

1. This Witness Statement is filed on behalf of the Claimant
2. Ellen Gallagher
3. 2nd Witness Statement
4. Signed: 24 July 2024
5. Exhibit "EG2" and "CONF-EG2A"

Claim No: BL-2022-001459

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
BUSINESS LIST
IN THE MOBILE TELEPHONE VOICEMAIL INTERCEPTION LITIGATION

B E T W E E N:

**THOMAS WATSON
(LORD WATSON OF WYRE FOREST)**

Claimant

-and-

NEWS GROUP NEWSPAPERS LIMITED

Defendant

SECOND WITNESS STATEMENT OF ELLEN GALLAGER

I, **ELLEN GALLAGHER**, of Hamlins LLP, 1 Kingsway, London WC2B 6AN **WILL SAY** as follows:

1. I am the same Ellen Gallagher who has given one previous Witness Statement in the Claimant's case. I make this Witness Statement from matters within my own

knowledge or belief, save where the contrary appears, in which case those matters are true to the best of my knowledge and the source of information appears. There is now produced and shown to me marked Exhibit “**EG2**” and “**CONF-EG2A**” a paginated bundle of true copy documents. All references to documents in this statement are to Exhibit “**EG2**” unless otherwise stated.

2. I make this witness statement in response to the First Witness Statement of Maxine Gayle Mossman dated 18 July 2024 (“**Mossman 1**”) in relation to the Claimant’s application dated 1 July 2024 for certain keyword search terms and relevant custodians to be searched by NGN for the purpose of Claimant-specific standard disclosure. Where relevant, I also respond to the relevant paragraphs of Ms Mossman’s First Witness Statement in response to the application in the claim of Sir Vince Cable dated 3 July 2024 (“**Mossman 1-Cable**”).

Paragraph 1 of Claimant’s Draft Order: Call Data Searches

3. It is notable that NGN has only now, at this very late stage, provided information in relation to the call data searches (a) claiming that they will produce excessive results; and (b) suggesting that it will take nine weeks to produce the results of the searches.
4. The letter from PwC to Ms Rateb, the clerk to the Managing Judge, of 18 July 2024 exhibited to Mossman 1 [**Exhibit MGM1-TW page 305**] (“PwC’s July letter”) was sent without copying the parties in the usual way. I did not have sight of PwC’s letter, as I should have, prior to being served with NGN’s evidence in this application, and have not had sight of the covering email to Ms Rateb since it is not contained in Ms Mossman’s exhibit.
5. This is the second time PwC has written unilaterally to the Managing Judge, presumably on the instruction of NGN, in an attempt to influence the outcome and/or timing of an order for disclosure, the first being in relation to private investigator call data searches when PwC wrote to the Managing Judge on 31 October 2023. I do not consider NGN’s conduct in this regard to be acceptable and imagine that the Claimants would be heavily criticised if they adopted the same tactic.
6. In any event, PwC’s July letter is at odds with NGN’s stated position in

correspondence, particularly in relation to the estimated costs of the exercise. By way of example, NGN stated in correspondence that the costs of searching call data for 55 Associates would be in the region of £600,000 - £700,000 (see NGN's letter of 4 June 2024 at paragraph 6 **[EG1/78]**). NGN's letter of 26 June 2024 repeated these figures **[EG1/124]**. Now NGN states in PwC's July letter that the estimated costs are, hundreds of thousands of pounds less than the figures stated in correspondence for 5 fewer Associates.

7. Further, I am informed by Ms Hrabí of Clintons, the solicitors for Sir Vince Cable, that the costs estimate for searching call data for 43 of Sir Vince's Associates was estimated to be £55,000 - £65,000 (see NGN's letter to Clintons of 20 June 2024 at **(EG2/1-7)**).
8. Given the enormous discrepancy in the estimated costs provided by NGN, I and Lord Watson have no confidence whatsoever in the estimates provided by NGN for carrying out call data searches.
9. PwC's July letter also highlights, for the first time, that NGN's purported compromise to search 30 of Lord Watson's Associates, chosen by NGN, would result in him not obtaining call data for 13 of his "first 30" being:
 - (a) David Triesman
 - (b) Ed Balls
 - (c) Ed Miliband
 - (d) Geoff Hoon
 - (e) Sarah Brown
 - (f) Hilary Armstrong
 - (g) Hilary Perrin
 - (h) Luciana Berger
 - (i) Margaret Beckett
 - (j) Michael Dugher
 - (k) Joan Hammell
 - (l) Baroness Sue Nye
 - (m) Tony Blair.

10. The Court will note that the list above includes prominent politicians, former (and current) cabinet members, former Prime Minister Tony Blair, the wife of former Prime Minister Gordon Brown and Mr Brown's Chief Political Spokesman. The list also includes Joan Hammell, who (as I explain in my First Witness Statement in the MTVIL **{F/413}** at paragraphs 9 and 10) was the subject of one of the "three incriminating emails" sent by Glenn Mulcaire to Ian Edmondson (see **{Z/1018}** for the email itself). I understand Ms Hammell brought an early claim in the MTVIL and, in Lord Watson's claim, NGN has raised her claim as part of its Defence, and in its Request for Further Information.
11. It is notable also that NGN now seeks to resile from its "compromise" position that it would search for call data for 30 Associates. It now states it will not do so in its letter of 17 July 2024 **[EG2/8-11]** citing the estimated costs as a reason. As stated above, I consider NGN's chaotic and inconsistent position on the question of the costs is a blatant attempt to deprive Lord Watson of call data that will help establish the extent of NGN's targeting of his Associates.
12. PwC's July letter does not, in my view, provide any clarity as to why the costs are said to be so high. By way of example:
 - (a) It appears that PwC is carrying out a laborious deduplication exercise which has not, to my knowledge, been ordered and is unnecessary. It raises a concern as to the veracity of the call data provided in the MTVIL thus far if NGN is de-duplicating call data which could evidence double tapping. Further, there appears to have been no attempt made to convert the data into a searchable spreadsheet.
 - (b) Paragraphs 7.1 and 7.2 of PwC's July letter apparently describe unnecessary work relating to the identification of overseas numbers. None of the numbers put forward in Lord Watson's claim are overseas numbers.
 - (c) Paragraph 8 suggests that NGN could identify the NGN custodians to be searched since it states the invoices are OCRd to make them text-searchable. This could further be drilled down to identify the journalists and editorial staff against whom the call data searches can be run.

