

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

FIRST WITNESS STATEMENT OF KEVIN CHRISTOPHER O'SULLIVAN

I, **KEVIN CHRISTOPHER O'SULLIVAN**, TV Critic, the Sunday Mirror, MGN Limited, One Canada Square, Canary Wharf, London E14 5AP **WILL SAY** as follows:

1. I am the TV Critic for the Sunday Mirror. The Sunday Mirror is published by MGN Limited ('MGN'), which is part of the Trinity Mirror Group.
2. I am making this statement in response to a notice dated 13 September 2011 pursuant to section 21(2) of the Inquiries Act 2005 (the '**Notice**'). A copy of the Notice is annexed hereto as Exhibit KCO-1. I note that it is addressed to me at the Daily Mirror, however I am in fact currently contracted to write my column as a freelance contributor to the Sunday Mirror.
3. I understand that the Notice has been sent to me in connection with Part 1 of the Inquiry chaired by The Right Honourable Lord Justice Leveson into the culture, practices and ethics of the press (the '**Inquiry**'), the Terms of Reference for which were published by The Right Honourable Mr David Cameron MP, Prime Minister on 20 July 2011 (the '**Terms of Reference**'). The Notice requires me to provide evidence to the Inquiry panel in the form of a witness statement and to provide any documents in my custody or under my control as specified in the Notice.
4. 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 indicate the source of my belief and believe them to be true.
5. 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.

The Notice

6. I address the questions asked of me by the Inquiry in the Notice in turn below. However, at the outset I note that I have held a number of positions over the years. I have, however held my current position of TV critic for the Sunday Mirror for the past 6 years (on a freelance basis for the past year). My experience as a showbusiness editor on the Daily Mirror is not current, since I last held that position some 8 years ago. I have interpreted the Notice as asking me about my current position.

Question One: Who I am and a brief summary of my career history in the media

7. I have been in the media industry for 33 years now. I joined the Daily Mirror (also an MGN paper) in January 1998 as deputy showbusiness editor. This followed my time as a freelance journalist on the West Coast of the United States, where I was based between 1990 and 1998. My earlier experience also includes time on The Sun, Today and the Sunday People (as it was then known).
8. In my position as deputy showbusiness editor, I reported to the then showbusiness editor, Richard Wallace. When Mr Wallace moved to the position of Head of News in 2000, I was promoted to showbusiness editor. Showbusiness was within the Features Department and so my reporting line was to the then Head of Features, although in practice I also reported to the News Editor and the then Editor of the Daily Mirror, who had ultimate responsibility for what was published in the paper. This position was an executive position in that I was responsible for overseeing and managing the day-to-day work of the Daily Mirror's showbusiness reporters, including the gossip column 3am which was launched in 2000, to ensure a steady stream of showbusiness stories, as well as features, spreads, interviews and think pieces, to present to the news desk and on to the Editor. I developed my reputation in particular towards think pieces and so in 2003 I moved to a film and theatre critic role for the Daily Mirror (still under MGN employment).
9. In about mid-2004 Mr Wallace, who by that time had become Editor of the Daily Mirror, asked me to take on the role of Executive Features Editor. I did, and in this position reported to the (then) Head of Features. We worked together on two-page spreads, think pieces and opinion pieces (i.e. what was then page 6 of the Daily Mirror, now page 8). We were also responsible for the columnists.
10. In November 2005 I moved to the Sunday Mirror, to my current position of TV Critic (which I have now held for nearly 6 years), after being offered this opportunity by the Editor of the Sunday Mirror, Tina Weaver. I have a page every Sunday which contains my thoughts and opinions of what is on television. I was employed by MGN until October 2010, when I became freelance and I have remained in the same position, as TV Critic (on a freelance basis) to date.

Question 2: How I understand the system of corporate governance to work in practice at the newspaper where I am employed with particular emphasis on systems to ensure lawful, professional and ethical conduct

11. My understanding of the governance system at the Sunday Mirror is that the paper must work within the law and the Editors' Code of Practice (the 'Code') of the Press Complaints Commission ('PCC'). However, the nature of my job means I work mostly from home. I am not involved in the editorial process or conferences so I do not have first-hand knowledge on how this system works in practice. I do however recall an email reiterating this policy. Having refreshed my memory of this email to prepare this statement, it was circulated by the Managing Editor of Trinity Mirror's national titles Eugene Duffy on 5 April 2007. I understand that Trinity Mirror will be producing a copy of both the Code (Category B, Tab 1) and this email (Category A, Tab 10) to the Inquiry.

Question 3: What my role is in ensuring that the corporate governance documents and all relevant policies are adhered to in practice. If I do not consider myself to have been / be responsible for this, please tell the Inquiry who I consider to hold that responsibility and why

12. Ultimately, on a paper, no one is ultimately responsible except the Editor, although the Editor does of course expect support from heads of department and that stories have been put together in a proper manner.

13. At the Sunday Mirror, my role is to act within the law and the Code, so far as it is relevant to me as a TV Critic. As explained above, I work mostly from home and am not involved in editorial processes or conferences. My work is as a critic, not as a reporter.

Question 4: Whether the documents and policies referred to above are adhered to in practice, to the best of my knowledge

14. To the best of my knowledge, the documents and policies referred to above are adhered to in practice.

Question 5: Whether these practices or policies have changed, either recently as a result of the phone hacking media interest or prior to that point, and if so, what the reasons for the change were

15. I am not aware of any changes in the practice and policies of acting within the law and adhering to the Code at any stage during my time at the Sunday Mirror (or indeed during my time at the Daily Mirror).

