



Department for
Digital, Culture
Media & Sport



Home Office

TO2017/08997/DC
21 December 2017

Sir Brian Leveson

c/o Amanda Jeffery
[REDACTED]

Dear Sir Brian,

Thank you for taking the time to meet us on 4 December to discuss Part 2 of your Inquiry. As discussed at the meeting, we promised to write to you to set out our views on Part 2 and to give you the opportunity to consider this matter and respond in writing before we take a final decision.

It has been over six years since the Inquiry you chaired was established and five years since the report on Part 1 was published. Much has changed in that time; including the completion of three detailed police investigations, extensive reforms to policing practices and press self-regulation, as well as a transformational shift in the media landscape and how people consume news.

As set out in our consultation document: *The Leveson Inquiry and its Implementation - section 40 of the Crime and Courts Act 2013 and Part 2 of the Leveson Inquiry*, the government wanted to seek views on whether proceeding with Part 2 of the Inquiry was still appropriate, proportionate and in the public interest.

The consultation was open for 10 weeks from 1st November 2016 to 10th January 2017. The results relating to Part 2 are available at Annex A, and we have also provided selected individual responses to you separately, with the permission of those respondents. In addition to the individual responses, we have also taken account of the petition submitted by 38 Degrees. The direct consultation responses are broadly in favour of ending the Inquiry and it is notable that one of the themes coming through in the responses in favour of ending the Inquiry was that the government should be focusing on other issues.

In addition, we have undertaken an analysis of the terms of reference, available at Annex B, which shows that most of the terms of reference have already been met, in particular those that relate to the role and conduct of the police. While we accept that some terms of reference have not been met, we consider that the risk of the sort of behaviour that led to your Inquiry being established happening again has been significantly mitigated by the subsequent reforms that have taken place in the police and the press industry.

At our meeting, we also discussed the changing nature of the media landscape and that, while the focus of the Leveson Inquiry was on the traditional press, the increase in digital and social media has transformed the way people consume news. New challenges around the creation and dissemination of high-quality and reliable news, which is so vital to our democracy, means that newspapers are in a very different position than they were when phone-hacking took place. It is also worth noting that most newspapers (including those involved in phone-hacking) are more highly regulated than many new media outlets, even if this regulatory system has been developed outside the system envisaged when you reported on the first part of the Inquiry five years ago.

The government is undertaking various pieces of work to address the challenges associated with the changing media landscape to ensure we are focusing on the policy issues most relevant today. We are developing a Digital Charter to ensure new technologies work for the benefit of everyone and ensure people can trust that, when online, rules and protections are in place to help keep them safe and ensure information about them is used appropriately.

As part of the work on the Digital Charter, the government is considering a range of options to counter internet harms. This includes an Internet Safety Strategy which will look at how we can support users so that everyone can access the benefits of the internet safely. This is underpinned by three principles: what is unacceptable offline should be unacceptable online; all users should be empowered to manage online risks and stay safe; and technology companies have a responsibility to their users to develop safe online communities. The regulatory frameworks for newspapers are well-established in comparison to social media, and the Internet Safety Strategy will help us to ensure appropriate frameworks are in place for the new social media landscape. The government is currently pursuing a voluntary approach in relation to our plans for a social media levy, transparency reporting and the social media code of practice which is required by the Digital Economy Act. As part of this, we have made it clear that we will not shy away from legislation if necessary.

The government is also undertaking work to ensure that there are sustainable business models for high-quality media online, including protecting the reliability and objectivity of information and taking steps to mitigate the prevalence of 'fake news'. This work also looks at the effectiveness of initiatives which have been put in place by digital platforms to support the provision of news and whether this drives the market for a high-quality and pluralistic media.

We believe it is important that the government focuses on the challenges facing us today and in the future, and our work through the Digital Charter will do exactly that. Through this work we will seek to develop a shared understanding of the responsibilities that different actors should take online, including media companies and platforms. Indeed, it is through that lens that we are considering whether Part 2 is still appropriate, proportionate and in the public interest.

Our initial view is that, given the changing media landscape and the important actions we are taking in this area, coupled with the consultation responses and our analysis of the terms of reference, we are not convinced the second part of the Inquiry is necessary.