13. PwC's July letter also fails to identify what is meant by "4,800 responsive records"; it is entirely unclear whether this number is 4,800 records in total or for one Associate. NGN has not identified which Associates have a large amount of call data, save for Alistair Campbell as an example (even though, I am informed by Mr Mandelson's solicitors, Alistair Campbell is not an Associate for call data searches in his claim). I can only infer that NGN has already scoped the exercise and has identified that there is a large amount of (presumably incriminating) call data that falls to be disclosed in relation to certain of Lord Watson's Associates. Since Lord Watson's claim has been brought in the Mobile Telephone Voicemail Interception Litigation, he must be entitled to know whether his Associates have been targeted and to what extent by NGN.
14. Further, if NGN has identified outlier Associates with large amounts of call data, it is likely that exclusionary search terms could be used to significantly reduce the results, as have been used in other claims. NGN's deliberately opaque and tactical response appears to be aimed at preventing the Claimant from making such suggestions.
15. For example, I am informed by Lord Shamash of Edwards Duthie Shamash, Paul Gascoigne's solicitors, that in Mr Gascoigne's claim NGN flagged prior to standard disclosure being exchanged that the call data for Ross Kemp (one of Mr Gascoigne's associates and the former partner of Rebekah Brooks) would produce many results. It was agreed that NGN would not produce calls from Ms Brooks' mobile phone to Mr Kemp since, given their relationship, the call data was unlikely to be indicative of unlawful information gathering or voicemail interception. I am informed that NGN stated that the results would be significantly reduced and the call data was disclosed shortly thereafter.
16. Lord Watson, however, is operating in a vacuum since he has no knowledge of which Associates have large amounts of call data, although NGN plainly does. This approach is plainly tactical by NGN. Consequently, Lord Watson is not in a position to consider whether there is any scope for finessing the searches (for example, NGN identifying the Associates with more than 300 entries of call data and a list of the journalist who called them. "Pure" political journalists could then be removed so that searches could be carried out against the hub data and non-political journalists).

17. At paragraph 42 of Mossman 1, NGN states its position “*that the Associates selected for Call Data Searches should also be the same Associates searched for Relativity and other claimant-specific standard disclosure searches so that the parties have a more informative disclosure picture*” on the basis that documents produced “*may explain Call data search results...*”. There is simply no evidence put forward by NGN as to how this could be the case and, again to the best of my knowledge, NGN has not adopted this position in other claims.
18. At paragraph 43 of Mossman 1, NGN complains that Lord Watson has not explained why he has chosen the Associates he has for call data searches. However, he is not required to do so by any order. Lord Watson pleads 111 Associates and NGN has objected to providing call data disclosure in respect of all of them. In an attempt to compromise, he proposed 55, then 50 Associates to be searched (alternatively 30). Lord Watson’s position is that he is entitled to call data for the Associates he chooses since they are necessarily taken from the pool of 111. It appears that NGN is choosing to obfuscate the position by suggesting that Lord Watson is required to provide a detailed explanation. This is completely misconceived. They were his associates during the Relevant Period, with whom he was in regular contact.
19. NGN has requested a meeting between the parties’ “legal counsel” to discuss whether it is possible to resolve the issue between the parties. Lord Watson is amenable to such a meeting and my firm has requested further information from NGN in order for such a meeting to be as productive as possible **[EG2/43]**.

Paragraph 2 of Claimant’s Draft Order: Landline Call Data

20. By paragraphs 2 and 3 of the Draft Order, Lord Watson seeks an order for searches of call data in respect of the 10 landline telephone numbers listed in Schedule 2 of the Draft Order, to be disclosed within 14 days of the Order. My earlier evidence in relation to this matter was set out at paragraphs 17 - 19 of my first witness statement. NGN opposes this application and its evidence is set out in paragraphs 44-58 of Mossman 1.
21. At paragraph 47 of Mossman 1 NGN baldly asserts that call data searches are limited to mobile telephone numbers. However, the Order of 3 April 2019 is clearly specific to

Initial Disclosure (paragraph 2(b) on which NGN relies being under the heading “T4 Claims - Early Disclosure Provisions” **{B/100/2}**) and does not set out the searches relevant for the purposes of standard disclosure.

22. At paragraphs 49-58 of Mossman 1, NGN seeks to justify its opposition to the application on the basis of relevance and proportionality. Neither of these issues were raised in correspondence by NGN in relation to landline call data as can be seen from the letters of 27 March 2024, 4 June 2024 and 26 June 2024 **[EG1/37-57, 78-100 and 123-139]**.

Relevance

23. At Mossman 1 paragraph 52, NGN states:

Lord Watson has provided no evidence as to the types of private information he considers he would have left on voicemails on the landlines of the 5 individuals listed at Schedule 2 to the Draft Order, the period during which such voicemails would regularly be left (beyond the "relevant period" of his claim of 1996 to 2011) or why he considers he would have left voicemails on the landlines of these particular 5 individuals.

24. I have spoken with Lord Watson on the subject, and he has informed me that he would call the Associates for whom he has pleaded landline numbers on their landlines and leave messages on their answer machines (or equivalent). Lord Watson has further informed me that some of his Associates would leave messages on his own landline answering machine. Lord Watson has informed me that such messages included information about internal Labour Party matters, his family and his private life.
25. NGN refers (selectively) to the ruling of Mr Justice Fancourt made at the CMC on 10 October 2023 **[EG2/12-17]**.
26. However, that is misconceived since the decision is plainly distinguishable from Lord Watson’s application. For example:
- (a) the October 2023 application was made 3 months before trial, this application is made 6 months before trial;
 - (b) the October 2023 application was several months after standard disclosure was exchanged (or unilaterally provided by NGN) in the claims, whereas standard

disclosure has not yet been exchanged in Lord Watson's case;

