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John Whittingdale OBE MP
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House of Commons
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By Hand and By Email: cmscom@parliament.uk

11 August 2011

Dear Sir

News International

Thank you for your letter of 29 July 2011.

As you know, we have received a limited waiver of confidentiality and legal professional privilege from News International Limited ("News International") (we were not instructed by News Corp) so as to allow us to respond to your questions and those of The Rt Hon Keith Vaz MP of the Home Affairs Committee ("HAC"). We have now also had the meeting with the Metropolitan Police Service which was foreshadowed in our letter of 28 July 2011. The purpose of that meeting was to ensure that the release of information and documentation from our file would not prejudice their ongoing criminal investigation. They have indicated that they are content for us to provide the response attached to this letter subject to the redaction of certain names.

We have been requested by the Metropolitan Police not to include any reference at all to the contents of the emails which this firm reviewed in 2007 at the present time. This is not (for the avoidance of doubt) because those emails are being kept secret: full copies of the materials which the firm preserved in 2007 have been passed by us to the Metropolitan Police. Rather, it is because we have been advised by the police that it is essential to preserve the integrity of their criminal investigation that these emails are not released into the public domain at present.

Subject to the above, we are therefore now in a position to provide you and the HAC with a response to your questions.

We have, as requested, reconsidered the letter of 29 May 2007 (not 27 May 2009) which we understand was provided to the Committee by News International in 2009.

We have set out a very full answer to your questions and those of the HAC in the attached response document. The response document sets out in detail the background to our retainer and the work carried out as well as our comments on a number of matters. This is necessary in order to give a full response to your questions and to set our answers in the proper context.

John Whittingdale OBE MP

11 August 2011

We set out below a brief response to the questions appended to your letter (our cross references to paragraph numbers are to paragraphs in the attached response document). However, we would urge you to consider the full detail as set out in the response document.

1. When was Harbottle & Lewis first instructed in respect of matters concerning alleged or suspected phone-hacking?

Lawrence Abramson, then a partner in the firm, was contacted by Jon Chapman, Director of Legal Affairs at News International, by telephone on 9 May 2007. There is no note of the conversation on the file, but Mr Chapman then sent instructions to Mr Abramson by email on 10 May 2007. This email and the fax which followed it on the same day are at Appendix B of the response document. The instructions were limited to assisting News International in handling an internal appeal by Clive Goodman against his dismissal (please see paragraphs 6-13 of the response document), and were not instructions to conduct the longer and more detailed exercise apparently carried out by another firm, Burton Copeland (please see paragraphs 16-18 of the response document).

2. Were these instructions given on behalf of News International Ltd, News Group Newspapers Ltd, or on behalf of both?

These instructions were given on behalf of News International Limited, of which Mr Chapman was Director of Legal Affairs.

3. Please could you provide details of the instructions, including a copy of any document in which the instructions were reduced into writing.

The email of instruction of 10 May 2007 and the fax which followed it on the same day are at Appendix B of the response document. The instructions are described in paragraphs 5h and 5i and 6 to 13 of the response document. Certain names have been redacted from both at the request of the Metropolitan Police. They were the names of other individuals at The News of the World.

4. Which individual gave the instructions on behalf of News International Ltd/News Group Newspapers Ltd, and to which individual at Harbottle & Lewis were the instructions addressed?

The instructions were given by Mr Chapman to Mr Abramson.

5. Please supply details of Harbottle & Lewis's primary point of contact at News International Ltd/News Group Newspapers Ltd. You have explained in your letter of 20 July to the Chairman that Mr Lawrence Abramson acted in this matter on a retainer from News International. Please confirm whether or not any other member of your firm was involved in preparing advice under this retainer, and please identify any such person.

The firm's primary point of contact at News International was Mr Chapman. There was also some contact with Daniel Cloke, News International's Group Human Resources Director. Mr Abramson was the primary point of contact at the firm and was the only

John Whittingdale OBE MP

11 August 2011

partner involved in the review of the emails, for which he used a team of two paralegals and a trainee solicitor (please see paragraph 5k of the response document).