As you are aware, the government has a power to end an Inquiry under section 14(1)(b) of the Inquiries Act 2005 but the Act requires the government to consult the Chair before a final decision is made. As you know, there is considerable interest in this issue, from Parliament and stakeholders more widely, and we would like to be in a position to be able to make and announce a final decision in early 2018. As such, we would appreciate a response to this letter by mid-January if possible.



Rt Hon Karen Bradley MP
**Secretary of State for
Digital, Culture, Media and Sport**



Rt Hon Amber Rudd MP
Home Secretary

ANNEX A - CONSULTATION RESULTS

At our meeting on 4 December, we discussed the consultation results and explained our approach in analysing these responses. This is set out below along with the top-level results of the consultation (which you also received ahead of our meeting).

The government received 174,730 responses to the consultation, made up of emails, letters and online survey responses:

Number of Responses	Type of Response
174,730	Total number of emails, letters and online survey responses received by closing date.
Breakdown	
50,382	Online survey portal
62,054	Emails
62,294	Letters

A number of groups organised and encouraged responses to the consultation. In particular, the organisations Avaaz, Free the Press and The Open Rights Group encouraged a large number of their supporters to respond, both in favour and against section 40 and Part 2. Many newspapers also included 'coupons' that readers could fill out and send in to respond to the consultation. We have not categorised responses in any way other than how the responses were received, and all direct responses have been treated equally.

We also received a number of petitions, the largest being from 38 degrees comprising 130,120 signatures in favour of continuing with Part 2. The petitions have not been included in the analysis set out below as we have not considered these to be direct responses in the way we have considered the 174,730 to be. This approach is in line with the approach taken in other government consultations that attracted similar attention, for example, the equal marriage consultation (around 227,000 direct responses) and the BBC Charter review (around 192,000 direct responses).

Of the total number of direct responses received, 66 per cent thought Part 2 should not proceed, while 12 per cent thought Part 2 should continue either with existing or amended terms of reference. 22 per cent did not give a view either way.

The reasons given by those who believed Part 2 should not proceed were focused on two main arguments. Firstly, 45 per cent of total respondents argued that the terms of reference

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for Part 2 had been covered by Part 1 of your Inquiry and the police investigations. Secondly, 12 per cent of all respondents argued that the government should focus on other priorities.

Those that believed Part 2 should go ahead had more varied arguments. Of the total number of responses received, 5 per cent argued that further investigation was needed into corporate governance at newspaper organisations. 5 per cent argued that new evidence had emerged during Part 1 or since Part 1 that required further investigation. 4 per cent argued that there was evidence of witnesses lying under oath, and 4 per cent believed the police knew witnesses were lying under oath and did nothing about it. 2 per cent argued that there was evidence of police corruption that needed investigating.

Of the total responses received, 4 per cent believed that you and/or victims of phone-hacking should be consulted before any changes were made to Part 2 of the Inquiry. 11 per cent cited 21st Century Fox's bid for Sky plc as relevant to Part 2 of your Inquiry, and argued the bid should not be approved until Part 2 of the Inquiry had taken place. Of the total responses received, 5 per cent believed other issues regarding the relationship between the media and the police needed investigating, for example, Orgreave, Hillsborough, and Daniel Morgan.

The petition from 38 degrees, containing 130,120 signatures, was in favour of continuing with Part 2 of the Leveson Inquiry.

ANNEX B - Analysis of Terms of Reference

At our meeting on 4 December, we discussed the terms of reference for Part 2. As we outlined at that meeting, the government's view is that many of the elements of the terms of reference have already been met as a result of Part 1 of your Inquiry, the police investigations that have taken place, and the reform in both the press industry and the police since your Inquiry reported in November 2012. As requested at our meeting with you, we have set out our views on each Term of Reference in turn.

Term 3. To inquire into the extent of unlawful or improper conduct within News International, other newspaper organisations and, as appropriate, other organisations within the media, and by those responsible for holding personal data. Our analysis is that this term has been partly met by the police investigations which looked mainly into the extent of unlawful conduct at News UK and the Mirror group, but which also covered the Express Group. However, we are aware that these investigations only looked at unlawful behaviour by the media, and not the second part of this term, improper conduct, which is a different matter, as those who have been found not guilty of criminal behaviour may still have been involved in improper behaviour. Although the Metropolitan Police Service investigations did not cover data protection offences, many of the civil cases relating to press and police misconduct have covered data protection offences. In addition, the Data Protection Bill currently going through Parliament will ensure our data protection frameworks are fit for purpose in the current digital environment and will increase sanctions against those who commit data protection breaches in the future.

