couple of
- 3 weeks ago, that articles have been published about
- 4 people offering information illegally. I'd like to ask
- 5 you: if that is going to happen, is the approach
- 6 recorded in writing before it is adopted?
- 7 A. Any matter like that, where we would be exposing
- 8 somebody, I would immediately be dealing with my news
 - desk, talking to my news desk very closely about that.
- 10 We would be talking to the lawyer. So I don't feel I'm
- 11 able to really give much insight into that. That
- 12 wouldn't be a process I'd be involved in.
- 13 Q. But you'd speak to the news desk about that?
- 14 A. Absolutely, yes.
- Q. And you would perhaps record any conversation with 15
- 16 someone that you were going to sting?
- 17 A. I'm not sure. Again, as I said there, every story you
- 18 deal with on an individual basis and make a decision on
- 19 the best way to act.
- 20 Q. But we know that on the occasion that you spoke to the
- person whom you now know as Mr Atkins, you didn't speak
- 22 to the news desk first, did you?
- 23 A. I said I was off to meet someone. That was it.
- 24 Q. And you didn't record the conversation that you had when
- 25 you met Mr Atkins?

- Q. Can I just examine that a little bit further? Would you
- 3
- some extent?

- 12 that you can make a decision moving forward, which, as
- 13 I say in my statement, is why I'm often keen to meet
- 15 Q. That's not quite an answer to my question. What I'm
- getting to is whether you go and meet, face to face,

- 21 interesting before you'll go to the trouble of meeting

- Page 54

- 1 A. No. I didn't.
- Q. So does it follow from that that at the time you decided
- 3 to meet him, you didn't have a sting in mind?
- 4 A. I just thought it was -- I was going to meet someone
- 5 with some information to give to me.
- 6 Q. A final preliminary question: it's right, isn't it, that
- 7 celebrity stories are very popular in the tabloid
- 8 newspapers and are regarded as important for reporters
- 9 like you to look into?
- 10 A. They are important, but I feel, as my statement sets
- 11 out -- I've tried to make a -- you know, do lots of
- 12 different stories, and I've been involved in some really
- 13 very serious, good investigations as well. So it's not
- 14 the only thing that matters to me or the only thing that
- 15 matters to tabloid journalists. 16
- Q. Can we move now to tab 5 of the bundle, to start with 17 the telephone conversation that you had with Mr Atkins
- 18 on 20 March.
- 19 LORD JUSTICE LEVESON: Mr Barr, before we do that, could we
- 20 deal with a more general point? I wonder if you'd
- 21 permit me to interrupt for a moment.
- 22 You've spoken about the undercover work that you've
- 23 done, Mr Owens.
- A. Yes.
- 25 LORD JUSTICE LEVESON: And the important stories that you Page 56

- 1 have been able to report upon as a result. But I'd like
- 2 to understand, both in relation to your experience in
- 3 the north west of England and in relation to your
- 4 experience in London, what protective measures are taken
- 5 by you and your editor before you embark upon any such
- 6 story. So maybe we could start with what happened in
- 7 Lancashire.
- 8 A. Of course. Before we set out on any investigation,
- 9 including the ones in which I've mentioned there in my
- 10 statement -- the traffic warden, prison and some of the
- 11 other work that I conducted there -- I would be having
- 12 meetings with my news editor about the idea of embarking
- 13 upon that investigation and the stages we may need to go
- 14 through. The editor would often also be involved in
- 15
- 16 Moving on to when I then came to the Sunday
- 17 Mirror --
- 18 LORD JUSTICE LEVESON: No, just carry on with -- that's
- 19 a little bit too general for me. I'd like a bit more
- 20 detail.
- 21 A. Sure.
- 22 LORD JUSTICE LEVESON: Were these stories stories that you 22
- 23 just came about, or things that you thought might make
- 24 good features --
- 25 A. No --

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- 1 you in for a week to investigate the way the prisoners
- 2 lives worked, how their families were affected by it,
- 3 what happened to them and how staff worked."
- 4 LORD JUSTICE LEVESON: But you didn't go in as a prisoner?
- 5 A. No, I didn't.
- 6 LORD JUSTICE LEVESON: You went in as a journalist.
- 7 A. Yes.
- 8 LORD JUSTICE LEVESON: So there's nothing undercover about
- 9
- 10 A. Yes. It wasn't so much an undercover; it was an expose
- 11 of life inside prison, in the sense of you wouldn't
- 12 normally get that access. We were given privileged
- 13 access.
- 14 LORD JUSTICE LEVESON: But in relation to working undercove
- 15 as a traffic warden, you were obviously going to have to
- 16 lie or at least be economical with the truth to those
- 17 who were going to employ you.
- 18 A. Economical with the truth, I feel, yes.
- 19 LORD JUSTICE LEVESON: That's a phrase which has entered
- 20 into our history, which we all understand.
- 21 A. Yes.
- LORD JUSTICE LEVESON: Was that --
- 23 A. Can I just say on that point, the balance we felt --
- 24 that to be economical with the truth we felt was fair in
- 25 the level of responses we were having from our readers

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- LORD JUSTICE LEVESON: -- and good stories, or were you 1
- 2 relying on information? How did they come about?
- 3 A. In regards to the traffic warden investigation, for
- 4 instance, that came at a time when many of our readers
- 5 were contacting the newspaper with concerns about the
- 6 local parking enforcement officers and the way they were
- 7 acting. So that was the basis at which we decided to
- 8 proceed with that story.
- 9 Now, of course, that involved getting a job as
- 10 a traffic warden, and I remember -- it's a long time ago
- 11 but from my recollection of the meeting with my editor
- 12 and news editor at the time, we realised that in order
- 13 to fully investigate what our readers were telling us,
- 14 probably the only way to do it was to get a job there.
- 15 If we were to approach, for instance, the parking
- 16 company and said, "Can we come in for a week and see how
- 17 you operate?" we were worried that they might not
- 18 operate in the way they normally would, for instance.
- 19 With regard to the prison investigation, that came
- 20 at a time in our city where the prison was-- it was
- 21 a very difficult situation for them. They had very high
- 22 drug rates, very high re-offending rates, and
- 23 I approached the governor of the prison, who I had
- 24 a relationship with, in a sense that I'd dealt with him
- 25 on stories before, and he said, "It would be good to let Page 58

- and the need to investigate that. 1
- 2 LORD JUSTICE LEVESON: I understand the public interest, and
- 3 presumably all that was spelt out with your editor, was
- 4
- 5 A. Sorry?
- LORD JUSTICE LEVESON: All that was spelt out with your 6
- 7
- 8 A. Absolutely, yes. That was discussed.
- LORD JUSTICE LEVESON: And was it written down so there was 9
- 10 a contemporaneous note of precisely what you were
- intending to do and what you were authorised to do? 11
- 12 A. I'm not sure what my editor at the time wrote down, I'm
- 13 afraid.
- 14 LORD JUSTICE LEVESON: What did you write down?
- 15 A. Well, I began to go about the process of applying for
- 16
- 17 LORD JUSTICE LEVESON: I see. All right, so that's the
- 18 north west. What about London?
- 19 A. Very similar, actually. I mean, I would speak at the
- 20 outset to my news desk. There would be a -- the
- 21 newspaper lawyer involved. The difference with the 22 local newspaper was we didn't have a lawyer in the
- 23 office all the time. At the end Sunday Mirror we do;
- 24 a very, very approachable lawyer who we can talk to at
- 25 any time with concerns we have on stories.

