

John Whittingdale OBE MP
Chairman
Culture, Media and Sport Committee
House of Commons
7 Millbank
London
SW1P 3JA

25 January 2012

Our Ref John Turnbull

Dear Mr Whittingdale

Thank you for your letter of 19 January 2012. The answers to your questions are as follows.

A hard copy of the email was discovered in a storage crate at the old News International site in Wapping as part of a search undertaken by Linklaters and PwC. The crate had been moved from a storage room at Thomas More Square to Wapping as part of an exercise to secure the contents of the News of the World offices when the paper was closed. The crate had a sticker on it which suggested that the contents were originally held in Mr Myler's office. The crate included a large number of documents which are unrelated to the matters in question.

The email was first seen by one of two junior Linklaters' reviewers on or about 18 November 2011. We cannot be sure about which of the two reviewers first discovered it or about the precise date of discovery. The email was flagged as being potentially privileged and was passed to a manager at PwC for processing and scanning onto a central data system. This was all in accordance with procedures agreed with the Metropolitan Police Service. I do accept that the significance of this email ought to have been appreciated upon discovery by the Linklaters' reviewer and that it should have been drawn to the immediate attention of a partner in this firm.

The email was then seen by a second reviewer from Linklaters – a senior associate – on 7 December 2011. It was brought to my attention that day. I gave instructions that it be passed forthwith to the Management and Standards Committee and to Jeremy Sandelson of Clifford Chance, who is the lawyer acting for Mr James Murdoch. I also gave instructions that one of my colleagues should telephone the secretary to your Committee that day to inform you that further information had come to light. That was done during the afternoon of 7 December 2011. We are aware of no evidence to suggest that anyone (save for the Linklaters and PwC staff we have mentioned) was aware of the existence of the email before we began to inform those mentioned above on the 7 December 2011. No further hard copies have been discovered.

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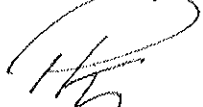
PwC were then asked to conduct further investigations to determine whether there were any electronic copies of this email still in existence. PwC have confirmed that NI's historic and current email systems and associated email archives, all of which were the subject of earlier email searches for the Committee hearings, do not contain a copy of this email.

We understand from PwC's forensic IT team that Mr Myler's copy of the email was lost from the email archive system in a hardware failure which occurred on 18 March 2010. The email archive system was subject to many such incidents and has subsequently been replaced as part of an email stabilisation and modernisation programme. Mr James Murdoch's copy of the email was deleted from his mailbox by a member of NI's IT department on 15 January 2011 as part of the same email stabilisation and modernisation programme which saw a number of users' accounts being prepared for the migration to a new email system.

Electronic copies of the email have been found on two laptops used by Mr James Murdoch (one in current use and one which Mr Murdoch stopped using in October 2010 when it was returned to NI IT) and a desktop computer used by one of Mr James Murdoch's Personal Assistants. The copies made by these devices were created by the automatic synchronisation of the devices with the email servers. These copies were not affected by the technical failure or the migration exercise to which we have referred.

The existence of these copies was revealed by forensic analysis of these devices. These devices were not searched during the original investigation because it was understood that the email systems were designed to store data on the email servers rather than on individual physical devices. A search of all physical devices was not, therefore, thought to be a reasonable or proportionate exercise in light of the many demands for searches (civil proceedings, criminal matters and the Leveson Inquiry) and the time available for the exercise.

Yours sincerely



PP John Turnbull

Linklaters LLP