Term 4: To inquire into the way in which any relevant police force investigated allegations or evidence of unlawful conduct by persons within or connected with News International, the review by the Metropolitan Police of their initial investigation, and the conduct of the prosecuting authorities. Our analysis is that this term has been largely met. Part 1 of the Leveson Inquiry reviewed the Metropolitan Police Service's initial investigation into phone hacking (Operation Caryatid) and the role of politicians and public servants regarding any failure to investigate wrongdoing in News International, and concluded that there was no police wrongdoing in the decision to close the investigation in 2006, given the wider priorities around counter-terrorism. In 2011, Operation Weeting seized all of the material that Operation Caryatid possessed, and over the next three years comprehensively re-examined all of it. Operation Weeting concluded that everything that could be done at the time had been done, and the Metropolitan Police Service believe that any further review of Caryatid would therefore be duplicating exactly what Operation Weeting has already done. In addition, Part 1 of your Inquiry made numerous recommendations for the police. HMIC, the National Police Chiefs Council and the College of Policing have subsequently taken action on all of these recommendations, and policies and procedures are now in place to provide reassurance around the relationship between newspaper organisations and the police, prosecuting authorities and relevant regulatory bodies.

Term 5: To inquire into the extent to which the police received corrupt payments or other inducements, or were otherwise complicit in such misconduct or in suppressing its proper investigation and how this was allowed to happen. Our analysis is that this term has been largely met by the criminal investigations. The Metropolitan Police Service's Operation Elveden's terms of reference ensured that it conducted a full and wide ranging investigation. It investigated many allegations of inappropriate payments to police. 34 defendants have been convicted as a result of this investigation, including eleven police officers and staff, all of whom were subsequently dismissed, and two further officers were also dismissed for gross misconduct. In addition to the numerous criminal prosecutions that followed, the Metropolitan Police Service also introduced new policies on Whistleblowing, Gifts and Hospitality, and Media Relations following Part 1 of the Leveson Inquiry. Part 1 of your Inquiry concluded that while some of the decisions of the police were ill-judged, there is no evidence to suggest any of these poor decisions were influenced by News of the World.

Term 6. To inquire into the extent of corporate governance and management failures at News International and other newspaper organisations, and the role, if any, of politicians, public servants and others in relation to any failure to investigate wrongdoing at News International. Our analysis is that this term has generally not been met. While some of the criminal proceedings exposed governance and management failures as a byproduct of the trials, we believe there has been no specific focus on these issues. However, a number of reforms have been taken forward by the press industry to improve their corporate governance. Most major publishers, including those identified as being involved in phone-hacking, are members of the self-regulator IPSO. These publishers are required to submit yearly statements reporting on their compliance processes, including: a publisher's approach to editorial standards; complaints-handling processes; training processes and their record on compliance (including details of any complaints that have been upheld by IPSO's Complaints Committee within the relevant period). IPSO publishes a full list of what must be included in Annex A of its regulations, available at: <https://www.ipso.co.uk/media/1240/regulations.pdf>. Many media organisations have also taken additional steps to put in place safeguards to prevent illegal activity such as phone-hacking happening again.

Term 7: In the light of these inquiries, to consider the implications for the relationships between newspaper organisations and the police, prosecuting authorities, and relevant regulatory bodies. Our analysis is that this term of reference has generally been met. The majority of the recommendations from Part 1 have been implemented. The new press self-regulators that have been set up in response to your Inquiry are more robust than the previous Press Complaints Commission. The relationship between the police and press has also significantly changed, underpinned by new guidance from the College of Policing regarding Media Relations, published in May 2017.



