

NI Group Limited
J. H. Walford
First Statement
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**IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND
ETHICS OF THE PRESS**

**WITNESS STATEMENT OF
JUSTIN HUGH WALFORD**

(1) State who you are and provide a brief summary of your career history in the media and as a lawyer.

1 I am Editorial Legal Counsel at News Group Newspapers Limited ("NGN"), which publishes The Sun and formerly published the News of the World ("NoW"). I am providing this statement because the Legal Manager of NGN, Tom Crone, left the company in July this year.

2 I was called to the bar in 1981, and practised at One Brick Court Libel chambers from 1982 until 1985. In 1985, I joined Express Newspapers Ltd ("Express Newspapers") as an in-house legal adviser, where I stayed for 20 years. During this time, I had a similar job to my current one, concentrating on the four national newspapers Express Newspapers published: the Daily Express; the Sunday Express; the Daily Star; and the Daily Star Sunday.

3 In December 2005, I joined NGN as Deputy Legal Manager. My job title changed to Editorial Legal Counsel on 1 September this year, when a solicitor, Ben Beabey, joined me in the editorial in-house team. Ben's job title is also Editorial Legal Counsel. We both report to Simon Toms, NI Group Limited ("NI")'s interim Director of Legal Affairs. Prior to Tom Crone leaving NGN, I reported to him as Legal Manager of NI and NGN.

4 In this statement, I state in general terms some of the legal issues on which I have advised. However, nothing in this statement constitutes a waiver of legal privilege.

(2) What are your responsibilities as in house legal adviser?

5 Before describing my specific responsibilities as an in-house legal adviser, I believe it would be of assistance to the Inquiry if I briefly explain: (1) the structure of the editorial legal department at NGN; (2) which NGN publications receive legal advice and how the system operates; (3) the reporting structure for the editorial legal department at NGN; and

(4) my understanding and experience of the role of an editorial legal adviser at NGN and generally.

The structure of the editorial legal department at NGN

- 6 The editorial legal department is one of a number of different legal departments giving advice to NGN and its staff. For example, separate departments with lawyers with relevant expertise advise on corporate or commercial matters, employment matters or matters of general health and safety. In addition, there is a small team of lawyers who have expertise in intellectual property, in particular copyright. I have always regarded it as useful to be able to call on their assistance, particularly when dealing with copyright issues or complaints.
- 7 The editorial legal department is focused on the editorial legal requirements of NGN's publications. This mainly involves advice on libel, privacy, confidence, contempt and copyright.
- 8 NGN's editorial legal department is small. The department was managed and led by Tom Crone until July this year and I was the sole other full time lawyer until Ben Beabey joined. As mentioned above, Tom Crone was legal manager of NI. This meant that he was the senior lawyer for The Times and Sunday Times. In practice, Tom Crone approved budgets and, I believe, large settlement agreements on The Times and Sunday Times, but I am not aware that he ever got involved in pre-publication advice on those publications.
- 9 Tom Crone had been the NoW lawyer for many years and managed the editorial legal department at NGN. For The Sun, this meant that he approved financial settlements, assisted with complaints and, on occasion, fully managed litigation. He also assisted in some pre-publication work on The Sun. However, throughout my time at NGN he mainly concentrated on the NoW. I concentrated on The Sun and other titles. So that the position is clear, I have summarised my involvement with the NoW in paragraph 28 below.
- 10 Because of the large workload in the department, I was given assistance with my job from Barney Monahan, a solicitor who had been covering The Sun part-time before I came. Tom Crone agreed that Barney Monahan would assist me on The Sun and other titles on four afternoons a week and whenever he, Tom Crone, was on holiday. Barney Monahan also covered full time for me when I was on holiday. Barney Monahan left for another job at the beginning of this year and, until Ben Beabey came, I was assisted by night lawyers (see below) coming in early.
- 11 Like most other national newspapers, NGN has a rota of regular night lawyers. On The Sun, night lawyers begin work at 6pm and stay until the newspaper has gone to print, which is in the region of 10pm. A night lawyer also comes in early on Sunday when there is no in-house lawyer and libel reads the following day's newspaper. Night lawyers are

usually barristers who work in the evenings (sometimes on a number of different newspapers a week) who build up expertise at libel reading.

