

IN THE MATTER OF:

AN INQUIRY UNDER THE INQUIRIES ACT 2005

INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS

CHAired BY THE RT HON LORD JUSTICE LEVESON

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SECOND WITNESS STATEMENT OF TINA LORRAINE WEAVER

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I, **TINA LORRAINE WEAVER**, of One Canada Square, Canary Wharf, London E14 5AP **WILL SAY** as follows:

1. I am the Editor of the Sunday Mirror, which is published by MGN Limited. MGN Limited is part of Trinity Mirror plc (**“Trinity Mirror”**).
2. I am making this statement in response to a notice dated 1 November 2011 pursuant to section 21(2) of the Inquiries Act 2005 (the **“Notice”**). A copy of the Notice is annexed hereto at pages 1-4 of my exhibit, Exhibit TLW-1, which contains copies of the documents to which I refer in this statement. The Notice refers to how a transcript would be provided to me shortly after service of the Notice. On 2 November 2011 a transcript was provided to me. This was expressed to be an “extract” and consisted of just over 3 pages. It consisted of what Mr Atkins said he said to the newsdesk of the Sunday Mirror when he called them on 20 March 2009, something Mr Owens is alleged to have said to Mr Atkins in their ‘initial conversation’ (without any context), and part of a meeting between Mr Atkins and Mr Owens on 26 March 2009.
3. On 28 November 2011 two further transcripts were provided to Herbert Smith. They are more extensive than the initial transcripts I was provided with but I do not know whether they are complete; one certainly isn’t. One of the transcripts was described as a “full transcript of recorded telephone conversation between Chris Atkins and .... Nick Owens” and the other is described as “Selects (sic) of transcript of secretly filmed meeting between Chris Atkins and .... Nick Owens, 26th March 2009”. I have not been provided with any of the underlying tapes. Mr Atkins told the Inquiry that only half the footage covertly filmed on 26 March 2009 had been transcribed.
4. This is the second statement I have provided to the Inquiry. I provided my first statement to the Inquiry on 14 October 2011.
5. Where the contents of this statement are within my own knowledge they are true and where the contents are not within my own knowledge I believe them to be true.
6. I am not authorised to waive any privilege on behalf of Trinity Mirror and nothing in this statement is intended to constitute a waiver of privilege on behalf of Trinity Mirror.
7. To make it easier for the Inquiry I have set out in this statement each question from the Notice and then my answer.

You note at paragraph 13 of your statement that you have been a member of the PCC since 2008. The Inquiry assumes, therefore, that you are very familiar with the Editors' Code of Practice and that you were so familiar as from at least 2008 onwards. Is this correct?

8. Yes.

The Inquiry assumes that you are therefore very familiar with clauses 3 and 10 of the Editors' Code, which note (amongst other things) that the press must respect privacy, and must not seek to obtain or publish material acquired by using hidden cameras or clandestine listening devices; or by intercepting private or mobile telephone calls, messages or emails; or by the unauthorised removal of documents or photographs; or by accessing digitally held private information without consent. Is this correct? Do you agree that purchasing and then publishing confidential medical records relating to sensitive cosmetic procedures without permission of the person they relate to would (subject to a public interest defence) may be (sic) contrary to those clauses?

9. I am familiar with the clauses 3 and 10 of the Editors' Code of Practice and I agree that purchasing and then publishing confidential medical records relating to sensitive cosmetic procedures without permission of the person they relate to would (subject to a public interest defence) be contrary to those clauses.

In 2009, documentary maker Chris Atkins made a film called 'Starsuckers'. As you will be aware, part of the film shows the results of an undercover operation, conducted by Mr. Atkins, which was set up in order to see whether tabloid newspapers would be willing to offer money for confidential medical records, in breach of clauses 3 and 10 of the Code, see:

<http://guardian.co.uk/media/2009/oct/15/starsuckers-celebrity-cosmeticsurgery-hoax>

The film appears to suggest that a journalist on your news desk, Nick Owens, was prepared not only to meet a person claiming to have confidential celebrity medical records for sale, but was prepared to indicate to Mr. Atkins that the Sunday Mirror would pay £3000 per story the sale resulted in. Please confirm to the inquiry that you are aware of the allegations made by this film. If you are not so aware, then please explain to the Inquiry why you consider that these allegations were not drawn to your attention as editor.

