

## Hacked Off Briefing

### Trinity Mirror covered up its phone hacking and blagging from victims

MGN deliberately covered up its unlawful activities, which by their nature were both illicit and covert. It concealed them from victims at the time for fear that – had it been discovered that these activities were an integral element of how MGN titles were misusing private information to publish intrusive articles - victims would have taken steps to prevent such unlawful activities and/or their product.

MGN has also taken active and dishonest steps to conceal the fact that, and extent to which, such unlawful means had been used, even after the event.

Until as late as August 2014 MGN and Trinity Mirror Group plc (“TMG”), its parent company, deliberately lied and/or seriously mislead the public, by falsely denying or giving the false impression that these activities never took place at its newspaper titles, and that thorough investigations had confirmed that there was no evidence to suggest they had, even though they were in possession of significant evidence that it had.

This is what we know so far

1. The admissions made by Dan Evans that he was instructed by senior MGN executives to take steps to conceal the nature of his phone hacking legal from potential victims, the use of untraceable pay-as-you-go phones which purchased and then disposed of and/or his knowledge of and involvement of the use of ‘legitimate’ means to stand up stories which had involved voicemail interception or the use of blagging or private investigators.
2. The nature and extent of the unlawful activities which were directed by or carried out (and not just known about) at editorial and executive level at all three newspapers. We rely in support of this contention upon both the evidence which was adduced in support of the various victims’ claims, and the findings contained in the Judgment of Mr Justice Mann, in the trial of the representative MGN voicemail interception litigation claims, *Gulati & ors v MGN* [2015] EWHC 1482.
3. The knowledge of senior executives and legal officers at MGN/TMG that such unlawful information gathering activities were habitual and widespread, not least as a result of internal or external investigations into a number of illegal or improper practices which arose or were revealed at MGN (as detailed below). We refer by way of example only to the following facts and matters:
  - (a) The findings of the Culture Media and Sport Select Committee report in 2003 entitled “*Privacy and media intrusion*”, which referred expressly to MGN’s newspapers.
  - (b) On Saturday 30 October 2003, Michelle Collins, a well-known professional actress, complained to MGN’s legal department through her solicitors, Carter-Ruck. This was because she had been confronted by reporters from *The*

*People* newspaper the day before at a secret location. The only way that this location could have been obtained (as far as she believed) was through accessing her private voicemail messages somehow. Ms Collins' solicitor warned the newspaper over a speakerphone conversation with both the editor of *The People*, Mark Thomas, and the legal department that the information about her location was private, that no story should be published and in any event he suspected that to obtain the location it must have been through illegally accessing her messages (which they denied vehemently), and that if anything was published the police would be informed. It is to be inferred from the fact that the newspaper chose not to run the story the next day, and the fact that the pattern of persistent accessing of her mobile phone messages temporarily halted at that date (as the MGN disclosed call data in Ms Collins' voicemail interception claim against MGN confirms) that the editor and the legal department were aware and/or checked and discovered that this story had been obtained through illegally accessing her voicemails.

- (c) The admissions made by Dan Evans in his police witness statements under Operation Golding and in his witness statements and oral evidence in this litigation, as well as the generic witness statement of Graham Johnson (another former *Sunday Mirror* journalist) relied on in the voicemail interception claims brought against MGN by Rupert Lowe/Mickey Ambrose/Eddie Jordan/Stephen Ryder, about the personal knowledge or awareness of senior executives, as well as the legal department, that these unlawful information gathering activities were being used for stories in the period from at least 2002 to 2005.
- (d) The Metropolitan Police and ICO investigations of the activities of private investigator Steve Whittamore for unlawfully obtaining private information for journalists from *The Mirror*, *The Sunday Mirror* and *The People* under Operations Glade and Motorman in 2003 to 2005.
- (e) The interview under caution of MGN journalists in January 2004 under Operation Glade for commissioning and making payments to Mr Whittamore to unlawfully obtain confidential information from the Police National Computer through corrupt police employees, information which was then used in published articles.
- (f) The Information Commissioner's reports, "*What Price Privacy*" and "*What Price Privacy Now*" in 2006, detailing the widespread unlawful commissioning of and obtaining of private information by journalists at these MGN's titles (and showing MGN to be the most prolific user of Mr Whittamore's services), and the subsequent investigation.
- (g) The internal MGN/TMG investigation following the convictions of Glenn Mulcaire and Clive Goodman in January 2007, as Paul Vickers (the former MGN Secretary and Legal Director) referred to in his evidence to the Leveson Inquiry.
- (h) the allegations of widespread phone hacking and use of private investigators made by David Brown (the former *People* journalist) in his Employment Tribunal claim against MGN in his witness statement dated 16 May 2007, and the investigation, verification and confidential settlement of the claim by MGN and its legal department.