1	So before embarking on any investigation, I would	1	that she was and at that point, at the penultimate
2	talk to the news desk, go through the elements of it	2	paragraph, you replied that you would be very interested
3	with them, and if necessary, we'd involve the lawyer in	3	in meeting him, didn't you?
4	that as well.	4	A. According to this transcript, that's what I said, and
5	LORD JUSTICE LEVESON: Well, there's one you mention: going	g 5	but what I also said, very early on in the conversation,
6	undercover to a turkey factory. Presumably that was	6	was the extremely sensitive nature of this whole issue.
7	also getting a job?	7	Q. We will come to that in a moment, but it's right, isn't
8	A. It was, yes. I mean, just to give you a few more	8	it, that on the basis simply of being told that there
9	details, that was a Bernard Matthews factory, six months	9	was a source within a clinic who wanted to do stories
10	on from the bird flu outbreak, which was obviously	10	about celebrities, that was enough for you to decide
11	a serious public health issue, and we decided to go in	11	that you wanted to meet Mr Atkins?
12	six months on from that to investigate what changes may	12	A. I can't recall what was going through my mind at the
13	or may not have been made by the company in those areas.	13	time of that conversation. I mean, you're attaching
14	LORD JUSTICE LEVESON: And you had some information upon	ո14	quite great weight to an individual comment there. This
15	which you could rely to justify, again, this deceptive	15	is a phone conversation which happened over three years
16	approach?	16	ago. All I know is that when he rang, I thought that
17	A. On that particular occasion, I feel that we decided that	17	this was a sensitive matter and that it was important
18	we wanted to put to the test reports that had come out	18	that in order to get, you know, more information and
19	that things had been changed and that things had moved	19	find out what was happening, that I met him and listened
20	on and got better.	20	to what he had to say. As a journalist, we have a duty
21	LORD JUSTICE LEVESON: I see. Again, discussed with your	21	to do that, and engage with people and hear them out,
22	editor and this time the lawyer?	22	and that's all I was seeking to do.
23	A. Certainly the news desk and the lawyer.	23	Q. That doesn't quite answer my question. My question was:
24	LORD JUSTICE LEVESON: Yes. Did you keep a note of what	24	simply on the basis that you'd been told that will there
25	you'd been authorised to do here?	25	was a source who wanted to come forward and do stories
	Page 61		Page 63
1	A A sain after that discussion and we decided to make an	1	
1	A. Again, after that discussion and we decided to move on,	1	about celebrities she's treated, you were keen to meet
2	I went about the process of applying for a job.	2	Mr Atkins?
3	LORD JUSTICE LEVESON: So you don't know whether there was any audit trail in particular?		A. But I didn't see it like that, you see. I didn't see it
4	A. I don't know about an audit trail. I know that there	4	in them terms. I just saw it as somebody contacting the
5		5	newspaper with information which I immediately
6	were a series of discussions that we had and certainly	6	identified as sensitive and felt that we should meet and
7	everywhere was aware that I was beginning to embark upon	7	discuss it.
8	this process of investigating the factory.	8	Q. Go over the page. On the third paragraph over the page
9	LORD JUSTICE LEVESON: All right. I've understood how you	9	is where you make the comment about extreme sensitivity.
10	do it.	10	You say:
11	MR BARR: To pick up with the telephone conversation that	11	"I mean, to be honest with you, it's extremely
12	you had with Mr Atkins, can we go to tab 5, please?	12	sensitive in the case of that patient confidentiality
13	A. Sure.	13	thing, but, you know, if you want to set up
14	Q. Looking at the first page, we see the introduction to	14	a relationship with a journalist to start feeding
15	the telephone conversation. It's fair, isn't it, to say	15	information through, then that's absolutely fine. Could
16	that what you were told by Mr Atkins was, first of all,	16	I ask you to call me?"
17	that he knew somebody who worked in a private cosmetic	17	Now, looking at that utterance, I want to ask you
18	surgery clinic, that that person had fairly high-profile	18	what information you were referring to Mr Atkins feeding
19	clients and wanted to do a story about the celebrities	19	through. It was information from the clinic, wasn't it?
20	she treated.	20	A. I can't say it was that. I can't remember exactly what
21	A. I don't think it's fair to say that. It was unclear	21	was going through my mind when I said that utterance, as
22	what was really going on here.	22	a term you used.
23	Q. I'm picking those three things up from the material in	23	Q. It must have been, mustn't it, Mr Owens, because that
-		0.4	
24	the transcript between the hole punches. At that point,	24	was the only thing that you had been told about by
24 25	you asked whether she was still there. Mr Atkins said	25	Mr Atkins by that stage in the conversation?

25

1

- 1 A. As I say, I can't recall what was going through my mind
- 2 but looking back at the transcript before that, he talks
- 3 about celebrities and information, and I just felt that
- 4 we were dealing with a person here who might have some
- 5 information which would be interesting to hear.
- 6 I certainly didn't see it in terms of the clinic at that
- 7 stage at all.
- 8 Q. We move to the bottom of the page and see how you follow
- 9 things up. Just below the bottom hole punch, you say:
- 10 "I mean, is there anyone recently that's had
- 11 anything done that would be particularly interesting to
- 12 me?"
- So you're plainly there referring to the surgery,
- 14 aren't you?
- 15 A. Again, I can't recall and sit here what I was referring
- to in a phone conversation from three years ago. What
- 17 I know is that we were engaged in a conversation over
- the phone which was, you know, a two-way thing, and
- 19 I was simply trying to set up a meeting where we could
- get more information from him and find out the full
- 20 get more information from finit and find out the f
- 21 nature of what it was he had to offer.
- 22 Q. Is that really right, Mr Owens? Isn't it plain from
- that comment that what you were really after was
- something recent because it would be particularly
- 25 newsworthy?

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- 1 A. That wouldn't be fair. That's not what I was after.
- 2 Q. Over the page, Mr Atkins says:
- 3 "She works for -- she does the admin, so there's
- 4 a lot she can see. So yeah, I --"
- 5 And then you say:
- 6 "Great."
- 7 That records, doesn't it, your reaction to being
- 8 told that will here's a person who has access to the
- 9 clinic's records?
- 10 A. That's certainly not what my intention was. I mean,
- 11 I think one thing you need to bear in mind -- I referred
- to it a moment ago there -- is that I work in a very
- busy London newsroom where we get dozens of calls a day 13
- and I have to say that when someone rings up, you listen
- to them and you engage with them, and every single word
- that comes out of your mouth, there isn't this level of
- 17 kind of reaction to what you said before. I was simply
- engaged in the conversation and what I wanted to do,
- certainly by this stage in the conversation, was meet up
- with him and find out more. None of this would
- 21 represent a final conclusion on anything.
- 22 Q. You're not suggesting it represents a final conclusion,
- but what I'm suggesting is that you were delighted to be
- told that there was a potential source with access to
- 25 the records of this clinic.

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- A. I certainly wasn't delighted to be told that at all.
- 2 Q. Why did you say "great"?
- 3 A. Why did I say "great"? I can't say why I said that word
- 4 three years ago, I'm afraid. I just couldn't tell you.
- 5 Q. Can we turn now to the meeting itself, which took place
 - six days later. We need to move to tab 7. After the
- 7 preliminaries, if we look at paragraph 21, we see that
- 8 you make an early offer, don't you, to provide
 - a confidentiality agreement to Mr Atkins?
- 10 A. Yes.
- 11 Q. Then at paragraph 25, you make an early mention of money, don't you:
- "Before we publish anything, then we can get working
- on it, to be honest, so we can get an idea of how much
- money it's going to be worth."
- 16 A. Yes, according to this, that's right.
- 17 Q. So if we go over the page, page 2, of the transcript, at
- paragraph 43, you say:
- 19 "I think the best thing is for you to give me some
- 20 information about what you have got, and we can see on
- 21 the basis of that. I'll let you have a confidentiality
- agreement. I'll go back to them and see what we can do
- with the information and how much it's worth."
- So we see there an early interest, don't we, in
 - exploring exactly what it is that Mr Atkins can get his
 - Page 67
 - hands on or has got?
- 2 A. Just the information that he had, yes.
- 3 Q. At paragraph 48, you refer at the bottom of that
- 4 paragraph to having covered a lot of health stories and
- 5 working with a lot of health professionals. What were
- 6 you referring to there?
- 7 A. I was referring to the fact that in my role as a general
- 8 reporter, I covered a lot of health stories --
- 9 I referred to one in my statement with regards to the
- 10 Lewis Day investigation -- and as part of my work,
- I often talk to people within the medical profession who
- don't want to be identified. They want to talk to me
- anonymously -- sorry, they want to talk to me about
- being identified, and I wanted to make it clear that
- I was aware of the -- of that as my background, as
- having a background in that.
- 17 Q. Had you had any such conversations about celebrities in
- 18 the past?
- 19 A. Sorry?
- 20 Q. Had you had any such conversations about celebrities in
- 21 the past, by which I mean conversations with medical
- 22 professionals?
- $\,$ 23 $\,$ A. No, these are standard -- I'm talking about standard
- health stories that I'd worked on are to the newspaper.
- Q. At paragraph 50, you start talking about the public Page 68