6. **What description of the emails provided was supplied to Harbottle & Lewis by News International Ltd/News Group Newspapers Ltd? Please supply a copy of any relevant letter or communication from the Correspondence File mentioned in your letter of 20 July.**

The description of the emails was set out in the original instruction which we received from News International in the email of 10 May 2007 at Appendix B of the response document.

7. **Please indicate whether Harbottle & Lewis became aware at any time that the documentation supplied was incomplete and, if so, please describe in what way it was incomplete.**

For the purposes of its exercise, the firm was given remote electronic access to emails on News International's server rather than being supplied with paper copies. The firm was therefore given instructions as to how to access "the Public Folder within the News International MS Exchange email system". The emails which the firm was asked to review were contained in five sub-folders within the system. It seems that electronic access was not entirely straightforward: some emails appeared only in cut off form and there was difficulty in (for example) opening attachments to emails. Presumably for these reasons, the file shows that News International (Mr Lowndes) printed off some emails and sent them to the firm in hard copy by courier on 16 or 17 May 2007. (Even then some of the emails appeared only in cut off form.) (Please see paragraphs 5k to l of the response document.)

8. **Please indicate whether any particular type of activity was excluded from the scope of the investigation commissioned from Harbottle & Lewis.**

The firm was instructed only to look for evidence (in five sub-folders provided by News International) suggesting either that certain named individuals knew of and supported Mr Goodman's involvement in phone hacking activities, or that others at The News of the World were also carrying out phone hacking activities. It was not retained to look for evidence of wider criminal activities and did not do so.

9. **Did the investigation extend to other individuals at the newspaper, for instance Neville Thurlbeck and Ross Hindley/Hall if not, why not?**

We are not at present able to answer this question, at the request of the Metropolitan Police.

10. **Please describe any additional documentation requested by Harbottle & Lewis in connection with their investigation.**

We did not request any further documents, because the task which Mr Abramson was asked to perform was confined to a review of the emails on the five sub folders on the News International email system.

John Whittingdale OBE MP

11 August 2011

11. Please set out what advice was given orally, by whom, to whom, and when.

We cannot answer this question because any oral advice to News International was provided, during the time period 10 May – 29 May 2007, by Mr Abramson who left the firm on 30 May 2010. He is now a partner at Fladgate LLP.

12. Please set out what advice was given in writing, by whom, to whom, and when.

The only written advice was the letter of 29 May 2007, the production of which is described in the response document (please see paragraphs 5n to r of the response document).

13. Please confirm whether or not the documents provided to Harbottle & Lewis provided any grounds for reasonable suspicion that a criminal act might have been or might be committed by an employee or director of News International Ltd or of News Group Newspapers Ltd, and if so, what advice was given by Harbottle & Lewis?

As explained above, at the request of the Metropolitan Police, we are not in a position to comment on the content of the emails in question.

14. Please confirm when Mr Abramson closed his file and retained it in archived storage. Please also confirm whether or not the contents of the file retrieved from the archive earlier this year are the same as those of the file closed by Mr Abramson.

The file went into archive storage with an external storage company, Restore, on 10 November 2008. It was not until 25 March of this year when the firm was asked by News International's then solicitors, Burton Copeland, to provide papers from the file that it was retrieved from archive. We have no reason to believe that the file which went into storage in November 2008 did not contain the same documents as the file retrieved from storage in March 2011. (Please see further paragraph 22 of the response document.)

15. Please set out any matters in respect of which Harbottle & Lewis believes that this Culture, Media and Sport Select Committee or its predecessor may have been given misleading, or inaccurate information about the review undertaken by Harbottle and Lewis.

We refer the Committee to paragraphs 14 to 18 of our response document.

We trust that this letter and the enclosed response document cover in full all of your questions to this firm (within the confines of what may be said pending the criminal investigations). However, if we can assist the Committee any further, please let us know.

Yours faithfully



Harbottle & Lewis LLP