- (c) the October 2023 application was made shortly before the deadline for exchange of witness evidence, where the Managing Judge considered the additional disclosure may increase the burden on the parties in preparing their evidence for trial (not the case for Lord Watson).
 - (d) the October 2023 application was in relation to 55 Claimants, the instant application is in relation to only Lord Watson and, I understand, Sir Vince Cable;
 - (e) at the time of the October 2023 application, landline VMI was not pleaded in the generic case (it is now, see for example, paragraph 3(e) of the PI Annex to the Re-Amended Particulars of Concealment and Destruction ("RRAGPCD")).
27. Claimants in the MTVIL have built an inferential case for landline VMI based on the admission by certain Private Investigators that they use landline voicemail interception in the same way as mobile voicemail interception (see the witness statements of Dan Evans and Gavin Burrows cited in Galbraith 35 at paragraph 14 in relation to Davinia Douglass's claim {F/421}), the extensive obtaining of ex-directory landline phone numbers by Private Investigators and the disclosure of call data to mobile phones that is not satisfactorily explained by legitimate calls. Landline call data are required by Lord Watson to make good his case for landline VMI.
28. Of course, (presuming no searches have already been done for any landline call data by NGN to scope out the exercise), if it turns out that there is no responsive landline call data to search, then NGN will be able to rely upon that as evidence against landline VMI in the Claimant's claim, and the cost of being able to avail itself of this defence will be minimal as there will be a nil return from the landline number call data searches.
29. NGN refers to Dan Evans stating that he used to landline voicemail interception "*considerably less frequent[ly] than the activity against mobiles*". In the context of the large amount of VMI Mr Evans has admitted, I consider it likely that incidents of landline interception will have been significant. However, he is just one journalist in the Features Department at the News of the World from January 2005 (until he says he personally stopped any unlawful activity in August 2006).

30. NGN's case at paragraph 55(a)(iii) of Mossman 1 appears to be that since Mr Evans states that his VMI activities ceased in August 2006, all NGN VMI ceased at that time as if Mr Evans was the only practitioner. The Claimant's case (and the case of the wider claimant group generally) is that VMI activities continued at NGN. This matter, and many of the other matters relied on in Freeman 2 and Mossman 1, are for determination at trial and cannot possibly be used to 'prove' there was no such activity at either The Sun or The News of the World for the purposes of Lord Watson's application.
31. At paragraph 55(c) of Mossman 1 NGN asserts that the allegations of landline VMI are not supported by generic disclosure in the litigation. Again, this is a matter for determination at trial, but I make the following points:
- (a) The allegations of mobile VMI are generally not proven by explicit references to mobile voicemail interception because of (i) the use of euphemisms in communications between NGN and staff involved in unlawful information gathering; (ii) the usual practice of destroying inculpatory documents at the time of the UIG; and (iii) not referring to VMI in written documents such as email. Nevertheless, through the use of call data and the interpretation of the call data in conjunction with proximate PI invoices a case for VMI, individual cases will be made out by the claimants in the MTVIL as it was successfully by the Metropolitan Police in the criminal trial against Andy Coulson and others.
 - (b) The search terms used for generic disclosure to date from the Relativity database of surviving emails have not included any search terms relevant to landlines (e.g. "landline", "home phone" and "home number"). Therefore the assertion by NGN that such documents would have turned up in generic disclosure is misconceived.
 - (c) It is absolutely not the case that PI payment material does not provide evidence supportive of the use of them for VMI by NGN on landlines. Very few PI payment records explicitly refer to VMI (including mobile VMI), yet it has been possible for a case to be proven that mobile VMI took place by NGN, both in relation to

admissions by NGN and in relation to the criminal trial. However, despite this, as set out in Galbraith 35 at paragraph 17 {F/421}, a number of PI invoices do include in the description landline phone numbers. Galbraith 37 at paragraph 4(c)(ii) {F/430/3} exhibits extracts from Mr Whittamore's notebooks showing NGN requested landline, including ex-directory numbers {F/431/2-3}. Since Galbraith 35 and Galbraith 37 were deployed for the purpose of the application in October 2023, the Claimants have set out clearly in their generic pleading which specific PIs they assert were used for VMI (both mobile and landline), as defined in paragraph 3(e) of the PI annex to the RRAGPCD served on 8 July 2024. These include at paragraphs 7.20 and 7.22(f) of the PI Annex Southern Investigations and Starbase.

Proportionality

32. In Mossman 1 at paragraph 56, NGN asserts that the costs of searching for and/or disclosing landline call data (meaning calls to the residences of Lord Watson's Parliamentary colleagues and family members) are likely to be higher than the costs of searching for and/or disclosing call data to the mobile phones. No proper basis for this assertion is provided. At no point has NGN claimed that calls to the numbers of the private residences of such Associates would be legitimate. If NGN is correct, no or very little call data would fall to be disclosed and the costs of the exercise would be minimal.
33. At paragraph 56(a) of Mossman 1, NGN claims it is not able to rely on previous disclosure of landline call data to reduce the costs. This is a circular point, because NGN has not provided landline call data.
34. At paragraph 57 of Mossman 1 NGN seeks to rely on the evidence of Freeman 2 (paragraph 34) in relation to the costs of a search of landline call data. While Lord Watson does not accept the figures given in that paragraph, the cited figures of £75,000 and 400 hours of PwC time is derived from searches in relation to 55 claims, not the one or two at issue in this hearing.

Paragraphs 4-5 of Claimant's Draft Order: Additional Custodians for Schedule 1 Searches and Associate Search Terms

35. By its letter of 17 July 2024 prior to service of Mossman 1, NGN confirmed its agreement to (a) search the custodian of Kishan Athulathmudali; (b) extract and search the custodian of Keith Perry; and (c) the Claimant's proposed Schedule 1 Associate Search Terms [EG2/8-11]. Accordingly, my firm confirmed on 23 July 2024 that the Claimant no longer needs to pursue paragraphs 4 and 5 of the draft Order [EG2/18-20]. An amended draft Order is exhibited at [EG2/44-52].

Paragraphs 6-7 of Claimant's Draft Order: Additional Claimant-specific search - CMS Select Committee

36. Paragraph 6 of the Draft order is dealt with by Paragraphs 62-97 of Mossman 1 in response to paragraphs 33-38 of my first witness statement. Matters relating to this part of the draft Order have been aired in correspondence, by way of Clifford Chance's letter of 17 July 2024 [EG2/8-11] and by my firm's letter of 23 July 2024 [EG2/18-20]. I summarise the relevant issues below.

Custodians

37. The search terms which include <Tom w/2 Watson> in Group A in Schedule 3 to Lord Watson's draft order will already be covered by the Schedule 1 searches against all Schedule 1 custodians against a time period wider than those sought in the additional CMS Select Committee search. Therefore, such searches are not needed against any Schedule 1 custodians. As a result of NGN agreeing to search Kishan Athulathmudali and Keith Perry as Schedule 1 Custodians (by its letter of 17 July 2024), Group A searches no longer need to be run against their custodians and they can be removed from paragraph 6(a) of the draft order. This position has been reflected in the amended draft Order at [EG2/44-52].
38. However, because these individuals belong to a subset of the standard and nexus custodians who Lord Watson believes have a nexus to the Select Committee Search, Mr Athulathmudali and Mr Perry need to be searched against the Group B search terms (which are not covered by the Schedule 1 <Tom w/2 Watson> search term) and are therefore moved into paragraph 6(b) to be searched against the 3 search

terms found there.