17 (Pages 65 to 68)

- 1 interest.
- 2 A. Yeah.
- 3 Q. Let's examine that in some detail. You say:
- 4 "Let's give you an example, right? You take Fern
- 5 Britton. She's on the front of the papers, she had
- 6 a gastric band. That was a big story, not only because
- 7 it was Fern Britton had a gastric band and everyone was
- 8 amazed by her weight loss, but it was a big story
- 9 because she had said in public many times that she had
- got a huge keep fit regime and all that shit. Turned
- out to be wrong. There's a public interest in reporting
- that story. What there probably isn't a public interest
- in dains is just reporting that company had a costric
- in doing is just reporting that someone had a gastric
- 14 band operation."
- 15 I'm going to come in a moment to what you said 16 immediately after that, but before I do, does that 17 correctly record your understanding and belief as to
- where the public interest lay in the Fern Britton story, that she was fair game because she'd portrayed herself
- as someone who had lost weight in another way?
- 21 A. I can't say whether it reflects that I felt she was fair
- 22 game. What I was doing here simply was making it clear
- 23 to Mr Atkins that I was alive to the fact that there
- 24 would need to be a strong public interest justification
- 25 in moving forward with any of the information that he
 - Page 69

- Mr Atkins and we were discussing information which did
- 2 not lead to any story being published at all, and I was
- 3 simply engaging with him and trying to get to the bottom
- 4 of what it was he had to say.
- 5 Q. We'll come to the circumstances in which nothing came to
- 6 be published in due course, but at this stage you are
- 7 telling Mr Atkins, aren't you, that the public interest
- 8 doesn't matter if the name is big enough?
 - A. That's not what I was saying to him, in my opinion.
- 10 That's certainly not the impression I would want to
- 11 give

17

20

- $12\,$ Q. If we go over the page and look at paragraph 52, please,
- 13 where you say:
- "The key is when we know who we are dealing with, we can make a judgment on whether we can move forward with
- 16 it as a story."
- 18 "That is why it is quite important to get an idea of
- who we are looking at. We have celebrities, obviously,
 - at the top of the list."

Then you say:

- 21 So it's right there, isn't it, that you want more
- information so that judgments can be made?
- 23 A. What I'm referring to -- and it's -- I expand upon it
- 24 later on, I believe, in this transcript --
- 25 Q. You do.

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- 1 was offering.
- 2 Q. What was your view about the coverage of Fern Britton's
- 3 gastric band? Do you think that was appropriate or not?
- 4 A. I didn't really -- I didn't have a view about it, to be
- 5 honest. It was another newspaper's story.
- 6 Q. Why didn't you have a view about it if it was precisely
- 7 the sort of journalism that you were involved in?
- 8 A. Sorry, can you repeat that question?
- 9 Q. Why didn't you have a view if it's precisely the sort of
- journalism that you're involved in?
- 11 A. I don't think I am involved in that kind of journalism.
- 12 Q. Let's move on to what you went on to say. You say:
- "Unless they are a massively big name, then youmight make a decision."
- Bottom of page 2, end of paragraph 50. Do you have that?
- 17 A. Yes, I do.
- 18 Q. Isn't the position that there you're saying: despite
- 19 everything you've just said about the public interest,
- if the name is big enough, then the paper will publish?
- 21 A. Well, that's certainly not what I was referring to, and
- also, when you say "the paper publish", it's not my
- responsibility to make the final decision on what the
- 24 newspaper publishes, Mr Barr. What was happening here 24
- 25 was that this was an informal meeting between myself and 25 Page 70

- 1 A. Yes -- that we can then go and look at maybe something
- 2 that the celebrity may have said before and see whether
- 3 there's a clash on that.
- 4 Q. Is it because you think if there is a clash, then there
- 5 is a justification for publishing?
- 6 A. It's not because I think there is; I'm thinking that
 - I was, at that point, alive to the fact that there could
- 8 be a way of moving forward on them terms. There could
- 9 be.

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- 10 Q. Does it amount to this: at this stage in the
- 11 conversation, you want it find out more in case there is
 - a publishable story about somebody's cosmetic surgery?
- 13 A. Not about somebody's cosmetic surgery, Mr Barr. I just
- wanted to see whether there was anything that Mr Atkins
- was saying that might be of interest to me and the
- newspaper.
- 17 Q. Doesn't this amount to a fishing expedition? You're
 - talking to a man who's offering you confidential
- 19 clinical information and what you want to know is what
- is there, in case there's something that you can use.
- 21 A. I wouldn't say fishing expedition. It was just
- 22 a meeting in a very informal environment between two
- people to see whether there would be anything at the end
 - of it that we would want to get involved in publishing.
 - As has been clear, we didn't.

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- Q. Do you think, with the benefit of hindsight, it was
- 2 ethically appropriate to be pursuing your conversation
- 3 with Mr Atkins on this speculative basis?
- 4 A. Ethically appropriate?
- 5 Q. Yes.
- 6 A. I think it was appropriate to meet him, as I've made
- 7 clear, because without meeting him I wouldn't be able to
- 8 get a full assessment of what the information was that
- 9 he had, and then of course, until the meeting ended,
- 10 I wouldn't have known what the information was. So I --
- 11 as a journalist, you have to listen, engage, sometimes
- 12 go along with people, keep their interest. Of course,
- 13 this is a guy who was talking to other newspapers, and
- 14 one part of your job is to try and make sure they don't
- 15 go to other newspapers with this story, so I felt
- 16 important and right to engage with him until the end of
- 17
- 18 Q. So you thought it was okay to be told what confidential
- 19 information there might be?
- 20 A. Sorry, can you repeat that?
- 21 Q. You thought it was okay to be told what confidential
- 22 information there might be?
- 23 A. I thought it was okay to listen to what he had to say.
- 24 I think the key is what you then do, and what we did was
- 25 we didn't publish the story and we didn't use any of the
 - Page 73
- 1 information. I can't really help listening to what he
- 2 had to say to me.
- 3 Q. If we go to paragraph 54, please, you start discussing 4
 - some the ways in which the information might be used.
- 5 You say:
- 6 "Sometimes it almost goes without saying that we
- 7 will run the story. If we were rewinding six months, if
- 8 you, sitting here, saying you know that Fern Britton has
- 9 had a gastric band, great story. And you can put that
- 10 one on and she will have to admit it. The other option
- 11 is that you might come to me and say that Fern Britton
- 12 is in the process of having a gastric band operation.
- 13 How do you know that? Well, she arrives at the clinic
- 14 at this time every week for a treatment, her
- 15 consultation, and if you are there at such and such
- 16 a time down the road, you will see her. Great."
- 17 What you're talking about there is the sort of
- 18 information that would tip you off so that you could
- 19 alert a photographer to go and photograph the celebrity
- 20 using the clinic, isn't it?
- 21 A. No, it's part of what was, as I've said, a general
- 22 discussion we are were having in an informal setting.
- 23 We were just talking generally about the information hel 23
- 24 had. I certainly did not alert any photographers to any
- 25 information.