- (i) The internal senior level meeting held by MGN/TMG (and attended by all three editors, the head of the legal department and other senior company executives) as phone hacking allegations emerged publicly, including the early arrests and first claims against News Group Newspapers in early 2011, as identified by Mr Vickers in his evidence to the Leveson Inquiry.
  - (j) The allegations of phone hacking taking place at MGN broadcast on BBC's Newsnight programme in July 2011 and in August 2011.
  - (k) The findings of the Leveson Report in November 2012 amongst other things, that the practice of phone hacking may well have taken place at the Mirror titles during this period.
  - (l) The guilty plea of Dan Evans in September 2013 to charges including voicemail interception at the Sunday Mirror in 2003 to 2004, and his subsequent evidence to this effect in January 2014 at the trial of *R v Brooks and others*.
  - (m) The judgment of Mr Justice Mann in October 2013 dismissing MGN's unsuccessful strike out application in relation to the original MGN claims brought by Shobna Gulati, Abbie Gibson, Gary Flitcroft and Sven Goran Eriksson, and finding that there was sufficient evidence of habitual and widespread wrongdoing to justify the claims proceedings.
  - (n) The commission of external criminal solicitors, K&L Gates, in order to investigate unlawful information gathering activities at MGN, and its findings.
4. The fact that until the first admissions in August 2014, despite the above, MGN/TMG and its senior executives deliberately made public statements, whether by way of press release, through the giving of evidence to the Leveson Inquiry or through this litigation, denying, or giving the deliberately false impression that there was not, any involvement in or knowledge of these unlawful activities having taken place at any of the MGN titles, or there being any evidence of the same (having carried out proper investigations), even though they were well aware it had, as outlined above. We refer by way of example only to the following:
- (a) TMG statement made on BBC News on 21 January 2011: "*Trinity Mirror's position is clear. Our journalists work within the criminal law and the PCC Code of Conduct*".
  - (b) TMG statement made in The Times (and other media outlets) on 22/23 July 2011: "*Our journalists work within the criminal law and the PCC Code of Conduct*".
  - (c) TMG statement made in The Times on 26 July 2011: "*Trinity Mirror has strongly denied a string of claims that its papers were involved in hacking as "totally unsubstantiated"*".
  - (d) TMG statement made in the Financial Times (and other media outlets), following reports of allegations from former *Mirror* journalist James Hipwell, on 4 August 2011: "*All our journalists work within the criminal law and the PCC Code of Conduct and we have seen no evidence to suggest otherwise*".

- (e) TMG statement made in its half-yearly Financial Report in August 2011 that *“the Group has implemented a review of its editorial controls and procedures. It is too early to determine what, if any, impact there will be on our businesses from either review... In addition the Company has sought and received formal written confirmation from senior editorial executives across both the National and Regionals that since the commencement of the Regulation of Investigatory Powers Act in October 2000 and whilst an employee of the Group they have not nor, to their knowledge, have any of their staff or anyone on their behalf, intercepted any telephone messages, made payments to serving police officers or accessed the police national computer”*.
  - (f) The evidence given to the Leveson Inquiry by senior MGN/TMG executives or former executives such as Tina Weaver, Richard Wallace, Piers Morgan, Paul Vickers and Sly Bailey.
  - (g) TMG statement made in its Annual Financial Report in March 2012 that *“In July 2011 the Company sought and received formal written confirmation from senior editorial executives across both the National and Regionals that since the commencement of the Regulation of Investigatory Powers Act in October 2000 and whilst an employee of the Group they have not nor, to their knowledge, have any of their staff or anyone on their behalf, intercepted any telephone messages, made payments to serving police officers or accessed the police national computer”*.
  - (h) Statement made by Simon Fox, Chief Executive of TMG (following their notification of the first four MGN voicemail interception claims) as reported in the Independent (and other media outlets) on 29 October 2012: *“I am absolutely clear that if any wrongdoing happened within the company then we have no alternative other than to fully investigate and surface it. We have no reason to believe there is any substance to this allegation”*.
  - (i) Statements made by senior TMG executives (such as Paul Vickers and David Grigson) in 2013 and 2014 stating that they had carried out extensive investigations (everything *“short of ripping up the floorboards”*) and not found any evidence phone hacking had taken place.
  - (j) The continued failure to admit these unlawful activities during the course of this litigation until August 2014 despite MGN and TMG executives being well aware of extensive evidence, as set out in the examples set out in paragraph 4.4 above.
5. The reason for these lies and concealment was because of how profitable the products of this activity (namely the private information of hundreds of victims of voicemail interception) had proved to be for MGN’s newspapers, as well as the risk of criminal, civil and other sanctions if these activities were uncovered.