10. In October 2009 Trinity Mirror were approached by the Guardian (as opposed to the film makers) and made aware of allegations the Guardian was shortly going to publish.

As you may know, Mr. Atkins spoke to Mr. Owens initially on the telephone, and a transcript will be provided to you shortly. It may be, however, that Mr Owens has his own records of the conversation and you can begin to consider these questions without it. When he outlined the confidential and sensitive information he might have for sale, Mr. Owens indicated that he would be "very interested" and arranged to meet Mr. Atkins to discuss the matter further. Although Mr. Owens indicated that the issue was "extremely sensitive in the case of that patient confidentiality thing", he immediately went on to say "but if you want to set up a relationship with a journalist to start feeding information through then that's absolutely fine". Can you assist the Inquiry by giving your reaction to the initial telephone response of Mr. Owens? How would you have

**expected one of your news team to react to this telephone offer? Would you expect any/all of your news team to have taken a similar approach? Please note in this respect that at least one other newspaper took the view that even to entertain the approach would be in breach of the Code;**

11. As I have not been provided with a tape of the conversation, I cannot be sure about all that what was said in the conversation. The transcript is described by Mr Atkins as being "full" but I do not know whether that is an accurate description. However the Inquiry should bear in mind that newspapers regularly receive telephone calls from people offering information and stories and I regard it as the job of a reporter to investigate information. A journalist has to engage and go along with subjects when investigating and I believe that is what he was endeavouring to do. This may explain why Mr Owens expressed a willingness to meet Morris Case (Mr Atkins), in order to find out what he was talking about. It would be wrong to treat what Mr Owens said, on the hoof, during the conversation as if it was a statement made to a court and as if it was his final decision on the matter.

**Mr. Owens arranged to meet Mr. Atkins to discuss the proposal further. Again, can you assist the Inquiry by giving us your view of whether you deemed this to be appropriate, given the nature of the material for sale? If the ultimate aim was not to consider buying/publishing either the material or the information contained therein, why did Mr. Owens meet with Mr. Atkins, in your view?**

12. A reporter's job is to meet all sorts of people to investigate and assess material or see where it might lead. I would expect journalists to look into and evaluate information while at the same time acting within the Code. I do not think it was inappropriate of Mr Owens to meet Mr Atkins.
13. While Mr Owens might have been trying to keep Mr Atkins on the hook, the reality is he at some stage realised this material, whether true or not, couldn't be printed. It was for that reason that he decided not even to report the meeting to his desk. Had he spoken to his desk he would have been told this and it would have been stopped before any document was obtained. In short, none of this information would ever have been published.

**During the course of the meeting, Mr. Owens does refer to the public interest, but also goes on to say that stories which involve very well known celebrities "we could get away with" even if there was no obvious public interest defence. Can you give the inquiry your view on the appropriateness of these suggestions? Can you give your view of the appropriateness of the clear suggestions, throughout the meeting, that it would be very simple to refuse to disclose where the information came from, as journalists were entitled to protect their sources?**

14. If Mr Owens truly believed that "we could get away with it", it would be highly inappropriate, but I don't believe he did. Also the decision to publish would be mine not Mr Owens' and I would have seen this as a clear breach of the code and not published.
15. While still assessing the situation and going along with Mr Atkins, Mr Owens assures him he could protect him and his partner as a source. I assume that was meant to calm any concerns at that stage. In reality it would never have been an issue as the Sunday Mirror would not have published the information.