Page 74

- 1 Q. What's general about that? You're talking about a very
- 2 specific way in which your newspaper might value the
- 3 information that Mr Atkins might have.
- 4 A. I wasn't talking on behalf of the newspaper. I was
- 5 having a conversation one to one with an individual.
 - It's not reflective of what my newspaper do.
- 7 Q. Mr Owens, you were working for the Sunday Mirror at the
- 8 time. You were meeting Mr Atkins in your capacity as
 - a reporter at the Sunday Mirror, weren't you?
- 10 A. Yes.
- 11 Q. You then go on to give assurances that you would never
 - reveal the source of the information, didn't you?
- 13 A. I spoke to him on a number of occasions about the fact
- 14 that I wouldn't reveal who was providing me with
- 15 information to reassure him because he was very nervous
- 16 about that.
- 17 Q. And that's standard practice for investigative
- 18 journalists dealing with people who want to remain
- 19 confidential sources, isn't it?
- 20 A. Again, every investigation is different but you can be
- 21 asked that by some people and often you will do that.
- 22 Q. If we look at the bottom of the page, the last time you
- 23 speak on that page you come back to another use to which
- 24 you might put information. You say:
 - "If someone has had that operation and it is true,

Page 75

- 1 correct, and you go to them, the probably you can
- 2 have -- you always have -- you can come to me and say,
- 3 'Fern Britton has had a gastric band.' We go to Fern
- 4 Britton and she says, 'No, I haven't', and her agent
- 5 says, 'No, she hasn't.' We are in a difficult spot
- 6 then, because it is a flat denial and it can happen.
- 7 Often they lie. But then you are faced with a situation
- 8 whereby we might say to you guys: 'Look, we are not
- 9 going to use this is information, but can you give us
- 10 anything else other than just your word? Is there
- 11 a document somewhere, a piece of paper? Is there an
- 12 email, something that would prove she had it?""
- 13 You continue over the page in that vein. The point
- 14 there is you're telling him, aren't you, that if you
- 15 have a document, a record of the cosmetic surgery, then
- 16 you can use it to counter a denial by a celebrity?
- 17 A. That's not what I was doing. What I'm doing here -- and
- 18 again, I do stress that this meeting was three years 19
- ago, so it's difficult for me to establish what was 20
- going through my mind so long ago -- was that I felt at 21 some point in time I may need to have a conversation
- 22 with my news desk about this guy, and the meeting, and
- I felt that there may be questions asked of me about who
- 24 he was, what kind of information it was that he was
- claiming to be able to pass on. So we went down this 25 Page 76

19 (Pages 73 to 76)

- 1 road of discussing the information it was that he was
- 2 claiming to have. It was simply so that I knew the full
- 3 facts of this meeting.
- 4 Q. Mr Owens, if I stop you there. You're not there asking
- 5 him what he's got; you're telling him what you might do
- 6
- 7 A. Sorry, at what point am I doing that?
- 8 Q. The bottom of page 3. Through the illustration of
- 9 a hypothetical Fern Britton story, you're saying that
- 10 the information could be used to stand up a story in the
- 11 face of a denial.
- 12 A. What I'm doing there, actually, is reflecting and
- 13 talking about my understanding of how the
- 14 News of the World story worked. Now, from memory --
- 15 because again, it was about three years ago -- there was
- 16 an issue whereby they printed that story after a denial
- 17 from the agent, and I believe that Mr Atkins and I were
- 18 talking in general terms about that.
- 19 Q. Mr Owens, if that were right, why do you use the words,
- 20 in the fourth line up:
- 21 "We might say to you guys: 'Look, we are not going
- 22 to use this information, but can you give us anything
- 23 else other than just your word? Is there a document
- 24 somewhere?"
- 25 Are you really being candid with me in your answer Page 77

- as it's private. What we would not want to do is
- 2 contact the clinic at all, as if we contact the clinic,
- 3 it is also suggests you also know where it happened and 4 that might be quite worrying for you guys."
- 5 Then you say:

6 "So we would not be able to contact the clinic, but

7 what we would do, if he were to get a denial from the 8 agent, then we would come back to you and say, 'Is there

9 any more information that you can give us?' And if you

10 can say you could give us some kind of confirmation that 11

that treatment was taking place -- your friend would 12 probably know more about this sort of thing than ours."

13 "She works in the admin section," says Mr Atkins,

14 and then you say: 15 "So there is going to be a document?"

16 He says:

"Yeah." 17

18 It's plain, isn't it, that there, again, you're

19 explaining to Mr Atkins that if he enters into the

20 business of providing you with information, there may

21 come a time when you come back asking for documentary

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23 A. Again, that's not what I believe to be the case. What

24 I believe to be the case is that we were having

25 a general discussion about what evidence it was he could Page 79

- to this? 1
- 2 A. I am being candid with you and what I'm saying here is
- 3 that, as I just said a moment ago, I was trying to
- 4 establish exactly what evidence it was that this chap
- 5 was saying he could get, so that if I was going to have
- 6 a conversation with my news desk about it at any point,
- 7 I'd be able to answer their questions.
- 8 Q. Mr Owens, there are a number of places in this
- 9 transcript where you mention medical records. Can we
- 10 turn over the page and look at paragraph 60, please.
- 11 You say:
- 12 "If I'm honest, they'll think it's not someone from
- 13 inside the clinic. I think that is the last place
- 14 they'll think, although they might think it at some
- 15 point, so that's another process that whereby if you
- 16 work on staff, it's just worth remembering we may well
- 17 come back to you and say, 'We need a bit more', and then 17
- 18 it becomes a bit more risk."
- 19 Then your next answer:
- 20 "Yeah, you could be, exactly, substantiated,
- 21 I guess. Difficult, isn't it? I have never had any
- 22 cosmetic surgery but I suspect there is a record in the
- 23 clinic of that surgery taking place. It is not like the
- 24 NHS, obviously, where you phone up and they tell you
- 25 about an operation and that's happened on such a date, Page 78

- obtain so that I would be able to safely and fully
- 2 answer any questions I might have on it from my news
- 3 desk at a later stage, and I just remind you that after
- 4 the meeting we didn't publish anything at all.
- 5 O. At the risk of repeating myself here, at this part of
- 6 the transcript you're not him what he has. That comes
- 7 later. You're telling him what you might do with it and
- 8 what you might ask for.
- 9 A. We're having a general discussion in an informal
- 10 setting. This certainly wouldn't reflect upon what my
- 11 conclusions were about what was happening at that moment
- 13 Q. Can we now turn to page 5 and look at paragraph 70.
- 14 Second time that you speak under that paragraph number.
 - You say:
- 16 "Exactly, so -- hey, look, it is not just a case of
- you saying that this person has had X surgery. There
- 18 could be a situation whereby we'll need -- perhaps
- 19 you'll have to produce something. Have you got anything
- 20 available now? Do it in one? That is a way around it. 21
- And if she says, 'Well, I am happy to tell you who has 22 had the surgery but I will never, under any
- 23 circumstances, produce any documents', then fine, just
- 24 let me know."
- 25 Mr Atkins says:

- 1 "And that is a game we play."
- 2 You say:
- 3 "We might get to the position, unfortunately, where
- 4 they deny it and we can't run it."
- 5 We can take from that, can't we, that first of all
- 6 you're referring again to the possibility of asking him
- 7 for documents?
- 8 A. Sorry, can you just repeat what part of the conversation
- 9 you're at there?
- 10 Q. Page 5, paragraph 70.
- 11 A. Sure.
- 12 Q. The second time you speak, so the second N. I read from
- the word "exactly" down to the end of "run it", which
- was the second time you spoke. Do you have that?
- 15 A. Yes, I am looking at that.
- 16 Q. I want you just to absorb it. Make sure you've absorbed
- it so you can understand the questions.
- 18 A. Yes. (Pause) Yes, so I've read that.
- 19 Q. You're asking him: has he got anything available now?
- 20 A. I'm not asking him has he got anything available then at
- 21 that point, I don't believe. I'm sorry to refer again
- 22 to what I'm saying. I'm in a general discussion here
- about what evidence this guy has so that I'm able to
- answer any questions that might come up at a later date
- with my news desk.