12 NGN also uses external lawyers, both counsel and solicitors. Much of the work of external counsel and solicitors is with litigation (post or pre-publication). However, I have always felt it sensible and cost effective to refer some difficult, legally problematic pre-publication stories to specialist counsel. This has meant building up a small team of specialist leading and junior counsel who can advise the Editor or senior editorial staff in conjunction with myself (or the night lawyer) about a specific story for publication. I regard the relationships built up between these counsel, myself, the Editor and senior editorial staff as vitally important. I have, both at NGN and Express Newspapers, always made clear to night lawyers that, if in doubt, they should get advice from counsel, as this will inevitably work out cheaper and more effective in the end.

13 Finally, I should explain the position in Scotland, Northern Ireland and the Republic of Ireland. In the Republic of Ireland and Northern Ireland, NGN shares a full time in-house lawyer with The Times and Sunday Times. His name is Mark Sinclair and he is based in Dublin. He reported to Tom Crone, but now reports through Ben Beabey and myself to Simon Toms. Mark Sinclair has his own rota of night lawyers for each of the titles as well as solicitors and counsel to cover both jurisdictions. NGN does not have an in-house lawyer in Scotland. Instead, a firm of solicitors with extensive media law experience provides a rota of night lawyers and manages litigation and complaints. These solicitors reported to Tom Crone, but now report through Ben Beabey and myself to Simon Toms.

NGN publications receiving legal advice and how the system operates

14 The main newspapers that receive legal advice are The Sun and, before its closure, the NoW. As noted above, Tom Crone concentrated on the NoW. When I joined NGN, at the end of 2005, I did so expressly to concentrate on The Sun and other titles apart from the NoW.

15 In addition to The Sun, I regularly advise Sun Online (an internet edition of the paper) and I libel read Fabulous Magazine (which was formerly the Sunday magazine for the NoW but which is now a magazine for the Saturday edition of The Sun). In the past, I also libel read thelondonpaper, which was a daily free paper for London (published by NI Free Newspapers Ltd, a subsidiary of NI Group Limited) that has now closed, and a real life magazine called Loveit!, which has now been sold.

16 I should explain how the system of libel reading operates. First, on The Sun, stories with potential legal problems can be referred to the editorial legal department, either directly by the journalist or, more commonly, by the News or Features Editor. Sometimes the Editor or the Deputy Editor will ask for legal advice directly. Advice is then given, often face to face, and then the copy is written or amended in the light of the advice. Beside this, stories for

libel reading by the in house lawyer or night lawyer are placed into a special legal "inbox" on the computer system. This known as the "leg-in" box. Journalists can put stories into leg-in, as can news editors, features editors, sports editors or other members of editorial staff. It is the responsibility of the in-house lawyer or night lawyer to check leg-in. The lawyer approves or makes a series of legal marks (i.e. deletions or additions) directly onto the copy of the story and forwards it to a separate inbox, known as "leg-out". The Sub Editor who is editing the particular story will know from his or her own system that the story has been sent to leg-in and will receive a copy of the legally amended or approved story from leg-out. The Sub Editor will then ensure that the legal marks are incorporated into the final version.