39. The search terms in Group B are not covered by the Schedule 1 <Tom w/2 Watson> search term. Lord Watson identified 27 of those Schedule 1 custodians (mainly from the News of the World and its News Desk) which were agreed at the when my firm put NGN on notice of Lord Watson's intended application, who were potentially relevant to the Select Committee search.
40. At the time my firm wrote to NGN there were a number of additionally proposed Schedule 1 custodians (in addition to Mr Athulathmudali and Mr Perry), to which NGN had not yet agreed to search in Schedule 1 searches. However, prior to the application, NGN and Lord Watson had reached agreement on the Schedule 1 list and 10 additional Schedule 1 custodians (plus, subject to agreement on how to appropriately search his custodian, George Pascoe Watson, with whom I deal below). These eleven Schedule 1 custodians are all potentially relevant to the Select Committee search and, along with Mr Athulathmudali and Mr Perry, need to be searched for the Group B search terms, along with the subset of 27 existing Schedule 1 custodians.
41. Lord Watson stated that these eleven custodians did not need to be included if they were agreed as Schedule 1 custodians, by which he meant that they did not need to be included in paragraph 6(a) of the draft order, but rather in paragraph 6(b). In its letter and in paragraph 76 of Mossman 1, NGN stated that it understood the Claimant to mean that if these custodians were agreed as Schedule 1 custodians they need not be searched at all for the Select Committee search and therefore objected to their presence in paragraph 6(b) of the Order. In my firm's letter of 23 July 2024, the Claimant set out the rationale for including them along with the other 27 and Mr Athulathmudali and Mr Perry, in the 40 custodians for searching against Group B search terms in paragraph 6(b) of the Order.
42. At paragraphs 74(b) and 90 – 94 of Mossman 1 NGN raises an issue with George Pascoe-Watson as a custodian. Mr Pascoe-Watson was the Political Editor of The Sun during most of the period covered by the Select Committee issue (2009-2011). From the start of the correspondence on search parameters, Lord Watson has

sought his inclusion as an additional Supplementary Standard Custodian in the set “Political Desk Correspondents”. He also had a nexus to the claim in respect of appearing in Lord Watson’s call data. NGN had agreed a number of requested additional Supplementary Standard Custodians on the basis that they had a similar nexus.

43. However, in its letter of 4 June 2024 [EG1/78-100], at paragraph 13(c), NGN suggested that because Mr Pascoe-Watson shared a common surname with the Claimant, he should not be searched. In his response of 19 June 2024 [EG1/102-121] at paragraph 18, Lord Watson proposed an alternative search term such as <Watso* NOT Pascoe-Watson> to be used for his custodian. In NGN’s response of 26 June 2024 [EG1/123-139], at paragraph 16, it indicated that this proposal would not work (which Lord Watson accepts) and proposed a search term of <Tom Watson> over his custodian data. It was Lord Watson’s intention to agree this proposal and has now done by way of my firm’s letter of 23 July 2024 [EG2/18-20]. The same amended search term will need to be applied to Mr Pascoe-Watson’s custodian for the Group B search terms 3, 4 and 5 used in paragraph 6(b), such that for Mr Pascoe-Watson’s custodian these search terms would be (emphasis added):

<**Tom Watson** AND [Search Term A in Confidential Schedule]>

<**Tom Watson** AND [Phil Cook]>

<**Tom Watson** AND Labour AND [Brighton OR conference]>

44. In case the inclusion of these 13 custodians in paragraph 6(b) is still opposed by NGN, I set out below why they should be agreed, by virtue of the fact that they belong in the subset of 27 Schedule 1 custodians proposed and agreed for Group B searches (albeit the 6th search term is not agreed by NGN, which I refer to below).

- (a) **George Pascoe-Watson** (albeit with an amended search term), **Paul McNamara** and **Kevin Schofield** are political desk, journalists, like the six others David Wooding, Ian Kirby, Graeme Wilson, Clodagh Hartley, Tom Newton-Dunn and Trevor Kavanagh from the 2009-2011 period that are already included within the 27 Schedule 1 custodians.

- (b) **Colin Myler** (Editor 2007-2011), and **Jane Johnson** (Deputy Editor in 2009) were NOTW executives in the 2009-2011 period, alongside Victoria Newton, Neil Wallis, Gary Thompson, Phil Taylor, Paul Nicholas, Stuart Kuttner, Bill Akass, Tom Crone and Hayley Barlow who are already included within the 27 Schedule 1 custodians.
- (c) **James Mellor** and **Guy Basnett** were desk executives on the News of the World in 2009-2011 alongside Hayley Barlow, Ian Edmondson, James Weatherup, Neville Thurlbeck, Doug Wight, Jules Stenson, Matthew Nixson and Neil McLeod who are already included within the 27 Schedule 1 custodians.
- (d) **Kishan Athulathmudali** worked alongside Mazher Mahmood who was involved in the surveillance of Lord Watson during his time on the Select Committee, which I explain in my first witness statement.
- (e) **David Coverdale, Matthew Drake, Dominic Herbert, Phil Whiteside and Keith Perry** were journalists on the News of the World who commissioned multiple PI inquires on Lord Watson's Associates and/or were involved in carrying out enquiries (some of which Lord Watson believes were unlawful) on Select Committee witnesses. Lord Watson believes it is likely therefore that such enquiries were also directed at the Select Committee members.

45. Insofar as any of the above 13 custodians are still not agreed by NGN to be searched under paragraph 7(b) of the draft Order; I address their relevance below under the heading "custodians".

46. Lord Watson understands that the 10 custodians listed in paragraph 6(a) of the draft order are not agreed by NGN and I deal with these below.

Search terms

47. Only five of the six proposed search strings have been agreed; search string 6 has not been agreed, as Ms Mossman notes at paragraph 66 of her Witness Statement.

I apologise that paragraph 35 of my first witness statement was not clear.