Page 81

- 1 Q. Well, you use the words "Have you got anything available
- 2 now", don't you?
- 3 A. Sorry, at what point is that?
- 4 Q. It's the third line of the paragraph beginning "Exactly,
- 5 so ..."
- 6 A. According to this transcript, I do, but I'm just saying
- 7 that I'm not sure whether I meant at that point does he
- 8 have anything available. What I'm saying is that I was
- 9 involved in a discussion to see whether -- the full
- 10 extent of the information it was that he had.
- 11 Q. It seems natural that the meaning of that is you were
- asking him that, but we'll move on because immediately
- underneath what you're saying is to the effect that you
- would still be interested in a relationship with
- Mr Atkins as a source even if the nurse wasn't prepared
- 16 to produce documents; you just warn him that in those
- 17 circumstances, if there was a denial, you wouldn't be
- able to publish. That's right, isn't it?
- 19 A. We hadn't really got into the realms of discussing
- stories of which we were or were not going to publish.
- 21 This was a meeting that we were asking to discuss what
- the information was that he had, so I wouldn't really
- seeing it in them terms at all.
- 24 Q. Mr Owens, how else do you explain the words:
- 25 "... 'Well, I am happy to tell you who has had the Page 82

- 1 surgery, but I will never, under any circumstances,
- 2 produced any documents', then fine, just let me know,
- and we might get to the position, unfortunately, where
- 4 they deny it and we can't run it."
- 5 It's self-evident, isn't it, that what you were
 - telling Mr Atkins is that even if his source wouldn't
- 7 produce documents, you were still interested?
- 8 A. Interested in what?
- 9 Q. Having the information, but that the problem would be
- 10 that if there was a denial, then you wouldn't be able to
- 11 publish.
- 12 A. I don't think that's -- I don't think that's what
- 13 I thought at the time. Again, because it's so long ago,
- I can't sit here and tell you what was going through my
- 15 mind at all. So it's difficult for me to answer that,
- 16 really.
- 17 Q. The nub of it will is that you were expressing an
- interest in having confidential medical records, and if
- 19 you couldn't have those, you would settle for simply
- being told who had had what surgery?
- 21 A. I don't believe that to be the case. What I was doing
- 22 was trying to get clear in my mind the information and
 - evidence this guy had.
- Q. Move over the page, please, to page 6, right at the top.
- 25 I'm going to pick up from the second line.

Page 83

1 A. Sure.

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- 2 Q. "Look, this is how it works. Sometimes they are going
- 3 to need a little bit more as agents are not going to
- 4 roll over, so it may be we can get this done in one. If
- 5 you can get a document -- if you -- if you have got in
- 6 mind a person or persons you think are the most
- 7 interesting, just ask her what she can get hold of. If
- 8 she can't get hold of anything, or if she's not happy,
 - then fair enough."
- 10 So here you're actively encouraging Mr Atkins,
- aren't you, to see if he can get his source to obtain
 - a document?
- 13 A. I don't think I'm actively encouraging him. What I'm
- doing, as I've said, is trying to work out in my own
- mind at that time how far this chap was saying he was
- going in this situation. I mean, I -- you know, I might
- just say that at another part of this transcript,
- 18 Mr Atkins makes clear that he's going to go and get the
- 19 young lady drunk in order to get the information out of
- 20 her. So it was a very odd situation, Mr Barr, and what
- I was trying to do was trying to get clear in my mind
- 22 what was going on, so I would have a full assessment of
- the situation.
- 24 Q. Mr Owens, if the words, "Just ask her what she can get
- 25 hold of" aren't active encouragement, just what is?

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- 1 A. Sorry, can you repeat the question?
- 2 Q. The words that you use in the penultimate line of the
- 3 first paragraph on that page, "Just ask her what she can
- 4 get hold of" -- you've denied that that was actively
- 5 encouraging Mr Atkins to get his source to get hold of
- 6 clinical documents. I'm asking you: if that's not
- 7 active encouragement, what is?
- 8 A. I don't know what active encouragement is or isn't in
- 9 this situation. What I'm saying is quite clear, that
- 10 I was trying to get clear in my mind what this chap had
- 11 to offer in the information he had, and that's why I was
- engaging in the conversation I was.
- 13 Q. Can we move to paragraph 72, please.
- 14 A. Sure.
- 15 Q. Here you start talking about how to make a relationship
- with Mr Atkins work in the longer term. You are talking
- about publishing everything all at once or in close
- sequence one after the other, and you say:
- 19 "It would be a disaster. So what I would say to you 20 would be just to go for two or three of the best and we
- 21 would do two or three and then have a gap, a big gap,
- like. I reckon that if you'd got consultations, then that kind of takes care of itself, as you say. Right.
- We will try and do that story when they comes in."
- 25 Below that, the next time you speak:

Page 85

- "If you get a picture of Fern Britton coming out of
- 2 your mate's clinic, you end up writing sort of
- 3 speculative stuff saying, 'What is Fern having done?'
- 4 and that is quite weak, really. That is what I think
- 5 personally. This is why --"
- 6 Mr Atkins says:
- 7 "Yes."

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- 8 You say:
- 9 "People will go: 'She's a celeb. She might be going
- to have a look at -- she might be having botox, might be having anything.' What you need is -- in my opinion,
- you need a big celebrity who is having something big
- done. I don't know whether you have got any gastric
- bands on your list, but that would be best. They are
- 15 the best stories."
- So you're clearly explaining to him that what you
- would be most interested in is a number of stories about
- big celebrities. You're telling him what sort of
- 19 procedures most interest you -- gastric bands -- and
- you're coming up with a strategy for dealing with the
- 21 information by publishing the stories with gaps, aren't
- you?
- 23 A. I'm certainly not coming up company a strategy. What
- 24 I'm doing is engaging in a conversation with somebody.
- 25 You know, as journalists, you do often have to Page 86

- listen and go along with what people say in order to
- 2 keep their interest, and I believe that's what was
 - happening in this particular part of the conversation.
- 4 Q. You're going into very particular details, aren't you,
- 5 about a future strategy for publication?
- 6 A. But we didn't publish any stories, and moreover, as soon
- 7 as I left the meeting, nothing further happened at all.
- 8 So there was no strategy.
- 9 Q. Can we go to paragraph 76. You say:
- 10 "That's it. We need obviously names, when it
- 11 happened, possibly where it happened for us, just for
- our own -- so we can assure ourselves that we are
- dealing with all the information and stuff which won't
- be disclosed and any documents that your source can get,
- and then money-wise -- I mean, it is difficult."
- So that's your wish list, isn't it: names and
 - substantiating information, documents?
- 18 A. It wasn't my wish list at all. My wish list was to try
- and get my head clear on what the information was that
 - this chap was offering and that was it.
- 21 Q. Over the page at paragraphs 79 and 80, you start talking
- again about timing. You say:
- "It may be that one of them's a consultation, that
- 24 they're not having anything done for a month or
 - something. So you might say, 'Well, let's just wait for
 - Page 87
 - a month until that's done', and I think that might be
- the case with the band. I think that is the case."
- 3 Sorry, that was Mr Atkins, and you say:
- 4 "That's fine. If it will work better, if we can
- 5 wait then, I'm fine with that. There won't be the
- 6 situation where I go up and say, 'Oh, I met this guy and
- 7 he told me this', because then there'll be pressure to
- 8 run it, if it's good, so that won't happen. Don't worry
- 9 about that. It's just basically as far as they're
- 10 concerned, I met up with someone, we're just -- let's
- see how things go, which is basically the case anyway.
 - So don't feel rushed by it."
- 13 That explains, doesn't it, why you didn't mention
- 14 the matter to your news desk after this meeting, because
 - you had wanted to wait?
- 16 A. That's certainly not the case. Parts of this element of
- the conversation made clear what I've said to you
- previously, in that I saw this just as very much
- 19 a meeting with somebody where I was trying to get to the
- 20 bottom of what was happening. My statement makes clear
- that -- the reasons why I didn't tell my news desk about it.
- 23 Q. Can we move on now to page 9. In this part of the
- 24 conversation you're moving on to names. This is where
 - Mr Atkins starts telling you what he says his source can Page 88

22 (Pages 85 to 88)

