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John Whittingdale OBE MP
Chairman
House of Commons Culture, Media and Sport Select Committee
House of Commons
London SW1A 0AA

By Email to the Committee Secretary

21 July 2011

Open Letter

Dear Sir

News International: Inquiry into Phone Hacking

As requested, we are writing to update the Committee on the current position so far as it relates to this firm.

1. We set out our understanding of the position as it was in our letter sent yesterday, of which we attach a copy.
2. At 17:56 last night we received an email from Linklaters LLP, now acting for News Corp and News International, setting out a waiver of privilege, limited to answering questions put to us by the Police or any relevant Parliamentary Committee. We are currently reviewing the ambit and effect of this waiver and will contact the Committee again as appropriate.

We confirm that we are happy for this letter and its attachment to be treated as evidence.

Yours faithfully



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URGENT

John Whittingdale OBE MP
Chairman
House of Commons Culture, Media and Sport Select Committee
House of Commons
London SW1A 0AA

BY HAND

20 July 2011

Open Letter

Dear Sir

News International / Inquiry into Phone Hacking

Yesterday, Mr James Murdoch and Mr Rupert Murdoch appeared before the House of Commons Culture, Media and Sport Select Committee ("the Committee"). Lord MacDonald appeared before the House of Commons Home Affairs Committee. Their evidence and the evidence of others was broadcast live and has been widely reported globally by the press. There is a great deal of interest in the matters which the Committee is investigating and understandably so.

On occasion the questions to, and evidence of, James and Rupert Murdoch and Lord MacDonald referred to advice which a former partner in this firm, Mr Lawrence Abramson, gave to News International in 2007.

As the Committee might be aware, Mr Abramson left Harbottle & Lewis LLP on 31 May 2010. No solicitors presently at the firm have any contemporaneous knowledge of the instructions Mr Abramson was given by News International in 2007 or the advice he gave to News International in May 2007. When Mr Abramson completed this retainer for News International, he followed the normal solicitor's practice of closing his file and retaining it in archived storage. The file was retrieved from archive earlier this year. It principally consists of (1) retained emails from News International's servers which Mr Abramson had reviewed ("the News International Emails") and (2) a copy of his correspondence with those instructing him at News International covering the period of the retainer ("the Correspondence File").

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John Whittingdale OBE MP

20 July 2011

We understand that in order not to compromise the ongoing investigations by the Metropolitan Police Service, the News International Emails are not presently in the public domain.

Mr Paul Farrelly MP yesterday asked James Murdoch "*could you provide us with the instructions that were given to Harbottle & Lewis, as well as the extent of the information that was given to them out of the totality of information that was available*". Mr Murdoch replied by saying the following:

"If additional detail is required around those legal instructions, we will consult and come back to the Chairman with a way to satisfy you with the information that you'd like to have".

It is not clear from this what steps News International will take in practice. We have ourselves asked News International's solicitors at BCL Burton Copeland whether their client is prepared to waive the confidentiality and legal professional privilege which attaches to the Correspondence File. They have refused.

Notwithstanding News International's position to date, we are considering whether we can, consistently with our professional obligations and the constraints currently imposed on us by News International, assist the Committee by providing substantive comments on yesterday's evidence. If we take the view that we can properly assist the Committee, we will do so within whatever timeframe the Committee sets.

If, in the meantime, News International agrees to disclose the Correspondence File in full to the Committee, then we will be able to provide a fuller commentary on yesterday's evidence.

In the meantime, we are very grateful to you, Mr Chairman, and to the Committee for taking this letter into account.

Yours faithfully



Harbottle & Lewis LLP