48. In correspondence, NGN's disagreement was stated to be on the basis that all search terms in standard disclosure required to include reference to the surname of the claimant. This is reiterated by paragraph 72 of Mossman 1. Lord Watson does not accept this as a principle because it is highly likely there will be documents which may not refer to him by his surname, but which are likely to be relevant to his claim.
49. Lord Watson disagreed on NGN's stance in relation to Relativity searches for certain Associates. For example, Paul Corby is the former father-in-law of Lord Watson and does not have a public profile; it is highly likely that any document that includes the name "Paul Corby" after searches of Schedule 1 custodians would be relevant to Lord Watson's claim and that such documents would not necessarily include the name "Watson". NGN has not conceded to search Relativity for <Paul w/2 Corby>, without the qualifier "AND Watson".
50. It is not clear when NGN dropped its principal objection, although I am informed by Ms Hrabi of Clintons that NGN has also dropped its objection in the claim of Sir Vince Cable in relation to 4 Associate Relativity searches which had been included in Sir Vince's application.
51. At paragraphs 66-72 of Mossman 1, NGN objects to Search term 6. Its objections are set out in paragraphs 71-72.
52. Lord Watson is prepared to work with NGN to ensure that search string 6 is refined to ensure that an appropriate number of hits is returned. Subject to clarification of the number of family documents included in the 61,500 hits, it is accepted that this number is too high to be proportionate. Consistent with the approach which the Claimants have always taken, Lord Watson is committed to ensuring that the search string is refined to avoid predictable false positives. Lord Watson therefore seeks to establish the split between the two different search terms in search string 6, in relation to the 61,500 hits. However, he provisionally proposes that the two search strings are refined as follows:

- A) [Sel* com*]" should be refined by the use of qualifier to narrow the search string and avoid the false positives mentioned. The Claimant proposes:

<Com* w/2 [Culture OR Media]>

<Sel* com* AND [John W* OR Whittingdale OR JW OR Press]>

- B) CMS should be refined by the use of qualifier to avoid the false positive mentioned. The Claimant proposes:

<CMS AND NOT Cameron>

53. Lord Watson is prepared to work with NGN to produce refined search strings which reduce the number of documents to search to below 5,000 (including perhaps by agreeing not to search any of the documents within a set of family documents). In order to make this possible (as well as to assist the Court in any determination) NGN is requested to set out how many hits the each of the proposed revised search terms generates including (i) quantifying the number of family documents in each case; and (ii) identifying the totals by the six limiters suggested for the two search strings at 6A.

Custodians

54. I have addressed above some matters of clarification relating to 13 the custodians proposed for this search at paragraph 6(b). In the section below, I deal with any additional evidence required to respond to matters raised:

- (a) in paragraphs 89 - 97 of Mossman 1 relating to the 13 additional Schedule 1 custodians sought to be searched under paragraph 6(b) of the draft Order; and
- (b) in paragraphs 76 - 88 of Mossman 1 relating to the 11 custodians sought to be searched under paragraph 6(a) of the draft Order.

55. I set out in [EG2/21-42 and CONF-EG2A/1] to this witness statement, documents

that have been identified from disclosure which show the role and/or involvement of these custodians in News International's activities around the Select Committee and (i) the high level of interest in the members and witnesses; and (b) the activities of its staff. NGN is already very familiar with these documents in this context as:

- (a) some were referred to in my first witness statement; and
- (b) I am informed by Alex Cochrane of Edwards Duthie Shamash, the solicitors for Paul Farrelly, that they were sent to NGN on 30 May 2024. Mr Farrelly is (i) a trial eligible claimant; (ii) a pleaded associate of Lord Watson; (iii) a former colleague of Lord Watson on the CMS Select Committee (at the same time and alleges he was similarly targeted; and (iv) has reserved his position in terms of seeking a similar search to be carried out by NGN in relation to (A) his name equivalent to the Group A search strings) and (B) search string 6.

13 Schedule 1 custodians in paragraph 6(b)

- 56. **Colin Myler** (NOTW Editor 2007-2011) and **Jane Johnson** (NOTW Deputy Editor in 2009) were NOTW executives in the 2009-2011. (See the 5th sentence in the document in **[EG2/21]**, Documents 1-9 and 12 in **[EG2/23-28]** and Document 3 in **[EG2/38-41]**, in relation to Mr Myler, See Document 2 in **[EG2/23]** in relation to Ms Johnson).
- 57. **James Mellor** (NOTW News Editor 2007-2011) and **Guy Basnett** (NOTW Deputy Features Editor) were desk executives on the News of the World in 2009-2011. Mr Mellor was the author of the document in **[EG2/21]**. Mr Basnett was involved in the activities set out in this document (see the 5th sentence).
- 58. **David Coverdale, Matthew Drake, Dominic Herbert** and **Phil Whiteside** were journalists on the News of the World. They were involved in the activities set out in the document in **[EG2/21]**. Please see sentences 3-5 in the document in relation to Mr Coverdale, Mr Drake and Mr Herbert. In relation to Mr Whiteside, I refer to sentences 11-13, of the document at **[EG2/21]**. and to **[EG2/42]**.

59. **Keith Perry** was a journalist on the News of the World. In addition to the commissioning of PI activity in relation to the senior cabinet member who was in 2009 an Associate of Lord Watson (see paras 24-29 of my first witness statement and Confidential exhibit **[CONF-EG2/2-8]**).
60. **Kishan Athulathmudali** was dealt with in my first witness statement at paragraphs 20-23.

The 11 Paragraph 6(a) custodians

61. NGN, at paragraphs 77 – 88 of Mossman 1 objects to searching all these custodians on grounds of relevance, duplication and proportionality.

Relevance

62. In relation to relevance NGN contends, at paragraph 78 and 79 of Mossman 1 that my first witness statement did not provide evidence that these custodians were relevant to those select committee matters, which involved Lord Watson and his pleaded allegations that he was targeted for unlawful information gathering on the basis of his membership of, and activities on, the Select Committee. However, in my first witness statement I refer to the matters set out below:
- (a) At paragraph 36(a) a document showing senior News executive Ian Edmondson alleged that Colin Myler orchestrated an attack on any MPs who were “seen to stir up the phone hacking story”. I believe that given its nature and context, it is highly unlikely that this would have been instigated on the whim of the Editor alone. This is consistent with the activities of Mr Mellor, Mr Edmonson and Mr Mahmood against Lord Watson shown in the emails disclosed by Linklaters in 2012 and published in the Independent newspaper on 22 May 2012, as referred to in Lord Watson’s second witness statement in support of the Claimants’ generic case in the MTVIL **{D/120/11}** at paragraph 41.
- (b) At paragraph 36(b), an email from Rebekah Brooks to Alice MacAndrew,

James McManus, James Murdoch and Fred Michel (set out again for convenience at **[EG2/22]**) of 22 July 2009, identifying the Claimant as “out for blood” in relation to Lord Watson’s role on the Select Committee. It is important to read the documents at paragraph 36(a) and 36(b) together.