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9

- 1 say. I should just point out that, of course, these are 2 all fabricated stories.
- 3 A. Yes.
- 4 Q. First of all, second paragraph:
- 5 "Well, one of Girls Aloud."
- 6 And then he says that it was a boob job
- 7 consultation. He says that Hugh Grant has had a bit of
- 8 a face tuck, Rhys Ifans has had a tummy tuck, Guy
- 9 Ritchie, chemical peel, and then that they turned down
- 10 Trudy Styler.
- 11 Your reaction, if we pick it up at paragraph 112,
- 12 you say:
- 13 "I'm not sure we could run that story, as it would
- 14 be too obvious where it had come from."
- 15 Mr Atkins says:
- 16 "Yeah, yeah."
- 17 So the reason there that you're not interested in
- 18 what he says to say about Ms Styler is simply because it
- 19 would disclose your source if you, the newspaper,
- 20 published that story?
- 21 A. I don't think it was. I think, re-reading this, that's
- 22 just -- I don't think Trudy Styler would be a name that
- 23 our newspaper would be interested in, anyway. But
- 24 obviously this isn't a story that we published, so ...
- 25 Q. If we go to paragraph 113, you take stock. You say: Page 89

- almost have to wait. They are both consultations, so we
- 2 would have to wait. That makes sense."
- 3 So the position is that the two stories you're most
- 4 interested in, Nicola Roberts and Gemma Atterton, are
- 5 stories you're going to have to wait for because you've
 - been told the work hasn't been done? Is that right,
- 7
- 8 A. Can you just repeat the question, please?
 - Q. The position is the stories that you're most interested
- 10 in, Nicola Roberts and Gemma Atterton, are stories that
- 11 you're going to have to wait for, because they're both
- 12 at the consultation stage and haven't had work done?
- 13 A. I haven't made any judgment at all on what was a good or
- 14 bad story from this. I was simply listening to the
- 15 information that it was that he had, and -- I mean,
- 16 I know you've not pointed any of this out yet, but I do
- 17 take great time in other parts of the meeting to explain
- 18 to Mr The Atkins that -- you know, the very sensitive
- 19 nature of everything he was saying to me and that we
- 20 would need to have some strong public interest
- 21 justification in moving forward with any of it.
- 22 Q. We've been through the extreme sensitively passage.
- 23 We've been through a discussion of public interest, but
- 24 here you are positively analysing the information that
- 25 he's giving you and saying that you would have to wait. Page 91
- "So, just running through: Trudy Styler, we can 1
- 2 forget. Guy Ritchie, probably forget. Rhys is quite
- 3 funny, but dunno. Hugh, need to check. Real potential.
- 4 Girls Aloud is potential. Very, very good story.
- 5 Depends who it is. If it's Cheryl, then it's massive.
- 6 With Cheryl, you can expect a big pay. That makes it
- 7 less dodgy for your source. It's almost worth the wait
- 8 till she's had it done. Have they had it done or is it
- 9 just a consultation?"
- 10 It's quite plain from that that you think that the 11 story about Hugh Grant and the story about Cheryl Cole
- 12 are potentially very good stories and you're plainly
- 13 excited about them?
- 14 A. Not excited. He just reeled off a series of very
- 15 bizarre stories and I was reacting to them. There was
- 16 no Cheryl Cole story.
- Q. You can on to press him about whether it was Cheryl and 17
- 18 you're told that in fact it's Nicola, aren't you?
- 19 A. That's what he tells me, yeah.
- 20 Q. You say at the bottom of page 9:
- 21 "Now, Nicola, that is still a good story. That is
- 22 the best one, Nicola, and Gemma [that's Gemma Atterton,
- 23 isn't it]. The other three are like maybes, but
- 24 definitely not Trudy. So you would be looking at Gemma.
- 25 Gemma is dodgy, as she has not had it done, so we would Page 90

- 1 Those are your words, aren't they?
- 2 A. I'm reacting to a string of stories that have just been
- 3 thrown at me there by somebody. I don't see it as any
- 4 more than that, really. It's certainly not my final
- 5 conclusion on anything that was happening and we didn't
- 6 go and do anything with the information that he was
- 7 saying to me.
- 8 Q. On the question of public interest, what we see you say
- 9 next on page 10 -- it's the first time that he see
- 10 a paragraph starting with N:
- 11 "I think Rhys is funny, because, you know, Rhys
- 12 If ans wanting a tummy tuck is a very funny story. Then
- 13 again, is it justified in the public interest? That's
- 14 the problem. We could get away with Gemma Atterton -
- 15 that's massive. Good story that, because, as you see,
- 16 she does not need one. You have got to ask yourself:
- 17 why? Why is she bothering? That age, as well. So
- 18 that's all great."
- 19 So your conclusion on the public interest seems to
- 20 be that with Gemma Atterton, a cosmetic surgery is
- 21 a massive good story?
- 22 A. It's not a conclusion. I mean, as that stream of
- 23 that -- that little bit of text shows, it was more
- 24 almost what was going through my mind, the thought
 - process that I was saying to him there. As he was Page 92

23 (Pages 89 to 92)

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- 1 sitting there, I was just reflecting upon what he'd
- 2 said. I hadn't drawn a final conclusion on anything.
- Q. You're certainly not saying there's no possible public
- 4 interest in publishing a story about Gemma Atterton's
- 5 cosmetic surgery, are you?
- A. I'm not saying that, but I'm trying to engage with the 6
- 7 person. When you do meet people, you have to listen and
- 8 go along to a certain extent about the things they're
- 9 saying, just to keep their interest.
- 10 Q. And you go on keeping him interested by talking about 11 money, because you next say:
- 12 "Think you are looking to get over 3 grand minimum.
- 13 That is a start."
- 14 Then you explain to him how it works from the money
- 15 side of things.
- 16 If we move to paragraph 120, you confirm to him that 17 the numbers you're talking about would be per story, and
- 18 then you say:
- 19 "The Rhys thing, I like that story a lot, actually,
- 20 but I wonder whether it is worth it if you do too many.
- 21 Do you know what I mean?"
- 22 Then you carry on:
- 23 "Hugh is good as well, but I would need to find out
- 24 what he's had done and what he's spoken about before."
- 25 So your concern about Rhys Ifans seems to be that Page 93

- doors are fucking AA list, but what I was slightly
- 2 concerned about, to be honest -- I was worried that you
- 3 might come here and talk to me about someone from Steps
- 4 or something."
- 5 Then Mr Atkins says:
 - "They might have, but I --"
- 7 And you interrupt:
- 8 "We are talking about kind of celebrities we rarely
 - get stories about because they're so well protected, but
- 10 you are in a really good situation, personally, to have
- 11 that sort of story, and that is why I am keen to keep
- 12 talking."
- 13 That was the position, wasn't it, that here you were
- 14 being offered information which you thought was dynamite
 - celebrity information?
- 16 A. I didn't believe it was dynamite celebrity information.
- 17 I was simply there to try and work out what the
- 18 information was.
- 19 Q. If we go over the page to page 11, paragraph 125. You
- 20 talk about the way in which the paper approaches stories
- 21 about breast enlargement. You say:
- 22 "If it's a boob job, then that goes without saying.
- 23 If you say to me that she has had a boob job in May and
- 24 we know about it and then we put pictures on her very
 - early on, then we would be the first paper to fucking Page 95
- 1 you don't want to do too many stories; you're only keen
- 2 to pick the best?
- 3 A. I can't really recall what I was thinking at that point,
- 4 whether that would be right or not.
- 5 O. In relation to Hugh Grant, you're realising that you
- 6 would have to find out what he's had done. Is that so
- 7 you could compare the information you were being
- 8 provided with with Mr Grant's public utterances to see
- 9 whether there was any inconsistency?
- 10 A. Yeah, it's another example, I feel, of where I was alive
- 11 to the fact that there would need to be a public
- 12 interest justification for using any of the information
- 13 that this guy was saying. As is set out in the
- 14 transcript, I took great length to explain that to him
- 15 on Hugh Grant.
- Q. You seem to show no such qualms about Gemma Atterton, 16 16
- but you were showing such qualms about Mr Grant. Is 17
- 18 that because Mr Grant was well known to be defensive of
- 19 his privacy?
- 20 A. That wasn't going through my mind, I don't believe. As
- 21 I say, it was three years ago, but I don't think that
- 22 would have gone through my mind, actually.
- 23 Q. You go on at paragraph 122:
- 24 "These celebrities, you know they have got money,
- 25 and Hugh -- obviously the people coming through her Page 94