- 17 The night lawyer, in addition to ensuring that all stories sent to leg-in have been properly marked up and returned to leg-out, also looks at each of the newspaper pages in page proof form on the computer system. He or she will thus see the headlines, pictures (including captions) as well as the final text of the story as it will appear in the following day's newspaper. Legal changes can still be made at this stage. The night lawyer will routinely check all the news pages and most of the features pages (ignoring items such as TV listings). Since, particularly on a football night with many league games, there will be many sports reports, the night lawyer will not normally libel read sports pages unless he or she has been notified of the need to do so by the Sports Editor or a Senior Sports Sub Editor. Sports stories can, of course, be placed in leg-in, in the normal way. Obviously, stories may break or be amended during the night for a later edition. In such circumstances, the news desk will telephone either the night lawyer or in-house lawyer. I am often called late at night.
- 18 The system I used on the NoW was different. The lawyer was not formally sent stories into a separate leg-in inbox on the computer system. I do not know whether such system was set up, but when I libel read the NoW, I did not use it. Instead, stories were directly referred to me by the Editor or journalists, in a similar way as on The Sun. The night lawyer or I would read all the page proofs as they came up on the computer system and approve each page with the senior Sub Editor before it was sent for printing.
- 19 The position for the London paper was similar to that on the NoW, while the system for magazines is that they are libel read in page proof form before being sent for printing. Obviously, if a magazine editor or journalist is concerned about a proposed story, he or she can seek advice at any point.
- 20 The system for Sun Online is different. It uses the libel read version of stories put into the newspaper. The site changes normally at around midnight, but is updated frequently during the course of the day. Because of the need for speed, the leg-in inbox is not used, but proposed copy is sent direct by email to an in-house or night lawyer and the person

responsible for editing at that point contacts an in house or night lawyer and seeks advice about the relevant story.

- 21** Finally, I add in this context that Sun Online employs a moderation team for online comments on the site. This team has eight full time staff and works on a rota so that someone is on duty 24/7. Staff are trained and have guidelines for legal issues (they can also contact the editorial legal department) and guidelines for taste and decency.

The role of an editorial legal adviser

- 22** I hope the Inquiry will find it helpful if I set out my understanding of the role an in house editorial legal adviser. Other in house lawyers may have different views and different ways of approaching their job but I suspect that the role will be broadly similar to that of most print media lawyers working for newspaper publishers.

- 23** The lawyer – be it in house, night lawyer or external counsel – takes no part in the editorial process. His or her responsibility is to explain the legal risks quickly and clearly to editorial and to assist in finding alternative and legally safer ways of getting the story into the newspaper. Editorial lawyers are often judged by what they cut out or amend, because the following day a number of other newspapers, often presented with similar material, will have made their own legal marks (or lack of them). The Editor may want to know why there is a difference.

- 24** Two points are important. First, the value of good relationships, particularly of respect and trust, between editorial lawyers and editors and senior editorial staff. I have worked with over 25 editors in the course of my career, together with countless deputy editors, news editors, features editors, sports editors and managing editors. I place great value on good personal relationships including, as noted above, with external counsel giving pre-publication advice, often in quickly arranged conference calls.

- 25** Since I have mentioned trust, I think it relevant to state that lawyers, like editors and managing editors, rely on and must be able to trust journalists. There is an enormous workload for lawyers, editors and managing editors, as well as for news editors, features editors and sports editors. There is a high standard of professionalism amongst the vast majority of journalists. Publishing a newspaper would be unworkable otherwise.

- 26** Second, I have personally seen my role as no different from that of an external legal adviser. I try to approach my duties in exactly the same way as I would if I was an external adviser. I do not find it difficult, if it is legally necessary, to advise against or libel read copy which is commercially attractive but legally unsafe. I genuinely try to handle complaints in a proper, courteous and constructive manner. One of the advantages of the media legal world being small is that, over the course of years, I have frequently dealt with the same lawyers against me. I value the good and working relationships I have managed to build up.