PRESIDENT OF THE
QUEEN'S BENCH DIVISION

THE RT. HON. SIR BRIAN LEVESON
HEAD OF CRIMINAL JUSTICE

The Rt Hon Amber Rudd
Secretary of State for Home Affairs
The Rt Hon Matt Hancock
Secretary of State for Digital, Culture, Media and Sport

Your reference: T02017/08997/DC

23 January 2018

Dear Home Secretary and Secretary of State,

The Inquiry into the Culture, Practices and Ethics of the Press

Thank you for the letter of 21 December 2017 seeking my views on the future of Part Two of my Inquiry. As the letter states, I met for an initial discussion with the Home Secretary and the then Secretary of State for Digital, Culture, Media and Sport on 4 December 2017 and the letter of 21 December puts into effect the formal consultation with me as Chairman as required under the Inquiries Act 2005. I appreciate that Mr Hancock was not then in post: if he wishes to meet, I would be very happy to do so. In the meantime, I am grateful to have had the opportunity fully to consider the letter and the information and responses you have provided to help me do so. It was agreed that both letters should be published at the same time as you announce your final decision and I confirm not only that I am content with that course but also that I have no doubt that it is entirely appropriate.

You indicated the Government's initial view on the future of Part Two of the Inquiry when we met and have clarified this in the letter:

'Our initial view is that, given the changing media landscape and the important actions we are taking in this area, coupled with the consultation responses and our analysis of the terms of reference, we are not convinced that the second part of the Inquiry is necessary.'

As I explained when we met, I fundamentally disagree with that conclusion.



My starting point is the terms upon which the Inquiry was established with cross-party support on 13 July 2011. It is important to emphasise that there has only ever been one Inquiry, split into two parts simply to avoid any potential contamination of the then ongoing police investigations and I was appointed on the clear understanding that Part Two would need to follow as soon as possible once those investigations had been concluded. As the then Prime Minister said in the House of Commons on 6 July 2011:

‘It seems to me that there are two vital issues that we need to look into. The first is the original police inquiry and why that did not get to the bottom of what has happened, and the second is the behaviour of individual people and individual media organisations and, as the right hon. Gentleman says, a wider look into media practices and ethics in this country. Clearly, as he says, we cannot start that sort of inquiry immediately because we must not jeopardise the police investigation, but it may be possible to start some of that work earlier.’

He further emphasised this on 13 July in the formal announcement of the establishment of the Inquiry:

‘The second part of the inquiry will examine the extent of unlawful or improper conduct at the News of the World and other newspapers, and the way in which management failures may have allowed it to happen. That part of the inquiry will also look into the original police investigation and the issue of corrupt payments to police officers, and will consider the implications for the relationships between newspapers and the police. Lord Justice Leveson has agreed to these draft terms of reference. I am placing them in the Library today, and we will send them to the devolved Administrations. No one should be in any doubt of our intention to get to the bottom of the truth and learn the lessons for the future.’

These statements highlight the legitimate expectation on behalf of the public, all parties in Parliament and the alleged victims of media intrusion that Part Two would follow at the appropriate time. Of course, in itself, that is not a conclusive reason to commence Part Two but it provides useful context to a consideration of the extent to which things may have moved on since that point.

As David Cameron explained, I was content with the proposed terms of reference for Part Two at the time that the Inquiry was established. It is obviously right, after more than six years, to take stock of the progress that has been made in the meantime and assess what gaps might still remain. The current terms of reference are broadly split between further examination of the media (which is wider than the terms of Part One which was limited to the press), including corporate governance and the implications for the future.

Newspapers and the Media

Contrary to much commentary following Part One of the Inquiry, it was not concerned with the media generally (beyond newspapers) but the Terms of Reference for Part Two specifically do encompass both newspapers and ‘the media and ... those responsible for holding personal data’: this is a very much wider group and one which has legitimately become the subject of much greater public focus in the years following the Inquiry’s report in November 2012.

I will first deal with unlawful and improper conduct within News International and other newspaper organisations in which context I entirely agree that the various police investigations led to a large number of criminal trials some of which resulted in convictions. For good reason, many of the trials needed to be run separately but it is a significant feature, when comparing the evidence from one to another, that conflicting (and irreconcilable) accounts were given by different people working within the same organisation. The conviction of Mahzer Mahmood also raises issues of an entirely different species of unlawful or improper conduct.