- 1 run that story, do the before and after pictures --
- 2 because what you do with boob job stories is: has she or
- 3 hasn't she had a boob job? And we know she has, which 4
 - means I can write it quite strong."
- 5 So what you're postulating there is if you have an
- 6 inside source telling you before the work has taken
- 7 place about a breast enlargement process, you can
- 8 arrange for the paper to take before and after
- 9 photographs and you can write a story very strongly
- 10 because you know what the true position is.
- 11 A. I wasn't suggesting the paper go off and do anything at
- 12 all, and indeed we didn't.
- 13 Q. That would be a surreptitious use of this confidential
- 14 medical information, wouldn't it? Because you wouldn't
- 15 have to deploy the information at all; you'd just use it
- to stand up the story and to obtain it.
- A. That wasn't anything that was crossing my mind at the 17 18 time, from my recollection.
- 19 Q. You carry on in that paragraph:
- 20 "With Gemma Atterton, it is slightly more tricky
- 21 because it's a consultation for a gastric band and
- 22 obviously it goes without saying you can't see it
- 23 because then we do have to go to her. With her, we
- 24 might need some documents. We need to know when it
 - happened with the others. Hugh's had it done already, Page 96

24 (Pages 93 to 96)

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- 1 so I need to work out if he has ever said anything and 2 work out how we can run."
- 3 And so again we see another reference -- we've come
- 4 to similar references before -- warning Mr Atkins that
- 5 you might need documents in some cases. It seems that
- 6 you were very keen on the possibility of getting
- 7 documentary proof, weren't you?
- 8 A. No, I was very keen to try and work out what Mr Atkins
- 9 was involved in and trying to ascertain what it was.
- 10 Q. Again, you're making a second reference to Mr Grant of
- 11 the need to check whether in his case there's been any
- 12 hypocrisy?
- A. What I'm indicating there, I believe, is the need -- and 13
- 14 being alive to the need -- to see whether there would be
- 15 a public interest defence in any story that Mr Atkins
- 16 was offering.
- 17 Q. If we go down to paragraph 126 -- it's a long
- 18 paragraph but I want to pick up on where you speak just
- 19 below the bottom hole punch, where you say:
 - "I don't think we would need anything more on Nicola
- 21 because it would be there in plain view for all to see."
- 22 Do you have that?
- 23 A. On page 11?

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- 24 Q. Page 11, just below the bottom hole punch.
- A. I don't, actually, sorry.

Page 97

- O. You say: 1
- 2 "I don't think we would any anything more on ..."
- 3 A. Yes, I can see that, yes.
- 4 Q. That's referring back to the way you've said that the
- 5 paper would deal with a breast enlargement story. What
- 6 you can do is use the information to set the story up --
- 7 A. I wasn't giving any --
- 8 Q. You wouldn't actually need any documents?
- 9 A. I wasn't giving any view to Mr Atkins on how the paper
- 10 acted. I was just engaged in a conversation with him.
- 11 Q. Let's follow that up by looking at what you say towards
- 12 the bottom of page 11. I'm looking at the last but one
- 13 time you speak on that page. It's a paragraph that
- 14 begins:
- 15 "Yes, the thing is --"
- Do you have that? 16
- 17 A. Yes, I do.
- 18 Q. "Yes, the thing is with that she'll need, in my opinion,
- 19 is that with an operation like that -- it is quite a big
- 20 operation. They will normally need a couple of weeks
- 21 off, so it will come when there's a gap in their thing.
- 22 We'll be able to work it out. No one has seen them come
- 23 in for a few weeks. Where has she been? I think we
- 24 will be fine on that. I mean, I think we will be all
- 25 right. And obviously, if it looks like she has got Page 98

the better, really. If she can't get anything, then

bigger tits, we can easily say she has had a boob job

if possible, some documentation. The thing so say to

and we would be all right. Gemma Atterton, we'll need,

- 4 your friend is: 'What did you get?' Because the more
- 5
- 6
 - fine."
- 7 Mr Atkins says:
- 8 "She is be a administrative nurse. That's the 9 thing. So she probably can."
- 10 And you say:
- 11 "If she can, yeah, get a document on everything."
 - That really is the bottom line, isn't it, Mr Owens?
- 13 You're trying to encourage Mr Atkins to get the nurse to
- 14 get as many documents about cosmetic surgery as she can
- 15 lay her hands-on?
- 16 A. It's certainly not the bottom line, but what I was
 - trying to do was ascertain the information he had, and
- 18 I should remind you, as I've made clear in my statement,
- 19 that newspapers do often investigate and expose people
- 20 that are involved in something we believe to be wrong.
- 21 This was a guy who was sitting in front of me, claiming
- 22 to go and -- he was going to get a young lady drunk so
- 23 he could obtain information from her, and I felt at some
- 24 point down the line, when I spoke to my news desk, as
- 25 I've set out in my statement, we may want to expose what Page 99
- this guy was up to. So I needed to be in full 1
 - 2 possession of the facts.
 - 3 Q. Let's examine that a little bit. You've told us that in
 - 4 fact you set off to meet Mr Atkins without talking to
 - 5 your news desk at all?
 - A. No, I said to them I was off to meet someone.
 - Q. And you didn't record this conversation?
 - 8 A. No.
 - 9 Q. So you plainly didn't have a sting in mind when you
 - 10 embarked upon the inquiry?
 - 11 A. When I went to meet him, at that stage it was a general
 - 12 meeting, trying to work out what information there was
 - 13 there.
 - 14 Q. And here you are expressing interest in the stories,
 - 15 discussing the details of how the information might be
 - 16 used and concluding with an invitation for the nurse to
 - 17 get documents on everything?
 - A. That's not the end of the meeting. I mean, as you'll 18
 - 19 see, towards the end of the meeting he refers again to
 - 20 the fact that he's going to go and get her a little bit
 - 21 drunk, and that was one of the main things that he
 - 22 was --
 - 23 LORD JUSTICE LEVESON: Where had he already said that?
 - 24 A. Further in towards the middle of the conversation.

Page 100

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Day 37 - AM 1 SPEAKER: Paragraph 77. LORD JUSTICE LEVESON: Thank you. 3 A. So it was a thing --LORD JUSTICE LEVESON: Just pause. (Pause) 4 5 Thank you. A. I mean, as he says here: 7 "I'm going to need to sit down with her, take her 8 out, get her drunk." 9 These were comments, by the way, that were initially 10 not disclosed in the transcript of our conversation, and 11 I feel that it just underlines the very odd situation 12 that I was in there with this chap. You know, he was 13 claiming that he was going to get somebody drunk so he 14 could get information. By the end of the meeting, he 15 referred to it again and I went away thinking that we 16 may need to expose he was doing. 17 LORD JUSTICE LEVESON: You think that's a proper 18 construction of this conversation, do you? 19 A. Sorry, the --20 LORD JUSTICE LEVESON: You think it's a proper construction 20 21 of this conversation, do you? 22 A. What, the transcript? 23 LORD JUSTICE LEVESON: That you've just explained. 24 A. Because it was so long ago, I'm not able to recall 25 whether it's a proper construction or not, but I can Page 101 1 only work from this transcript. 2 MR BARR: Let's just assume for a moment that that was 3 running through your mind. If we go over the page to 4 page 12, where you're continuing, a paragraph that 5 starts "If she can, yeah, get a document on everything": 6 "With Rhys -- if you want to do Rhys, ask her to get 7 something on Rhys." 8 Then you go on to say that you're going to have to