My responsibilities as editorial legal adviser

27 My main responsibilities as editorial legal adviser for NGN are:

- (i) Libel reading. I have described the process of libel reading in detail in paragraphs 16 to 20 above. With Ben Beabey, I currently libel read copy for The Sun, Sun Online, and Fabulous Magazine. In the past, I also libel read the London Paper and Love! magazine.
- (ii) Dealing with pre-publication threats, in particular injunctions. Since there is often a risk of an injunction in many cases of pre-publication threat, I normally liaise with external counsel in relation to these and, if required, I will instruct solicitors and counsel to defend the newspaper's position at a court hearing.
- (iii) Dealing with post-publication legal complaints. Together with Ben Beabey, I handle nearly every post-publication legal complaint in relation to The Sun and other current publications mentioned in paragraph 15 above. Wherever possible, I seek to resolve such complaints before they turn into litigation. This can involve negotiating settlements and apologies directly with complainant's solicitors and advising and taking instructions from the Editor.
- (iv) Issuing and circulating legal notices. Notices of injunctions, court orders, complaints or other legal notices are circulated to relevant staff and to the in-house library by the editorial legal department. Take-down notices are also issued to Sun Online. A full set of injunctions and orders is kept available in the editorial legal department.
- (v) Managing post-publication litigation. Nearly all litigation is handled by external solicitors and counsel. It is my duty to manage the litigation, taking instructions from the Editor.
- (vi) Liaising with or assisting the Managing Editor on matters relating to the Press Complaints Commission (the "PCC") Code. There is often an overlap between issues that arise under the PCC Code and legal issues. For example, where an issue in relation to clause 3 (privacy) of the PCC Code arises, the same set of facts might well raise concerns under the privacy provisions of the Human Rights Act and the European Convention on Human Rights. It is therefore appropriate that these issues are discussed with the legal team.

At present, because of pressure of work on the in-house editorial team, the Executive Editor, Fergus Shanahan, a senior editorial colleague of the Managing Editor, is responsible for liaising with the PCC in relation to both pre-publication issues and any post-publication complaints. However, I regularly liaise with him and the Managing Editor to assist them in this task. I dealt with PCC complaints when I

worked at Express Newspapers, contributing to the original Calcutt Report, which led to the replacement of the Press Council with the present PCC.

The types of suggestions I might make to the Managing Editor or the Executive Editor in dealing with issues under the PCC Code include, for example, pixelation of pictures to protect the identity of individuals, pulling pictures from publication in circumstances where the PCC has indicated that the subjects have complained of harassment, and protecting the confidence of a pregnancy whilst it is still in its first three months.

- (vii) Assisting with contracts. I will occasionally be asked to review contracts, for example a book serialisation deal or where the newspaper has a contract with a third party contributor for a story. The vast majority of contracts are not made through or referred to the editorial legal department, since there are standard form draft contracts (which pre-date my time at NGN) which are used by editorial and journalists.
- (viii) Advising on conduct. From time to time, I receive queries from journalists regarding issues of conduct. For example, a journalist may wish to speak to an in-house lawyer about coming into contact with drugs during an undercover investigation. In these circumstances, I provide the journalist with appropriate advice, including guidance on how to co-operate fully with the police. I say more about this in paragraph 29 below.
- (ix) Assisting with training on legal issues. I say more about this in paragraphs 33 to 35 below.
- (x) Internal reporting/budgeting, for example:
 - (a) The editorial legal department is responsible for keeping NI's Chief Financial Officer and Chief Executive Officer informed of all litigation, with a brief summary of the issues and estimates of expenditure. I also routinely inform NI's management before a Statement in Open Court is read or if there is a major apology being published.
 - (b) Regular meetings are held with the finance department on the issue of budgeting. Our external solicitors produce monthly litigation reports for this purpose.

28 Even prior to the NoW ceasing publication, I performed the above responsibilities primarily in relation to The Sun rather than the NoW. My work on the NoW involved libel-reading the paper when Tom Crone was on holiday (about five or six times a year) and assisting with libel/privacy/copyright complaints and their resultant litigation when Tom Crone was busy. I also assisted Tom Crone by libel reading articles when he was busy and I libel read a number of comment columns on a Friday evening. At no time did I have any responsibility

for any of the civil claims made against NGN in connection with phone hacking. These were managed by Tom Crone. When Tom Crone left in July this year, responsibility for these claims passed to the management and standards committee ("MSC") of News Corporation.

(3) Have you ever been asked to advise upon the legality of methods of obtaining information including (but not limited to) phone hacking, computer hacking and "blagging"? If so, please give the best particulars that you can about who sought the advice, when, in what context and the advice that you gave.