It might have been thought that the civil litigation would resolve the remaining issues by exposing where the truth lies but it is significant that civil settlements have meant that no trial involving News International has been contested to judgment. Further, it is also clear (from the fact of these settlements) that, albeit as I understand it 'without admission', it has not been challenged that the extent of wrongdoing within News International has been far greater than the Inquiry was informed. By way of example, I am sure that you are aware that, on 18 January this year, the most recent cases against The Sun newspaper (which, at the time of Part One, was said by the editor and others in senior management not to have been implicated in unlawful or improper conduct), have settled with substantial payments to the claimants. Prior to the settlements, David Sherborne, who acted on behalf of the claimants, had stated that their case would allege criminality at the most senior level of what is now News UK. It must be in the public interest that the extent of the wrongdoing is publicly exposed not least because the press itself would have been the very first to do just that if it were to have occurred in any other organisation.

It is also important to note that, at the time of Part One of the Inquiry, phone hacking had been admitted only by those working for the News of the World at News International. The recent settlements appear to show that there was similar unlawful behaviour at The Sun. It has also extended to Trinity Mirror plc where, again, none of the litigation has been contested as to liability. All this must bring very sharply into focus that the evidence that was given to Part One was far from complete and it remains unclear exactly how widespread these and similar practices have been throughout the print media.

Although criminal and civil trials are open to the public, there are and have been obvious limitations regarding public access to them. A detailed and independent forensic investigation of compellable witnesses in a public forum, with evidence streamed online and widely available, would likely arrive at the full truth and I would suggest that the public interest would be served by a detailed, reasoned report which covers the whole of the available evidence, not just the evidence relevant to the guilt or otherwise of individual defendants in any specific trial. In short, in neither Part One nor the trials have there been answers to "who did what to whom".

Before moving on to the wider media, your letter seems to be written on the understanding that the press is now sufficiently well regulated and that, for this reason alone, there is no further need for investigation of these issues. In fact, and as a number of the responses to the Government consultation paper show, there are substantial differences of opinion as to whether IPSO is sufficiently distinct from its predecessor, the PCC, as to have resulted in a real difference in behaviour. Indeed, the review of IPSO conducted by the Media Standards Trust in November 2013

suggests that it fails to meet 20 of my recommendations as to the proper form of regulation, including crucially those which would guarantee independence from the industry and the handling of complaints. The accuracy of this suggestion (and the competing claims by the press) could be assessed during Part Two.

Furthermore, as you recognise, Terms of Reference 6 (corporate governance and management failures at News International and other newspapers and the failure to investigate wrongdoing) has not been met; self certification of compliance is hardly sufficient to generate public confidence when so much has been revealed about wrongdoing even after the Report dealing with Part One. The real concern here is whether the present self-regulation of the press is sufficient to meet the public interest. At the very least, I would suggest, that premise deserves further independent consideration in a forum which is open and transparent to the public. I repeat that the press is in a unique position because there is no other investigative body in a position to hold the very real exercise of power by the press to account and to expose its wrongdoing to the public.

I was interested to note that Lord Kerslake's review of the Manchester Arena bombing intends to include a review of press behaviour in the immediate aftermath of the tragedy. The stories I have read are reminiscent of many of those I heard during Part One, one of which became a case study as it occurred during the course of the Inquiry itself. For any review of the bombing in Manchester, however, the behaviour of the press would be a side issue: in fact, it deserves full investigation as part of many other subsequent allegations of intrusive and inappropriate reporting which, at the very least, give rise to the argument that the current regulatory regime still lacks teeth in this area. It should also not be ignored that the House of Lords has recently voted in favour of the immediate commencement of Part Two, having been sufficiently persuaded by the personal experiences of a number of their members that there was still work to be done.

Turning to the media generally (along with those responsible for holding personal data), it is clear that the potential impact of the way in which information is disseminated by these organisations has become a serious issue of real public concern. The control of 'Fake News' is of critical importance. Having considered the matter very carefully, although I am grateful to be told of the detail of the work that is current underway, particularly in relation to the Digital Charter, I do not believe that, without involvement of those who have been affected by social media, confidential discussions between those that provide the platform for the dissemination of such material and the government is a sufficient response to the problem. The question is not (as you pose it) whether newspapers are more highly regulated than many new media outlets but whether those new media outlets should now be subject to greater regulation. In my view, it is entirely right that there is a mechanism to challenge the way in which the public interest should be served by social media and others working in this sphere by publicly holding them to account and requiring them, equally publicly, to articulate what they are doing, what they are prepared to do and how they are willing to address public concern in these areas. That is precisely what Part Two could achieve.