that she could get as many documents as she could,

17 Q. No, that's not what I said. That wasn't the question.

trying to make here was as we drew to the end of the

Page 102

25 1 2 3 4 5 6 7 8 9 read back on Hugh over the next couple of days. Why, if you were having qualms about his methods, were you 10 positively encouraging this man to get a nurse drunk so 11 12 including specifically about Rhys Ifans, and telling him 13 that you were going to have to read back on Hugh Grant? 14 A. I wasn't positively encouraging Mr Atkins to get her 15 16 17 18 Q. Why you were positively encouraging this man to get her 19 drunk and obtain the note, because you're telling him: 20 21 "Ask her to get something on Rhys, get a document on 22 A. The meeting was coming to an end and the point I'm 23 24 25 meeting, alarm bells began to ring, especially when he

the methods that were proposed; all you wanted was to get the information? A. That's not correct. Q. If we go over to page 13, we see that again you start planning for the long term. Paragraph 144. You say -we'll start with what Mr Atkins says. He says: "Yes, I could see the thing being one every six weeks, six months, every year, something like that, and 12 more people are going to come through the doors and you 13 can also tell us who you want to look out for." 14 And you say: "Yes, that is a good point for you, for the celebs, 16 think around telly, TV, Eastenders, Coronation Street, the big ones, the big programmes. Obviously people like film stars. Goes without saying. Ramsay is huge. I'll just give you the top five celebs: Becks, he is not going to go there, Ramsay, Lewis Hamilton, Linacre is big and just TV." You go on then to talk money again, couple of lines 24 "10 to 15, which is a lot of money for a good story." Page 103 So even here, towards the end of the conversation. you're actively discussing with him which celebrities you're interested in and talking about a long-term strategy, aren't you? A. I'm just engaging with him, and for several points in this meeting he was mentioning money, so I was just engaging with him, and as I've said in my statement and said here, as a journalist you do sometimes have to, when you're meeting people, go along with them a little bit and in order to engage with them. Q. If you turn to the very last page, page 14 --A. Yes. Q. -- it says: "Subsequently Nick Owens made several phone calls to my mobile phone, leaving messages explaining they were very keen on running the story." It's right, isn't it, that you did telephone Mr Owens and left messages for him? A. I don't recall making several phone calls. Obviously it was a long time ago. I think I made two phone calls. The first one being that -- you know, bear in mind Mr Atkins was extremely nervous throughout this meeting. As you'll see, at one point he spilt a cup of coffee over his trousers, and we also agreed to talk at the end of the meeting, he asked me to ring him, so I was Page 104

repeated the fact that he wanted to get her drunk again,

that this was a guy we may want to be investigating.

Q. Isn't the true position that you were very happy about

drunk. He was --

everything"?

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18 A. Right.

- 1 honouring that. And then on the second occasion that I
- 2 rang him, it was just to see how he was and if he was
- 3 still okay. As a journalist, I feel you have a duty of
- 4 care to do that if you're meeting someone who sounded
- 5 a bit nervous about things.
- Q. Isn't the real position that you were interested in 6
- 7 following up this information which you had been
- 8 offered?
- 9 A. No. I mean, by that point I'd come to a conclusion that
- 10 it was very unlikely we would be able to do anything
- 11 with Mr Atkins at all.
- 12 Q. You say in your witness statement that by this stage
- 13 you'd looked at the PCC code?
- 14 A. Yes.
- 15 Q. Had you really had to look it up?
- 16 A. No, it's not a case of looking it up. Obviously all
- 17 stories are different and all situations are different,
- 18 so, you know, when I came back from the office,
- 19 obviously I was reflecting upon what had happened. Very 19
- 20 unusual set of circumstances, as I've said, a man
- 21 offering to get a young lady drunk to obtain
- 22 information, and I just in the cold light of day looked
- 23 at the PCC code again and realised it was very unlikely
- 24 we'd be able to do anything at all here apart from
- 25 perhaps again looking at the possibility of exposing Page 105

- Q. She says that you met; is that right?
- A. Sorry, I met Ms Weaver?
- 3 Q. Yes.
- A. I did. 4
- 5 Q. She says that you were apologetic.
- 6 A. Yes, I was.
- 7 Q. And that you told her that you'd said some unhelpful
- 8 things.
- A. Mm.
- Q. Is that right? 10
- 11 A. Yes, it is.
- 12 Q. And she describes her reaction as being unhappy. Was
- 13 she unhappy?
- 14 A. She was.
- 15 Q. Concerned?
- A. I can't remember if she was concerned. She was unhappy
- 17 Q. She thought that you'd acted unwisely and made
- 18 misjudgments; did she tell you that?
- A. She did.
- Q. If it had been your intention to do a sting, you
- 21 wouldn't have been apologetic, would you?
- 22 A. I wouldn't have been apologetic?
- 23 Q. Mm.

- 24 A. Well, at that particular moment in time when I spoke to
- 25 the editor, I've just said to her that I've felt, you

Page 107

- 1 Mr Atkins.
- 2 Q. It's right, isn't it, that after you'd met Mr Atkins you
- 3 didn't mention the matter to the news desk?
- 4 A. I didn't.
- 5 Q. If you had been contemplating a sting, you would have
- 6 done so, wouldn't you?
- 7 A. I would have done, if I was contemplating -- I was
- 8 contemplating a sting, but, as I've said in my
- 9 statement, the more sort of pressing matter in that
- 10 particular week was that after meeting with Mr Atkins
- 11 I became involved in a very big story about
- 12 a mother-of-two who had been jailed in Dubai, wrongly
- 13 jailed, we had information to suggest, which ended up
- 14 being the front-page story for us that particular week,
- 15 so I became quickly involved in another story and
- 16 I decided that it was a better allocation of my time to
- 17 work on that than spend any more time on this.
- 18 Q. Isn't the true position that the matter didn't go
- 19 forward because Mr Atkins didn't return your calls and
- 20 didn't in fact ever come up with the goods?
- 21 A. That's not right at all.
- 22 Q. What did happen, though, in October 2009, is the film
- 23 Starsuckers was released, and at that point the matter
- 24 came to the attention of your editor, Ms Weaver.
- 25 A. Yes.

Page 106

- 1 know, I'd made some misjudged comments, some slightly
- 2 clumsy comments, and I explained to her that I was sorry
- 3 for any embarrassment that it had caused, and I then
- explained that I'd never mentioned the matter to the 5 news desk and the reason being for the reasons I've just
- 6 set out: that I looked again at the code, I also then
- 7 got involved in a very big story for us that week; and
- 8 that was what I said to her.
- 9 Q. Isn't the true position that you were taken in by
- 10 Mr Atkins and you let your excitement at the prospect of
- 11 celebrity stories get the better of your moral compass?
- 12 A. I don't believe so.
- 13 Q. Can we turn now to a completely different matter, and
- 14 the coverage by the Sunday Mirror of the
- 15 Christopher Jefferies story?
- A. Yes. 16

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- 17 Q. I'm looking now at the very last page in the bundle and
 - this is a copy of the Sunday Mirror from 2 January of
- 19 last year. There is a story in the bottom right-hand
- 20 corner of the page:
- 21 "Suspect in poem about killing wife."
- 22 And this is where we have a story about
- 23 Mr Jefferies, an English teacher, teaching Oscar Wilde
- to his class, but it's portrayed in somewhat sinister 25 terms. It carries the byline of yourself and Alastair Page 108

27 (Pages 105 to 108)

1	Self. Did you in fact write this article?	
2	A. No, I didn't.	
3	Q. Did you have anything at all to do with it?	
4	A. Apart from moving it across to the next stage in our	
5	production process, no.	
6	Q. Why then does it have your byline?	
7	A. I mean, as my editor has explained, that was	
8	a production error.	
9	Q. And is this sort of thing common at the Sunday Mirror?	
10	A. I'm not able to say. I don't it's not my job to keep	
11	a record of things like that.	
12	MR BARR: Thank you, Mr Owens. Those were all the questions	18
13	that I had for you.	
14	LORD JUSTICE LEVESON: Thank you very much. Thank you	u.
15	MR BARR: Sir, we've finished the witnesses that we have	
16	this morning. I think that Mr Dacre is going to be	
17	available at 2 o'clock.	
18	LORD JUSTICE LEVESON: Right, 2 o'clock. Thank you.	
19	(12.44 pm)	
20	(The luncheon adjournment)	
21		
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2425		
23	Page 109	

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