29 I have, during the course of my career, given advice about the legality of methods of obtaining information. This includes advice in relation to journalists working under cover – including subterfuge, journalists exposing illegal practices (such as the use or supply of drugs and fraud), and the use of material that may be confidential. Some examples are set out below:

(i) From time to time, newspapers seek to expose those guilty of using or supplying illegal substances such as drugs. Editors may regard publication in a particular case as a legitimate matter of public interest. Subterfuge may be used and drugs purchased by or on behalf of the journalist, which raises certain legal issues. I have advised on a number of such cases. In such instances, newspapers ensure that any substances are immediately and safely taken to a recognised institution for testing, and that, following publication, full co-operation is given to police. On other occasions police might be involved or informed before a "sting" takes place.

(ii) I have advised on legal issues arising from a journalist going under cover, for example, within the airline industry. For these investigations, journalists may apply for and accept jobs within airlines or contracting companies that supply services to airlines in order to observe their security, their operations and identify and expose weaknesses and threats to public safety.

(iii) On one or possibly more occasions in the past I have advised about the general legal position with regard to a laptop or mobile telephone found, for example, on a train or in a taxi. My first concern has always been as to whether the property has been stolen and for its safe and unmolested return to the owner or to police. In these cases, I have subsequently been assured that no material had been wrongly obtained and that property has been returned.

30 I have never been asked to advise on the legality of phone hacking nor, at any time, have I ever suspected that a story on which I was giving advice had been sourced by such methods. Prior to Clive Goodman's case becoming public, I had never heard of Glen Mulcaire, and I have never heard or seen his name in connection with any story I have

advised on. Since the Goodman case, I have assisted in training and in this context have referred to the law on phone hacking. I have outlined this at paragraphs 33 to 35 below.

31 I cannot recall ever advising on computer hacking, although of course, in the context of the circumstances mentioned in paragraph 29(iii) above, I would have issued a general cautionary warning in passing. I cannot recall providing specific advice on blagging, but my advice would have been based on the legal issues involved.

(4) **What training, guidance and policies have been provided to you by your employer in order to enable you accurately to advise upon the legality of methods of obtaining information (including keeping up to date)? Do you consider that it has been adequate?**

32 Each year I attend a number of externally run conferences, seminars and lectures with a media law focus, as part of my continuing professional development. The company pays for these and gives me time off to attend. They include the two main media law day long conferences each year. In addition, media solicitors and chambers regularly run seminars and lectures dealing with specific areas of media law. These training sessions cover a variety of media law issues and, whilst I do not recall specifics, some of them may have addressed the legality of different methods of obtaining information. In addition, as I noted above, I will often seek counsel's input where difficult legal issues arise. Accordingly, I believe that my training in this area has been adequate.

33 It may be helpful in this context briefly to mention my involvement in delivering training to others on these issues. From time to time NGN organises, through its Managing Editors, training for journalists, often in conjunction with the PCC. Following the Goodman case, training on the NoW was arranged on legal issues as well as by the PCC. A series of two hour training sessions were held, one hour for legal issues and one hour for a representative from the PCC to go through a number of case studies under the PCC Code. Tom Crone held a number of the legal sessions, and asked me to hold some in his absence. I no longer have notes of what I said, but they would have in any event only have been bullet-points for my talk. I recall that I tried to cover the main areas of media law, including libel, injunctions, privacy and the Data Protection Act, as well as the law on phone hacking.

34 The former Managing Editor of The Sun, Graham Dudman, also organised training sessions for The Sun journalists, which he hosted together with a representative of the PCC. Case studies under the PCC Code were included and I recall one case study involved a discussion on the use of subterfuge and public interest. I sought to attend these sessions and interjected briefly on legal issues. I no longer have any notes, but as before, they would just have been bullet-points for me to speak to.