Question 6: Where the responsibility for checking sources of information lies (including the method by which the information was obtained): from reporter to showbiz editor to editor, and how this is done in practice (with some representative examples to add clarity)

16. This question is not relevant to me in my current role as TV Critic on the Sunday Mirror.

Question 7: To what extent a showbiz editor is aware, and should be aware, of the sources of the information which make up the central stories featured in your newspaper each day (including the method by which the information was obtained)

17. This question is not relevant to me in my current role as TV Critic on the Sunday Mirror.

Question 8: The extent to which I consider that ethics can and should play a role in the print media, and what I consider 'ethics' to mean in this context

18. I believe that ethics are crucial. To me, this is about basic human decency and considering the impact of stories on subjects and those connected with them (for example, children and spouses). In this regard, I consider the Code to be a good code in terms of ethics.

Question 9: The extent to which I, as a showbiz editor, felt any financial and / or commercial pressure from the proprietors of 'my newspaper', the editor or anyone else, and whether any such pressure affected any of the decisions I made as showbiz editor (such evidence to be limited to matters covered by the Terms of Reference)

19. As explained, I am a TV Critic at the Sunday Mirror and have not been a showbusiness editor for about 8 years. But, I have never felt any financial or commercial pressure from anyone at either the Sunday Mirror or the Daily Mirror. Of course I am aware that I work in a competitive business, but my experience is that this has not involved talk of money or commercial interests. When I was showbusiness editor, I never received more money if the department came up with a good story.

Question 10: The extent to which I, as a showbiz editor, had a financial incentive to print exclusive stories

20. As a showbusiness editor I did not print exclusive stories. As explained above, the Editor was responsible for what was published. There was no financial incentive for me to come up with great stories.

Question 11: Whether, to the best of my knowledge, 'my newspaper' used, paid or had any connection with private investigators in order to source stories or information and / or paid or received payments in kind for such information from the police, public officials, mobile phone companies or others with access to the same: if so, please provide details of the numbers of occasions on which such investigators or other external providers of information were used and of the amounts paid to them

21. Given the nature of my role, explained above, I do not have knowledge of the Sunday Mirror's position in relation to this question, which is not relevant to me at all as a TV Critic.

Question 12: What my role was in instructing, paying or having any other contact with such private investigators and / or other external providers of information

22. I refer to my response to Question 11 above. Given the nature of my position as TV critic, I do not have any role with respect to instructing or having any other contact with private investigators and/or other external providers of information. I also do not have authority to authorise any payments and so have not authorised any payments.

Question 13: If such investigators or other external providers of information were used, what policy / protocol, if any, was used to facilitate the use of such investigators or other external providers of information (for example, in relation to how they were identified, how they were chosen, how they were paid, their remit, how they were told to check sources, what methods they were told to or permitted to employ in order to obtain the information and so on)

23. Please see my responses to Questions 11 and 12 above.

Question 14: If there was such a policy / protocol, whether it was followed, and if not, what practice was followed in respect of all these matters

24. Please see my responses to Questions 11, 12 and 13 above.

Question 15: Whether there are any situations in which neither the existing protocol / policy nor the practice were followed and what precisely happened / failed to happen in those situations. What factors were in play in deciding to depart from the protocol or practice?

25. Please see my responses to Questions 11 to 14 above.

Question 16: The extent to which I am aware of protocols or policies operating at 'my newspaper' in relation to expenses or remuneration paid to other external sources of information (whether actually commissioned by your newspaper or not). There is no need for me to cover 'official' sources, such as the Press Association

26. Please see my responses to Questions 11 to 14 above.

Question 17: The practice of 'my newspaper' in relation to payment of expenses and / or remuneration paid to other external sources of information (whether actually commissioned by 'my newspaper' or not). There is no need to cover 'official' sources such as the Press Association

27. Please see my answer to Questions 11 to 14 above.

Question 18: In respect of editorial decisions I have made to publish stories, the factors I have taken into account in balancing the private interests of individuals (including the fact that information may have been obtained from paid sources in the circumstances outlined under paragraph 11 above) against the public interest in a free Press. I am asked to provide a number of examples of these, and explain how I have interpreted and applied the foregoing public interest

28. As explained, no one but the Editor is responsible for publishing stories. I am not involved in the editorial process or conferences so I do not have first-hand knowledge on how this system works in practice. This question is therefore not relevant to me.

Question 19: Whether I or 'my newspaper' ever engaged in or procured others to engage in 'computer hacking' in order to source stories, or for any reason

29. I have never engaged in or procured others to engage in computer hacking to source stories or for any reason. To the best of my knowledge, neither has the Sunday Mirror in my time on this title (nor the Daily Mirror, when I was on that paper).

Documents

30. I am asked to provide policies or protocols to the Inquiry and any details or documents relating to expenses paid to private investigators or other external sources of information. I have interpreted 'expenses' to mean 'payments'. I have referred above to the Code, which I understand that Trinity Mirror is providing to the Inquiry. To the best of my knowledge, I do not myself hold any other documents relevant to this request.

Signed

Kevin Christopher O'Sullivan

Dated: 14 October 2011