(c) At paragraph 36(c) refers to the memo sent by James Mellor to unknown executives (other than Mr Myler, who was referred to in the third person in paragraph 6)., For the avoidance of doubt, I believe it is highly likely that the work and enquiries referred to by Mr Mellor in the 6th -10th sentences of the memo involved unlawful information gathering. This memo:

- i. further shows that a significant proportion of the NOTW senior team was put on to the project (including the News Editor, Mr Mellor, three of his most experienced journalists, the paper’s Assistant Editor, Features (Gary Thompson), the Features and Deputy Features Editors (Matt Nixson and Guy Basnett), and the Assistant Editor (Politics) (Ian Kirby). The Editor, Colin Myler, is referred to in the third person, so it appears that this memo was requested by, and sent to, Mr Myler’s superiors, namely Rebekah Brooks, James Murdoch and Jon Chapman, and to News Corp/NI’s Public Affairs team (Fred Michel, Matthew Anderson, Alice Macandrew and Daisy Dunlop);
- ii. includes reference to a report by three experienced News Desk reporters (Dominic Herbert, Daniel Sanderson and Matthew Drake) about Nick Davies’ past work; and
- iii. includes reference to an allegation against Mark Lewis (a witness) set out at **[EG2/42]**.

63. The 28 Lever Arch Files (“LAFs”) of material seized by the MPS in 2012 includes a hand-written note (shown at **[CONF-EG2/1]**), regarding Nick Davies and Alan Rusbridger recording an alleged incident 10 years earlier. In the 28 LAFs as disclosed it is the next document after the report set out above; I assume therefore that NGN connect the two documents since they were filed together.

64. At paragraph 79(b) of Mossman 1, NGN complains that Lord Watson does not specify the senior executives who he alleges were involved in commissioning activity (which he alleges included unlawful act of information gathering) relating to the Select Committee Inquiry. NGN's argument pre-judges the outcome since, absent disclosure, Lord Watson is not in a position to further particularise his allegation.
65. At paragraph 80 of Mossman 1 NGN again pre-judges the disclosure.
66. Lord Watson's position is that evidence of unlawful enquires against the Select Committee would likely be seen in communication with these executives, especially given the mass destruction of emails of the senior executives (including Ms Brooks, Mr Lewis, Mr Murdoch) on 14 January 2011. However, it seems that the email accounts of Fred Michel, Matthew Anderson, Alice Macandrew and Daisy Dunlop did not fall victim to the deletion event on 14 January 2011 so relevant emails (including emails relevant to Lord Watson's claim) are more likely to survive in their custodians.
67. Furthermore, there are a series of documents in generic disclosure which show that these four executives were engaged in email correspondence in relation to the Select Committee and related matters. This can be seen in the document referred to at paragraph 36(b) of Gallagher 1 ([EG2/22]) for Mr Michel and Ms Macandrew and in documents 3 and 5-12 of the document at [EG2/23-28]. In addition, the document at [EG2/23-28] set out emails between Ms Dunlop and Neville Thurlbeck, during his preparation to give evidence at the Select Committee, showing her engagement in matters relating to the Select Committee Inquiry being conducted by the Claimant and his Parliamentary colleagues.
68. The role of Jon Chapman in Select Committee matters and can be identified from documents 3, 6, 7, 8, 10, 11 and 12 of [EG2/23-28] and exchanges 5 and 7 of the Dunlop/Thurlbeck emails at [EG2/29-36].
69. The role of James McManus in Select Committee matters and can be identified from the document at [EG2/22], documents 8 and 11 of [EG2/23-28] and exchanges 5, 7 and 9 of the Dunlop/Thurlbeck emails at [EG2/23-28].

70. At this stage it is believed that it is less likely that these executives (and other custodians among these eleven) will hold emails evidencing their commissioning of UIG (either because the individuals were not active participants in the commissioning of UIG, or because NGN executives habitually did not to leave traces of UIG in documentary form). Rather, it is more likely that emails will reveal the product of UIG so that Lord Watson will be better equipped to make his case at trial based on these additional pieces of the jigsaw. For example, for obvious reasons, any mention of the current senior Cabinet member identified in the Confidential Exhibit to Gallagher 2 (who was at the time (wrongly) linked with Lord Watson by NGN) in any documents found in these custodians (or any of the eleven in paragraph 6(a)) would be highly significant.
71. In relation to Cheryl Carter and Deborah Keegan, at paragraph 81 of Mossman 1, NGN asserts that there is no evidence that their emails were more likely to be preserved in emails across NGN's business as a whole. However, this is wrong:
- (a) Ms Carter and Ms Keegan are included as proxies for Ms Brooks. Their emails were more likely to have been preserved as both were on the Email Archive System ("EAS"), whereas Ms Brooks was not.
 - (b) Further, the witness statement of David Kellett **{Z/2231}** provides a list of users who were registered on the EAS system at one time and marks a "0" for those the archive was enabled, and a "1" for those who were not. It shows Ms Carter **{Z/2231/69}** and Ms Keegan **{Z/2231/77}** as being enabled. However, as was accepted in the criminal trial **{Z/2348/40}** Ms Brooks never opted into the EAS and is shown as disabled in Mr Kellett's witness statement **{Z/2231/88}**.
 - (c) While Ms Keegan's and Ms Carter's email accounts were subject to account deletion in January 2011, the MPS were was able restore a large part of the EAS system and the emails which were deleted by NGN. Therefore, a number of Ms Keegan's and Ms Carter's emails would have been restored, whereas Ms Brooks emails, which were never archived, would not.