Further, I am not convinced that increasing sanctions against those who commit data protection breaches in the future will be sufficient. All the problems that

I identified in Part J Chapters 2 and 3 in relation to the criminal and civil law respectively will remain.

Police

Currently the Terms of Reference 4 and 5 of Part Two would look further into the behaviour of the police. Your letter rightly points to the extensive investigations already conducted in this area, including in Part One of my Inquiry, relating to Operation Carylthid and the other police investigations. Although there is clearly a need for these relationships to be kept under close review, to ensure that similar issues do not develop to the same extent again, I am inclined to agree that there is little public interest in re-opening many of these same investigations again. I also agree that the guidance from the College of Policing regarding Media Relations represents significant change.

That is not, however, to say that there have not been examples of concern not merely dating back to the years prior to Part One but also very much more recently. The disclosure of the police search of Cliff Richard's home to the BBC (again relating to the media rather than newspapers), for example, or the more recent sharing of information by retired police officers in relation to the 2008 search of Parliament are both issues of present public concern. For that reason, I would suggest that the terms of reference should be amended to allow for a short review of the effectiveness of the current provisions and protections in this area to ensure that they are still fit for purpose. This could also cover issues such as the naming of suspects of crime prior to charge or conviction; the informal recommendation at Part G, Chapter 3 para. 2.39 that save in exceptional and clearly identified circumstances, the names or identifying details of those arrested or suspected of a crime should not be released was criticised at the time but, in the light of recent high profile investigations and collapsed rape cases, the identification of suspects has since become a matter of public concern not merely prior to charge but also prior to conviction.

Further Points

There are a few other points I wish to make. First, it has been suggested that I personally do not wish to conduct Part Two of the Inquiry. This is a misunderstanding of my position. As you know, since I concluded Part One, I have been appointed as President of the Queen's Bench Division and, more recently, Head of Criminal Justice in England and Wales. The demands of these roles mean that it would be impossible for me to take on Part Two at this stage. However, this should not be a factor in whether Part Two should happen or not. There is no reason why another Chairman could not pick up the reins at this point and I am entirely confident that the Lord Chief Justice could find a sufficiently senior judge or recently retired judge who would be eminently suited to the task. I would, of course, be very willing to do what I can to make the transition as smooth as possible.

Secondly, I am aware that concern has also been raised about the likely cost of Part Two, particularly when so many other public inquiries are currently underway. The press responses refer to the enormous cost to them of the Inquiry and the subsequent litigation. For the sake of clarity, the cost to the public purse of Part One

of the Inquiry was £5.4m. It was concluded within 17 months of being set up. I see no reason why Part Two could not be organised in a similarly efficient way and keep the burden on the public purse to a minimum. The extent of press involvement would be a matter for them. The question is whether, bearing in mind all that was said in 2011 and all that has occurred since, it is now correct to abandon the assurances then given. In that regard, I would not personally count the responses in the way in which you have. Whatever might be so in relation to other consultations, that forms completed by completing newspaper coupons should each be counted individually but that a petition signed by 138,000 for 38 Degrees should not seem to put form over substance.

Thirdly, it is important that it is understood why I have not referred to the further debate about s. 40 of the Crime and Courts Act 2013. Whereas the Inquiries Act requires me to be consulted and express a view about the continuation of my Inquiry, as a serving judge, it remains inappropriate for me to comment otherwise about proposed government legislation. It is for that reason only that I do not do so.

In conclusion, therefore, under the terms of the Inquiries Act 2005, whether the Inquiry should now be brought to an end is, of course, a matter for you to decide and I can only give you my view. For the reasons I have explained, however, I have no doubt that there is still a legitimate expectation on behalf of the public and, in particular, the alleged victims of phone hacking and other unlawful conduct, that there will be a full public examination of the circumstances that allowed that behaviour to develop and clear reassurances that nothing of the same scale could occur again: that is what they were promised. For the reasons given above, I do not believe that we are yet even near that position and would urge you to give further consideration to the need for at least the bulk of Part Two to be commenced as soon as possible.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson.