16. Journalists have to meet and deal with all sorts of characters and it is often necessary go along with someone. Mr Owens has previously exposed a bailiff and his heavy handed practices and in order to do so had to go along with the man and accept some of the things he was saying.
17. While I was concerned by some of Mr Owens' remarks, and he too realises he did make some misjudged comments, it is only fair to point out he did try to explain that a lot of the information would be private and he did show he was conscious of the issue of public interest when he said :
- “Lets (sic) give you an example right. You take Fern Britain (sic). She's on the front of the papers, she had a gastric band- that was a big story- not only because if was Fern Britain (sic) had a gastric band and everyone was amazed by her weight loss but it was a big story because she had said in public many times that she had got a huge keep fit regime” .....“turned out to be Wrong. \_ .. there's a public interest in reporting that story-what there probably isn't a public interest in doing is just reporting that someone had a gastric band operation, unless they are a massively big name then you might make a decision The other example I always use is rehab. get a lot of tips about celebrities in rehab-but you can't just go off and put that say- Sharon Osborne is in the Priory because it is a massive invasion of privacy-so we have to be careful; like is she has been quoted as saying that she never needed rehab or something then maybe you can.”
18. He then went on to say, according to Mr Atkins' transcript, that “the key” is “when we know who we are dealing with we can make a judgement on whether we can move forward with it as a story”. This, I believe, shows that Mr Owens was alive to the need for there to be a public interest to justify publication and for there to be a careful analysis of the individual concerned and the circumstances.
19. As regards the question about sources, too much weight should not be attached to what Mr Owens said at that stage. Mr Owens simply explained the normal position about journalistic sources, including answering Mr Atkins' question about whether Mr Owens would be forced into revealing Mr Atkins' identity.
20. I don't think Mr Owens acted wisely, but journalists need to engage people, keep them on the hook and go along with them where appropriate while they assess and investigate information. This was a highly unusual situation. I would not have published it and it would have been rejected by the newsdesk before even reaching me.
- Mr. Owens goes on to ask Mr. Atkins to “get a document on everything in the building” (the cosmetic surgery clinic) to pass to him. Is this, in your view, in breach of the Editors' Code? What is your view of the appropriateness of this request?**
21. Neither of the transcripts produced by Mr Atkins has Mr Owens asking Mr Atkins to “get a document on everything in the building”. I am presuming that the Inquiry has taken this phrase from the Guardian's online coverage of the story in October 2009.
22. I do not think it would be appropriate for a reporter simply to ask for every document from a medical clinic but what was happening, if the transcript is accurate, was that

Mr Owens was explaining that often people lie about things and in those circumstances there was a possibility that we could ask for proof of what we were being told. This was, of course, a general theoretical conversation about the need for evidence to substantiate information and whether Mr Atkins' friend could or could not obtain documents. Mr Owens makes it clear that it would be up to Mr Atkins' friend if she wanted to produce a document and he does not ask Mr Atkins to "get a document on everything in the building".

23. Mr Atkins - who also was of course out to get a story - invited the document request when he says .... what would you need to substantiate it? And Mr Owens, I believe, fell into the trap, most likely because he was focussed on the legal need for evidence to substantiate any story and not thinking things through. In addition sometimes we do expose people who get in touch with us offering to do something illegal or unethical and in those circumstances we would need documents or other evidence to prove what the person was doing.

**Mr. Owens indicated that the Sunday Mirror might pay up to £3000 per story resulting from the information. Did Mr. Owens have the authority to agree to such a payment, and did he have the authority to pay Mr. Atkins himself? If not, who would have had such authority?**

24. Mr Atkins didn't have the authority to agree any payment so money would never have changed hands. Only I could authorise a payment for £3,000 (which we would not have paid in any event).

**If you consider the actions of Mr. Owens to have been inappropriate, or a breach of the Code, how serious did you consider his actions?**

25. See next answer.

**Assuming that Mr. Atkins had genuinely had the documents he claimed to have, would (in your view) the Sunday Mirror have bought them, and published the information, knowing that its sources were protected?**

26. I don't think Mr Owens acted wisely, and made some misjudged comments, but as I have said above journalists need to engage people, keep them on the hook and go along with them where appropriate while they assess and investigate information. This was a highly unusual situation and it would be wrong to read too much into what were preliminary general discussions. Particularly given that Mr Owens did nothing with the information provided to him by Mr Atkins I do not believe his actions constituted a breach of the Code. I emphasise that I would not have published a story and it would have been rejected by the newsdesk before even reaching me.

27. According to the transcript Mr Atkins did not claim to have any documents.

**The Inquiry understands that Mr. Owens had been working at the Sunday Mirror since at least 2007. Was a copy of the Code available to him?**

28. Yes.

**What, if any, disciplinary action was taken against Mr. Owens when the Starsuckers investigation became public? Please provide us with any documents in this respect. If no disciplinary action was taken, please explain why not. What was the outcome of any disciplinary action?**

29. When I became aware of what had happened (in October 2009) I spoke to Mr Owens in my office where I expressed my unhappiness and concern and reminded him of his duties under the Code. I did this even though no documents had been obtained and no story had been published. Mr Owens said he realised the information couldn't have been published. Mr Owens apologised and did recognise his comments were clumsy and ill thought out even though on further consideration he didn't expect a story to come out of it (other than a possible expose).

Signed:



Dated:

*January 10th 2012*