- (d) Both Ms Keegan's and Ms Carter's data has been extracted and should be searched for this application, as it is for analogous searches.
72. Ms Mossman also mentions a judgment of Mr Justice Mann at the CMC on 14 July 2020 in which he commented that "it was "unlikely that any incriminating emails will have gone through a PA". However, this judgement was not about merely searching a custodian, but rather whether, there was a sufficient basis to extract the custodian of Marion Krasinski (the PA to Les Hinton). Firstly, it is not Lord Watson's case that Ms Carter or Ms Keegan were themselves personally involved in UIG. Rather, Lord Watson's case is that the product of such enquiries would have been sent to Ms Brooks, and therefore he will be able to draw appropriate inferences. The example I give above about the senior Cabinet member identified in the Confidential Exhibit to Gallagher 2 would be equally significant if documents mentioning them were to be discovered in the custodians of Ms Keegan and Ms Carter.
73. In relation to Will Lewis and Simon Greenberg, paragraph 82 of Mossman 1, NGN mentions a judgment of Mr Justice Mann which related to the treatment of payment, clerks and desk administrators (and their relationship with PI payments); however it has no bearing, and was never sought to have a bearing, on the appropriateness of searching senior executives for the sort of searches proposed in this application.
74. At paragraphs 83-86 of Mossman 1, NGN argues as usual that there has been a lot of disclosure provided on a generic basis and suggests that the proposed searches might be duplicative. It is, for this reason that Lord Watson's proposals are narrow in relation to both the time-period and the search terms proposed. This also serves to ensure the searches are proportionate. It is also important to note that Lord Watson does not rely on any articles and so NGN does not need to carry out article searches. Similarly, the searches proposed are, I believe, proportionate.
75. At paragraph 107 of Mossman 1, NGN confirms it is content to disclose copies of the correspondence between Linklaters (representing News International) and the CMS Select Committee between 2009-2012 to the Claimant. As such, the Claimant no longer needs to pursue paragraph 7 of the draft Order. This position has been reflected in the amended draft Order at **[EG2/44-52]**.

Paragraphs 8-9 of Claimant's Draft Order: Additional Claimant-specific search – The Fake Security Threat

76. At paragraphs 111-121 of her witness statement, Ms Mossman sets out NGN's position in relation the searches my client seeks in relation to "Fake Security Threat". However, she fails to engage or address much of the evidence set out in my first witness statement in relation to this matter.

77. By way of example only, at paragraph 113 Ms Mossman asserts:

113. NGN has already provided extensive disclosure on the issue of concealment and destruction and a high-level overview of the various email searches relating to this issue is set out in Schedule 1 of the 4th Witness Statement of Claire Freeman dated 29.02.24 {F/442/35-38}. In particular, NGN has searched the email data of Rebekah Brooks, Will Lewis and Paul Cheesbrough for the period 01.02.11 to 14.02.11 using the search terms "data w/3 theft", "security breach", "sell w/3 theft" and "Tom Watson" and disclosed relevant documents pursuant to paragraph 2(b) of the Order of Mr Justice Mann dated 13.12.17 (the "December 2017 Order") {B/79.01/2}.

78. I addressed NGN's reliance on Ms Freeman's witness statement at paragraph 32 of my first witness statement. Ms Mossman does not address the crucial point, set out at paragraph 33 and 34 of my witness statement, that this search was ordered before the Claimants obtained (from the MPS in September 2018) the crucial email from Mr Cheesbrough to Ms Brooks of 24 January 2011 copying in Will Lewis {G/386/1}. Therefore, no searches have ever been carried out by NGN around the time Mr Cheesbrough and Mr Lewis reported the alleged security threat, nor in the week-long period before the decision was taken to engage Stroz Friedberg on the matter.

79. At paragraph 116 of Mossman 1, NGN suggests that Lord Watson's allegation does not go beyond the Claimant's pleaded generic case. It is, in my view, astonishing for NGN to state that evidence which shows it fabricated a fake security threat as an excuse for deleting millions of emails to conceal evidence of wrongdoing would not "enhance" the Claimants' generic case that NGN destroyed millions of emails to conceal evidence of wrongdoing, or indeed Lord Watson's individual claim.

80. On the subject of custodians, NGN does not agree to search the 10 custodians who

are not Schedule 1 custodians and dismisses the evidence I provided for each custodian as “*not advancing Lord Watson’s claim*” without addressing it in detail. This is most stark in relation Paul Cheesbrough and Will Lewis where, again, Ms Mossman relies on the limited generic searches NGN carried out pursuant to the December 2017 Order, which was made *prior to* the disclosure of the email from Mr Cheesbrough to Ms Brooks and copying Mr Lewis of 24 January 2011 (i.e. over one week before the period searched by NGN) as basis for not agreeing to searching their data. Ms Mossman does not deal with the email itself or its contents which plainly show that Mr Cheesbrough and Mr Lewis were both involved at the very start of the process. The email is at **{G/386/1}**, but I set out the content below for ease of reference:

*From: Cheesbrough, Paul
To: Brooks, Rebekah
CC: Lewis, Will
Date: 24/01/2011, 18:11:54
Subject:*

Will and I were visited by an outside source this afternoon who shared with us a conversation that he claims happened between Gordon Brown and another person regarding your personal email data. The claim was that someone from inside NI, and inside IT in particular, had been leaking your email data to the person who met with Gordon Brown. The rationale mentioned was that the person in IT was sympathetic towards the Labour Party, and the data goes back in to the late 1990's. He mentioned email servers, the email archive and the process of 'mounting' hard drives. He provided us with no further detail, other than that his informant was a trusted Police source and implied that the source had been in recent conversation with the person who had met with Gordon Brown. No timeframes were provided.

Following the conversation, I'm personally looking at the allegations in detail I'll put additional measures in place immediately to protect your data. I'll verbally update you first thing tomorrow morning on this.

Paul.

81. Both Mr Cheesbrough and Mr Lewis were also present at a meeting with the MPS on 8 July 2011 **[EG1/150-157]** when Mr Cheesbrough raised the so-called security threat as a reason for NGN’s deletion of emails. I set out some of the relevant text below with Mr Lewis and Mr Cheesbrough highlighted for emphasis, as well as Lord Watson and his Associate Gordon Brown.

Title: MINUTES OF MEETING NOTW 08/07/2011 0930-1245 HRS (DC HALE)

Persons present: **Paul CHEESBROUGH** (NI) Michael DRURY (BCL) Hannah RAPHAEL (BCL) DI RATCLIFFE, DS HARKNETT, DC HALE (minute taker) - later **Will LEWIS** and Chris BIRCH

[...]

WH: Discussion re information from NEWELL re the MBR. NEWELL states he was told to delete data once the extraction was done. Did you ask him to do this?

*PC: No. We did have a security consideration. Whatever we extracted, we purged (deleted) on the 'live' system. We've always been clear about that. We had a tip that someone from the inside was trying to sell our corporate email data to **Tom WATSON MP** of the Labour Party.*

DI: This has had an impact on our investigation. This meant you went through extra security measures about which we have not been informed.

PC: Our No.1 priority for extraction was to extract everything required legally for retention beyond 1 year. No.2 — once extracted, the project to retire that system was to start. We commissioned STROZ to try and identify the NI employee. The initial intelligence was that it was someone on our books. The update was that it was an ex-employee.

[...]

PC: The plan was to reduce the live archive into a year, move everything over and then add the material over a year.