Department for
Digital, Culture
Media & Sport



Home Office

Sir Brian Leveson
Royal Courts of Justice
Strand
London, WC2A 2LL

1 March 2018

Dear Sir Brian,

Following your meeting with the Home Secretary and the previous Secretary of State for Digital, Culture, Media, and Sport on 4 December 2017, we wrote to you on 21 December 2017 to consult you on whether to proceed with Part 2 of your Inquiry. Thank you for your response dated 23 January 2018 setting out your views, and for meeting with the new Secretary of State for Digital, Culture, Media and Sport on 5 February 2018. This correspondence, including this letter, has today been published alongside our response to the consultation which can be found here:

<https://www.gov.uk/government/consultations/consultation-on-the-leveson-inquiry-and-its-implementation>

We have carefully considered the representations you have made. We have, however, decided that returning to the Inquiry is no longer appropriate, proportionate or in the public interest, not least thanks to the changes we have seen since, and as a result of, your Inquiry.

A formal notice pursuant to s14(1)(b) Inquiries Act 2005 notifying you of our decision to end the Inquiry is enclosed (see **Annex A**). This formal notice and our response to the consultation summarise our reasons for this decision. This letter responds in more detail to your letter of 23 January 2018.

Legitimate expectation and consultation responses

We recognise that when the Inquiry was established there was a determination to undertake Part 2. With the passage of time it is right that the Government now consider afresh whether there is a public interest in continuing with the Inquiry or replacing it in some other form. Much has changed in the six years since the Inquiry was established, and it is right to reflect on progress at this point.

As part of that process we have undertaken a full, open public consultation on the issues. The consultation allowed all interested parties to share their views on the most appropriate way forward.

The Government has taken the views of the public, parliamentarians and victims expressed through the consultation into account.

We note the concerns which you have raised as to the analysis of responses. As with the approach to other Government consultations, including the consultations for same-sex marriage and BBC Charter Review, petitions have not been included in the quantitative analysis of direct respondents. We can reassure you that petitions have, however, been fully taken into account when making our decision on this important matter.

Newspapers and the Media

In your letter you expressed concern that the Media Standards Trust review of IPSO found that 20 of your recommendations about the proper form of press regulation were not fully met. We have considered this and balanced it against the major changes to press self-regulation since Part 1 took place. Publishers and self-regulators have enhanced their guidelines on a range of topics including accuracy, harassment, and anti-bribery. Publishers have also made improvements to their governance frameworks to improve their internal controls, standards and compliance.

While the new system of press regulation is not what was envisaged when the Royal Charter was granted, it has led to a raising of standards across the industry, independently of Government. IMPRESS has become the first self-regulator to gain recognition under the Royal Charter, while IPSO, which regulates 95 per cent of national newspapers by circulation, was found in 2016 by Sir Joseph Pilling to be largely compliant with your recommendations in the main areas around effectiveness and independence. Further progress has been made since then.

IPSO has also committed to making further improvements in relation to a number of essential issues such as funding, independence, and appeals for complaints. Both regulators now offer low-cost arbitration and claimants can continue to use the court system. As such, the public can have confidence that complaints about the press will be handled fairly and quickly, regardless of the financial means of the complainant.

As you say, the media landscape has also changed dramatically since the Inquiry was established. High-quality journalism is under threat from the rise of clickbait and fake news; from falling circulations and difficulties in generating revenue online; and from the dramatic rise of largely unregulated social media. These have posed major challenges for national publishers, while since 2005 over 200 local newspapers have closed down.

As we have discussed, we must address these challenges and work to safeguard the local press, to secure a sustainable future for high quality journalism and ensure a sound basis for democratic discourse, with a well-functioning, properly self-regulated media. These challenges are urgent, and we do not therefore believe a public inquiry, which will understandably take significant time to produce a report, is the most effective way to address these issues. Instead, the Government is committed to developing the Digital Charter to respond quickly to these pressures. Under the Charter, we have set up an external review into press sustainability to ensure sustainable business models for high quality journalism, which will examine the roles and responsibilities of both the traditional press and other news providers.

Police

All of the Inquiry's recommendations in relation to law enforcement have been or are being delivered. Extensive reforms to policing practices have been made, such as the College of Policing publishing a code of ethics and developing national guidance for police officers on how to engage with the press and reforms in the Policing and Crime Act 2017 to strengthen protections for whistleblowers. We appreciate your recognition that there is little public interest in re-opening many of the investigations already undertaken by the police.