- 35** Similar training, again in conjunction with the PCC, was organised for journalists on the London paper. A number of sessions were held. I no longer have any notes, as above, but they would have been bullet-points.
- (5)** Have you ever been asked to advise upon the legality of paying public servants (including police constables) for information either in cash or kind? If so, please give the best particulars that you can about who sought the advice, when, in what context and the advice that you gave.
- 36** Work has been ongoing with Allen & Overy LLP ("Allen & Overy") in order to produce a set of guidelines explaining NI's policy on payments in light of the Bribery Act 2010, and in addition to advice from Allen & Overy, we have also put in place a panel of barristers who are available to assist us with queries arising from that Act.
- 37** Since the implementation of that Act, I have assisted the Managing Editor in giving advice, normally with reference to Allen & Overy and/or the panel of barristers, on a number of queries arising under it, including payments to public servants, but not to police constables or other members of the police. Before the Act, I cannot recall giving specific advice in relation to these issues, but my advice would have been based on the legal issues.
- 38** On one occasion a number of years ago, an NGN reporter assisted a police investigation into a serving prison officer who had allegedly sold information to journalists. I understand that payments may have been made by NGN to that individual but, at the time those payments were made, the reporter did not know that the individual was a serving prison officer. My sole involvement in this matter was that I sat in on the police interview in which the reporter provided a witness statement to the police. My understanding from the police was that there was no question of wrong-doing by the reporter, who had never met the individual. I also understand that the police later took no action against the prison officer.
- (6)** What training, guidance and policies have been provided to you by your employer in order to enable you accurately to advise on issues of bribery and corruption? Do you consider that it has been adequate?
- 39** As I explained above, I generally keep up to date with legal issues by attending externally run seminars and conferences. In the context of the Bribery Act 2010 specifically, as I noted above, Allen & Overy has been assisting us in drafting a company policy on bribery. In connection with this, Allen & Overy has held a number of training sessions on the Act for staff, which I have attended. I also in practice refer any advice given in this regard to Allen & Overy and/or the panel of barristers referred to above. I therefore consider that my training in this area has been adequate.
- (7)** Have you had input into any internal inquiry into phone hacking, computer hacking, "blagging" or bribery or corruption? If so, please describe the same, setting out your role and the outcome.

- 40 I have not been involved in nor have I had any input into any internal inquiry into phone hacking, computer hacking, blagging or bribery or corruption.
- 41 I am aware that the MSC has instructed an external law firm, Linklaters LLP, to carry out an investigation into reporting practices, including phone and computer hacking, across the titles. This investigation is ongoing, but I have had no direct involvement in it.
- (8) Explain how you understand the system of corporate governance to work in practice at The Sun and The News of the World with particular emphasis on systems to ensure lawful, professional and ethical conduct.**
- 42 Responsibility for ensuring lawful, professional and ethical conduct runs up through the editorial ladder and ultimately lies with the Editors. They are supported in this role in particular by their Managing Editors, who are essentially responsible for operational issues which includes training and liaising with the HR department on staff discipline.
- 43 The editorial legal department assists the Editor in ensuring lawful, professional and ethical conduct through the work that we do, which I have set out above.
- (9) What is your role in ensuring that the corporate governance documents referred to above and all the relevant policies are adhered to in practice? If you do not consider yourself to be responsible for this, please tell us who you consider to hold that responsibility.**
- 44 My role – and the role of all the editorial lawyers – is to ensure that the Editor and Managing Editor have ready access to good legal advice and are aware of the current complaints and litigation facing the newspaper.
- (10) Are the documents and policies referred to above adhered to in practice, to the best of your knowledge?**
- 45 I have not referred to documents in my answers to (8) and (9) above, but all journalists have been issued with copies of the PCC code. In addition to the code, there is News Corporation's Standards of Business Conduct which all employees are expected to observe.
- 46 I believe that the obligations of journalists to comply with the law (and the PCC code) are taken very seriously by editors and their staff. My experience, throughout my career, has been that the overwhelming majority of instances where legal problems have arisen, for example, libel complaints/claims leading to an apology and substantial payment of damages, have resulted not from deliberate unlawful conduct, but from a genuine misunderstanding of the factual background.
- 47 I am obviously aware of the allegations of misconduct at the NoW, the extent of which I understand is still being investigated.