WH: That makes sense. What wasn't making sense was why there was the deletion. Now we know of the security threat, it makes sense.

MD: This is a specific example of one of the security measures in place.

DI: Is that threat recorded?

PC: No

*DI: Requests **Will LEWIS** attends to discuss 1015 hours — **Will LEWIS** attends*

*WL: We got a warning from a source that a current member of staff had got access to Rebekah's emails and had passed them to **Tom WATSON MP**. This came to Rebekah. I was asked to meet the source. I will consult with BCL as to whether I can tell you the identity of the source. The source repeated the threat. Then the source came back and said it was a former member of staff and the emails had definitely been passed and that it was controlled by **Gordon BROWN**. This added to our anxieties. We took steps to try and be more specific around her emails.*

PC: We commissioned STROZ with a completely separate team to examine the system.

*WL: We also engaged a civil lawyer to discuss writing to **Tom WATSON**. We took action to reduce the number of people with access to the system.*

PC: This contributed to our need to secure data away from the old archive.

*WL: **Tom WATSON** has been remarkably well-informed on this. We apologise for hiding this piece of work from you.*

*DI: Discussion re **Tom WATSON** and his possession of material and possible staff responsible*

***WL:** We discussed the issue. **PC** had sacked a lot of people. We cast the net back 2 years to try and identify the leak. The tip came in mid-January 2011 and STROZ were re-commissioned in early February.*

DI: Can I speak to STROZ about this?

***WL:** Yes. We haven't been able to prove the information of the source.*

DI: Have you looked at what you think was leaked?

***WL:** She (Rebekah) looked at it and went into a panic.*

***PC:** There was mention of emails back to 1997.*

***WL:** We have our suspicions, but we don't have any evidence.*

***MD:** We need to view this issue in context. We didn't know we were deleting material that had not been extracted. At that time, there was no criminal investigation. The circumstances and rationale for deletion will be written up.*

***WH/PC:** We will sit down and sort all this out in the statement.*

***MD:** Agreed*

[...]

DI: Re the Rebekah emails, what did you do?

***PC:** Initially, we tried to find the scope of the employee base able to extract data. This was outside our skills. We engaged STROZ. By the end of February, early March, STROZ reported that there was nothing that could be done. We increased her security protection — new passwords etc.*

DI: Did anyone other than her review her email account?

***WL:** I didn't see her emails.*

DI: What was the 'damage'?

***WL:** Rebekah looked at this. There was the whole **WATSON / BROWN** thing. She was a Tony **BLAIR** supporter whilst she was editor of **THE SUN**. We thought there could have been emails at the time. They were very good friends. There was potential for that to be used against her in a negative way.*

***WL:** Discussion re who knows what at the corporation and potential leaks. Explains the rationale for deciding against confronting **Torn WATSON MP** re his handling of stolen NI data. Perception issues — **NEWS CORP** did not want to be accused of bullying if they challenged **WATSON**.*

*1040 hours — **Will LEWIS** left the meeting.*

82. Ms Mossman ignores the documents I have set out above, or dismisses them as not assisting Lord Watson's claim, even though the evidence is clear that both Mr Lewis and Mr Cheesbrough were principal players in this saga, along with Ms Brooks (whose data NGN has confirmed it will search), and their data has not been searched across the correct time-period.
83. In relation to Jon Chapman and Simon Greenberg, who were also copied into highly relevant emails (see paragraphs 28(i) and (j) of my first witness statement) Ms

Mossman again relies on the generic searches of Mr Cheesbrough's data between 1 February 2011 and 14 February 2011 in the December 2017 Order to argue any relevant emails would have been disclosed. Neither Mr Greenberg nor Mr Chapman were included in those searches; again, the searches did not cover the period 24 January 2011 to 31 January 2011 since the "Cheesbrough/Lewis email" had not been disclosed then and the Claimants in the MTVIL were therefore unaware of its existence or significance

84. In relation to James Murdoch, at paragraph 118(c) of Mossman 1, NGN suggests no evidence has been adduced to support the inference that he must have been informed of the theft of his Chief Executive's email data at the supposed behest of a former Prime Minister. Given the incredibly serious nature of this allegation and its consequences if it was true, I believe it is highly unlikely that Mr Murdoch would not have been aware of this, after all NGN used it as the (false) justification for deleting millions of emails, many of which have never been recovered. Lord Watson will not pursue a search of Rupert Murdoch's data on the basis NGN agrees to search James Murdoch as a custodian.
85. Ms Mossman does not agree to searches of Xen Lategan and Gareth Wright's data on the basis they have not been extracted and that the allegations against them would not advance Lord Watson's claim, and it would be disproportionate to do so. I set out justification at paragraphs 28(b) and (c) of my first witness statement for each. Further, NGN has already agreed to extract the data of Keith Perry (see its letter of 17 July 2024 at **[EG2/8-11]**), so plainly extraction is not a bar to searching data at this stage.
86. As I explain above, Ms Carter and Ms Keegan are included as proxies for Ms Brooks. Their emails were more likely to have been preserved as both were on the Email Archive System ("EAS"). Further, the witness statement of David Kellett **{Z/2231}** provides a list of users who were registered on the EAS system at one time and marks a "0" for those who had the archive was enabled, and a "1" for those who did not. It shows Ms Carter **{Z/2231/69}** and Ms Keegan **{Z/2231/77}** as being enabled. However, as was accepted in the criminal trial **{Z/2348/40}** Ms Brooks never opted into the EAS and is shown as disabled in Mr Kellett's witness statement **{Z/2231/88}**.

87. While Ms Keegan's and Ms Carter's email accounts were subject to account deletion in January 2011, the MPS was able restore a large part of the EAS system and the emails which were deleted by NGN. Therefore, a large number of Ms Keegan's and Ms Carter's emails would have been restored, whereas Ms Brooks emails, which were never archived, would not. Both Ms Keegan's and Ms Carter's data have been extracted and should be searched for this application.

Relevant Period in Lord Watson's claim

88. Finally, Lord Watson intends to amend the Relevant Period in his claim to commence in 2001 (rather than 1996), being the year he was elected as a Member of Parliament, in order to deal with simply any technical amendments necessary for the pre-2 October 2000 period. Consequently, Lord Watson is content for NGN to carry out searches commencing in 2001, which will save NGN costs and resources since it will not have to carry out any searches for the 1996-2000 period.

STATEMENT OF TRUTH

I believe the facts stated in this Witness Statement to be true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



.....
ELLEN GALLAGHER

Dated this 24th day of July 2024