Costs

With regard to the cost of Part 2, we accept the arguments you advanced that the costs of Part 2 could be kept to a minimum. The issue, however, is the added value in continuing, over and above the value already achieved from the money spent so far on Part 1 and the various police investigations. Taking that into account, along with the wider changes to which we have referred, we do not believe that the wider public interest requires a further Inquiry.

Conclusion

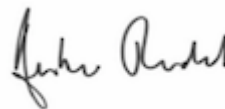
Thanks to these extensive reforms to the police and the press since the Leveson Inquiry was established, the Government firmly believes that the risk of the kind of behaviour that led to the Inquiry being established has been significantly and proportionately addressed.

We must focus on the most pressing issues facing the future of the press in this country to ensure a robust future for a well-regulated media that supports a liberal democracy, respects individuals' rights, tackles disinformation and fake news, and holds power to account.

We would like to thank you once again for undertaking the Inquiry. The work of the Inquiry, and the reforms since, have had a huge impact on public life. We are now on firmer ground from which to tackle some of the most pressing challenges facing our democracy today.



Rt Hon Matt Hancock MP
DCMS Secretary of State for Digital,
Culture, Media and Sport



Rt Hon Amber Rudd MP
Home Secretary

**ANNEX A - FORMAL NOTICE REGARDING THE TERMINATION OF THE LEVESON INQUIRY
PURSUANT TO S14(1)(B) INQUIRIES ACT 2005**

1 March 2018

Dear Sir Brian,

**INQUIRY INTO THE CULTURE, PRACTICES AND ETHICS OF THE PRESS
NOTICE PURSUANT TO S14(1)(B) INQUIRIES ACT 2005**

This letter is formal notice pursuant to Section 14(1)(b) Inquiries Act 2005 (the “Act”) of the Government’s decision to end the Inquiry into the Culture, Practices and Ethics of the Press (the “Inquiry”). The Inquiry will come to an end on 1 March 2018. A copy of this notice will be laid before Parliament.

In reaching these decisions, the Government has consulted you, and has carefully considered 174,730 direct responses to the consultation and a number of petitions, as set out in our Response to the consultation. The Government's reasons for ending the Inquiry are as follows:

- **The media landscape has changed significantly since the Leveson Inquiry reported in 2012.** Newspaper circulation continues to decline, the online media is far more powerful and advertising revenues are going to online platforms. Society faces new and very significant challenges around the creation and dissemination of the high-quality and reliable news that is vital to our democracy, and we must focus on addressing these challenges in the most effective manner - which we believe is not through returning to a public inquiry that was set up many years ago. The government is tackling these issues through our Internet Safety Strategy and developing a Digital Charter, which will include a review of press sustainability. These are the challenges the media face now. Reopening the Leveson Inquiry would be backward looking, looking at the media landscape as it was.
- **There have been extensive investigations to hold wrongdoers to account.** Following three detailed police investigations (Operations Weeting, Golding and Tuleta) more than 40 people have been convicted. This sent a clear message that illegal misconduct by the press, police and public officials will be dealt with robustly. There have since been extensive reforms to the practices of both the police and press, with the majority of the recommendations from Part 1 having been implemented. Taken together, this has significantly mitigated, in our view, the risk that the sort of behaviour that led to the Inquiry being established will happen again.
- **The terms of reference for Part 2 have already largely been addressed.** According to the Government's analysis, through a combination of the comprehensive nature of

Part 1 of the Inquiry, detailed criminal investigations and civil claims, the terms of reference for Part 2 have already been largely met.

- **Part 2 is no longer in the public interest.** The cost of Part 2 would be disproportionate to the potential benefits, with £43.7 million of public money already having been spent on police investigations relating to phone-hacking and £5.4 million spent on Part 1 of the Inquiry. We therefore believe that Part 2 is not longer appropriate, proportionate or in the public interest.

We would like to thank you again for your comprehensive and diligent work on the Inquiry.

Yours sincerely,



Rt Hon Amber Rudd MP
Home Secretary



Rt Hon Matt Hancock MP
DCMS Secretary of State for Digital,
Culture, Media and Sport