(11) Have these practices changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what were the reasons for the change?

48 The role of the Editor, supported by the Managing Editor and the in-house legal advisers in ensuring legal, professional and ethical conduct within the editorial team has not changed, although I understand that Olswang LLP is currently undertaking a review of the company's corporate governance structure and policies which may lead to changes.

49 As I noted above, following Clive Goodman's arrest in August 2006, training was put in place to remind all reporters on The Sun and the NoW of their obligations under the law and the PCC code.

50 Practices are generally kept under review and updated when there are changes in the law – the changes being made in light of the Bribery Act 2010 being a good example.

(12) Where does the responsibility for checking sources of information (including the method by which the information was obtained) lie: from reporter to news editor/showbiz editor/royal editor to editor, and how this is done in practice (with some representative examples to add clarity)?

51 Responsibility for checking sources of information, including the method by which information was obtained, lies within the editorial team. This is not only because responsibility for discipline and proper conduct of staff rests with the Editor and managing editor, but also because, with the literally tens of thousands of stories published each year, only the respective department editors and their teams are in a position to monitor the methods of an individual journalist.

52 The lawyers – in house, night lawyer or external – have a role to play but, in practice, they advise on only a percentage of the total output of the newspaper or website. There will be cases where the provenance of a story is legally an issue, for example, in a breach of confidence case where the information may have been sourced from a former employee who may be acting in breach of his or her employment contract in disclosing that information. However, my experience is that lawyers do not seek to get journalists to disclose actual sources to them. They usually respect the right and duty of a journalist to maintain the confidentiality of his or her source.

(13) To what extent is and should an editor be aware of the sources of information which make up the central stories featured in The Sun and The News of the World (including the method by which the information was obtained)?

53 This question is best answered by the Editors, but my experience is that individual journalists are intensely protective of their sources. Apart from anything else, many

journalists move to different publications during their career, and they are naturally reluctant to give the identity of a source to what may become in time a previous employer.

54 Clearly the Editor or Managing Editor needs to be able to trust in the professionalism of his or her journalists. Publishing a newspaper would be unworkable otherwise.

(14) To what extent do you consider that ethics can and should play a role in the print media? What do you consider "ethics" to mean in this context?

55 The Oxford English Dictionary defines ethics as the moral principles that govern a person's behaviour or the conducting of an activity. I firmly believe that ethics can and should play an important role in print, broadcast and online media. For me, ethics means in this context that stories are investigated, published and defended within the confines of the law and relevant regulatory code, based upon the importance of free dissemination of truth, a wide and practical definition of public interest, balanced by the need to protect individuals in defined circumstances.

(15) To what extent do you, as a legal adviser, feel or have you felt any financial and/or commercial pressure from the proprietors of your newspapers or anyone else? Has any such pressure affected any of the decisions you made as legal adviser?

56 I do not, and have never felt, any financial or commercial pressure from the proprietors of The Sun, or anyone else for that matter, with regard to the advice I give.

(16) To what extent do you have a financial incentive for The Sun or The News of the World to print exclusive stories?

57 None. I am eligible for a bonus each year, but it is recommended by the lawyer I report to and relates to my contribution to the efficient running of the legal department and my personal performance within it.

(17) To the best of your knowledge, have The Sun or the News of the World used, paid or had any connection with private investigators in order to source stories or information and/or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same? If so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them.

58 I have no personal knowledge of The Sun (or NoW) using private investigators, save that I am aware from the public disclosures that the NoW used Glen Mulcaire and I am also aware that the Information Commissioner's report "What Price Privacy Now?" (published December 2006) details a number of transactions involving The Sun and The NoW. Although I believe it is outside the intended scope of the question, I record that on rare occasions, and solely for the purposes of defending legal proceedings, I have agreed that

external solicitors may instruct private investigators to obtain – wholly legally – specific information, but this has always been under the direction and control of the solicitors. I emphasise that at all times information was obtained legally and would only have been used in the litigation and not for any article in the newspaper.

