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K.R. Murdoch
First Statement
"KRM38"
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**IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS
OF THE PRESS**

EXHIBIT "KRM38"

This is the exhibit marked "KRM38" referred to in the witness statement of Keith Rupert Murdoch dated the 12th day of April 2012.

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The law on phone hacking

Regulatory and Investigatory Powers Act, under which Clive Goodman was jailed, has no public interest exemption

Nick Davies
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 Article history

Hacking into messages on mobile phones is covered by the same law which now regulates phone tapping and other forms of covert information-gathering, the Regulation of Investigatory Powers Act 2000, known as RIPA.

This makes it a criminal offence to intercept phone calls unless it is done by a member of the police or intelligence agencies acting with a secretary of state's warrant, which can be granted only to protect national security, to prevent serious crime or to safeguard the economic wellbeing of the UK. It also makes it an offence to gain access to material which is stored on a communication system, such as a voice message, without a search warrant or a "production order", either of which has to be approved by a judge.

The act makes no provision for anybody outside the intelligence agencies and the police to obtain any kind of authority to intercept phone calls or messages. Specifically, there is no public interest defence for anybody caught breaking RIPA. The former News of the World reporter Clive Goodman was jailed for four months and the private investigator with whom he had been working, Glenn Mulcaire, for six months for hacking phone messages in breach of RIPA.

RIPA was the Blair government's attempt to put the activities of the secret state onto the statute book and, more importantly, to make them consistent with the European Convention on Human Rights. For years, British law had simply failed to acknowledge the existence of the intelligence agencies and had allowed phone tapping and other covert activity to be regulated by unpublished internal guidelines which finally failed a legal challenge in the European Court.

Access to confidential databases, such as telephone accounts, bank records and information held by the Driver and Vehicle Licensing Authority, is covered by a different law, the 1998 Data Protection Act. Section 55 makes it an offence to gain unauthorised access to such data, punishable by a fine. However, unlike RIPA, this offence carries a public interest defence.

The Information Commission, which is responsible for policing the Data Protection Act, has twice published reports about the widespread breach of the act by private investigators acting for journalists. The outgoing commissioner, Richard Thomas, has made it plain that he believes almost all of this activity has been without sufficient public interest. In 2007, after a lengthy consultation, the commission secured the agreement of the government to make such breaches an imprisonable offence. However, a lobby by leading figures from News International, the Telegraph group and Associated Newspapers, which publishes the Daily Mail, persuaded Gordon Brown to overrule the plan.

The Information Commission also attempted to persuade the Press Complaints Commission to publish a strongly worded message to journalists warning them that they were running a real risk of being convicted in court. The PCC, which is funded by the newspaper industry, resisted and eventually published guidance which Richard Thomas publicly described as "disappointing".