(18) What was your role in instructing, paying, advising on or having any other contact with such private investigators and/or other external providers of information, including advising on any of these activities?

59 See my answer to question 17 above.

(19) If such investigators or other external providers of information were used, what policy or protocol if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on)?

60 I am not aware of any such policy or protocol but this is a question for the Editors.

(20) If there was such a policy or protocol, was it followed, and if not, what practice was followed in respect of all these matters?

61 See my answer to question (19) above.

(21) Are there any situations in which neither the existing protocol/policy nor the practice were followed and if so, what precisely happened or failed to happen in those situations? What factors were at play in deciding to depart from the protocol or practice?

62 See my answer to question (19) above.

(22) To what extent are you aware of protocols or policies operating at The Sun and The News of the World in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by those newspapers or not)?

63 I am aware that there are limits for expenditure without appropriate authorisation, but this is again a question for the Editors.

(23) Have you, or The Sun or The News of the World (to the best of your knowledge) ever used or commissioned anyone who used "computer hacking" in order to source stories, or for any other reason?

64 No. If the term "computer hacking" is intended to include phone hacking then I would add that I have no knowledge of any phone hacking other than that which is in the public domain concerning certain individuals at the NoW.

(24) Documents

65 I deal with the document requests that were made in my section 21 notice below.

(i) Any in-house training documents, policies, protocols, handbooks, guidance, code of conduct, or practice relating to your role as an in-house adviser

I do not possess any training documents, policies, protocols, handbooks, guidance, codes of conduct or practice relating specifically to my role as in-house adviser. A file of documents relating to training was kept by Tom Crone. It was made up of copies of relevant sections from statutes, copies of judgments as well as copies of PCC case studies. I believe that the file also contained a video tape of Tom Crone delivering a legal training session. I have never seen the tape, but I believe it was used to deliver training on a number of occasions some time ago.

We cannot at present locate this training file. A number of files have been removed by the police as part of their investigation and it is more than likely that the training file has been mixed up with those other files. Another training file is being made up.

(ii) My job description and/or the person specification for my role

There is no formal job description or person specification for my role.

(iii) Any document containing communications between me and private investigators in the course of my employment

I know of no such documents.

(iv) Any document containing communications between me and the editor, sub-editor or any journalist concerning the legality of any method of obtaining information including (but not limited to) phone hacking, computer hacking and "blagging"

There are no documents containing communications between me and editorial staff (including journalists) concerning the legality of obtaining information by phone or computer hacking. I have outlined above the types of circumstances in which I have advised on newsgathering methods. The substance of these requests for advice and the advice given by me is privileged and NGN does not wish to waive that privilege at this time.

Whilst it does not strictly fall under this particular document request, in searching for documents responsive to the Inquiry's requests I have been provided with a copy of the document attached to this statement as exhibit JW1. This document is an internal memorandum by the former Managing Editor of The Sun, Graham Dudman, regarding obligations of staff under the PCC Code. It attaches a concise

guide to the relevant criminal law prepared by Tom Crone. My understanding is that this document was circulated to staff at The Sun on or around May 2007.

- (v) **Any document requesting my advice or containing advice from me concerning the payment in cash or kind of public officials (including police officers) for information**

As a result of the introduction of the recent Bribery Act, advice concerning payments in cash or kind to public officials (but not police officers) has been sought from and provided by me (see paragraph 37 above). The substance of these requests and of the advice itself is privileged and NGN does not wish to waive that privilege at this time.

66 I would like to conclude by saying that I believe passionately in the importance of a free press and the benefits that flow from it to society as a whole. I have been enormously privileged over the years to advise a large number of newspapers, editors and journalists. I firmly believe that they make and have made a real contribution to freedom of speech in this country. I do, however, recognise the need for an effective remedy for parties wronged by newspapers or broadcasters. That must be through the courts and, I believe, through an effective and respected system of self-regulation for the press.

I believe that the facts stated in this witness statement are true.

Sign

Dated

[Redacted Signature]

14 October 2011