

Witness Name: **Catherine Crawford**

Statement no: **First**

Exhibits: **CC14**

Date: 29 February 2012

THE LEVESON INQUIRY

Exhibit CC14 to the
Witness Statement of **Catherine Crawford**



Metropolitan Police Authority

Co-ordination and Policing Committee – 7 December 2006

**INVESTIGATION INTO ALLEGED DISCLOSURE OF CONFIDENTIAL
INFORMATION**

Report by the Chief Executive

Summary

This report informs Members of the outcome and recommendations of an internal investigation into an alleged unauthorised disclosure of confidential information. It proposes a Policy Statement and Standard Operating Procedures for confidential briefings held in future.

A. RECOMMENDATIONS - That

1. the recommendations of the Investigation as set out in Appendix 1 be approved and adopted; and
2. the Policy and Standard Operating Procedures at Appendix 2 be approved and adopted

B. SUPPORTING INFORMATION

1. Following a confidential briefing for Members given by ACSO on 9 June 2006, events occurred which suggested there might have been an unauthorised disclosure of confidential information imparted at that briefing. The Deputy Chief Executive, after consulting the Chief Executive, commissioned the Director of Internal Audit to carry out an investigation to establish if possible the source of the disclosure and any lessons to be learned for future MPA practice.
2. The investigation concluded that on the balance of probabilities it was unlikely that there had been an unauthorised disclosure of confidential information as a result of the confidential briefing. The investigation report identified a number of lessons to be learned to address weaknesses, and potential vulnerabilities, in MPA processes and practices.
3. A copy of the Investigation Report is at exempt Appendix 1.

4. The Deputy Chief Executive appointed William Taylor, formerly Chief Inspector of Constabulary in Scotland to advise and support the Investigation. He has reported his satisfaction with the organisation and conduct of the investigation, and that he concurs with the conclusions and recommendations. He considers that implementation of the recommendations will be a vehicle to secure a "step change improvement" in the current handling of confidential briefings and to increase confidence in the collaborative working between the MPA and MPS.
5. The draft Policy Statement and Standard Operating Procedures at **Appendix 2** are presented for approval, in order to secure compliance with the recommendations as they relate to confidential briefings.
6. The Investigation Report makes other recommendations relating to security clearances, after care and information handling by MPA staff. Those recommendations are being acted on, and do not require any decision by members.

C. RACE AND EQUALITY IMPACT

There are no direct implications for equality or diversity.

D. FINANCIAL IMPLICATIONS

The external support of the investigation cost approximately £5000 which has been met within existing budgets.

Report author: David Riddle

**METROPOLITAN POLICE AUTHORITY
POLICY AND STANDARD OPERATING PROCEDURE FOR
CONFIDENTIAL BRIEFINGS**

- 1 From time to time MPA members and officers are briefed on particular issues or events. These briefings are informal in that oral briefings are held in private and are not subject to the Access to Information requirements applied to formal committee meetings. Similarly, written briefings are not committee reports, although unless they are exempt under the Freedom of Information Act, they are published on the MPA's website.
- 2 Some of these briefings are about confidential matters, such as the progress of police investigations or court cases involving the MPS or MPA.
- 3 Members and officers present at such briefing meetings will respect the confidentiality of such briefings and will not disclose the content of any oral or written briefing to any person who was not present at the briefing meeting or supplied with the briefing note by its author.
- 4 In case of confidential written briefings circulated to all or some Members or staff, members and officers have the same obligations as with exempt committee reports to respect the confidentiality of the information contained in them.
- 5 This policy will be treated as an addendum to the Members Code of Conduct and as part of the Authority's misconduct procedures for staff.
- 6 Standard Operating Procedures will be prepared by the Chief Executive from time to time to govern the organisation of confidential briefing meetings.
- 7 The statutory Members' Code of Conduct states that a member "must not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so." There is a range of penalties available for breaches of the Code of Conduct, from warnings to suspension or disqualification.
- 8 If a member of staff breaks confidentiality this may be dealt with under the Authority's disciplinary process. The potential outcomes where a member of staff has been found to have knowingly disclosed confidential information to a third party range from a warning to dismissal.
- 9 If information is covered by the Official Secrets Act a breach may result in criminal proceedings.

METROPOLITAN POLICE AUTHORITY STANDARD OPERATING PROCEDURES FOR CONFIDENTIAL ORAL BRIEFINGS

1 This SOP sets out:

- the arrangements to be followed in setting up a confidential briefing
- how the briefing should be conducted
- what should and should not happen afterwards

Arrangements for a confidential briefing

2 The person who is presenting the briefing should:

- ensure that the content of the briefing is suitable for the audience (i.e. if all MPA members have been invited the audience will be largely CTC cleared and information requiring a higher security clearance should not be imparted)
- provide to the MPA Chief Executive or Deputy Chief Executive a short outline of what the briefing will cover
- ensure that the material to be disclosed in the briefing is structured and scripted in advance. In particular there must be clarity about what parts of the presentation are already in the public domain and what parts are sensitive and confidential

3 The MPA Chief Executive or Deputy Chief Executive will decide on the invitation list. Generally:

- all members will be invited
- GLA staff working for Assembly Members will not be permitted to attend, even when the Assembly Member is unable to be present
- MPA staff attendance will be limited to those who have a direct work-related need to be informed as decided by the Chief Executive or Deputy.

4 The MPA Chief Executive or Deputy will task an MPA officer to arrange the briefing. Generally this will be the Head of Committee Services.

5 The Chief Executive or Deputy Chief Executive will also decide, after consultation with the person providing the briefing, whether a note of the briefing should be taken and will ask the Head of Committee Services to arrange for this to be done.

6 The member of MPA staff tasked to arranging the briefing will:

- Invite only those members and officers agreed by the Chief Executive or Deputy Chief Executive
- In the invitation, outline the purpose of the briefing (as provided by the presenter), emphasise that it is confidential and remind invitees of their responsibilities to maintain this confidentiality. The following form of words will be included in all such invitations:

"This briefing will contain confidential information. You must not communicate or discuss this information with anyone who was not at the briefing. To do so may be, for members, a breach of the Code of Conduct and, for staff, a breach of your contract of employment, resulting in disciplinary action."

- Arrange to hold the briefing in a suitable venue particularly taking account of security issues

At the briefing

- 7 The person arranging the briefing will check that the room can be made as secure as possible. Briefings are usually held in Meeting Room 1 at Dean Farrar Street. If so, and if the p.a. system is to be used, s/he must make sure that:
 - The induction loop is turned off
 - The speakers in meeting room 2 are turned off
 - The 'live feed' in room 1 is turned off
 - The doors between rooms 1 and 2 are closed
- 8 At the start of the briefing, the Chair will:
 - Remind those present that the briefing is confidential and of their obligations to respect that confidentiality.
 - Explain the reasons why the briefing is confidential.
 - State whether or not a note is being taken for MPA record purposes.
 - Ask all those present:
 - To turn off mobile phones and Blackberries for the duration of the briefing
 - Not to take any notes of the briefing or record all or part of the briefing on any other recording media.
 - If any written material is tabled at the briefing, to return it at the end of the briefing
- 9 The general assumption is that anything said at the briefing is confidential and therefore not to be discussed with others. However, some of the areas covered may already be in the public domain, via press reports etc. For the avoidance of doubt, the person presenting the briefing will, in the

course of the briefing, specifically identify pieces of information that are particularly sensitive and must remain confidential.

After the briefing

- 10 The overriding principle is that nobody who attends a confidential briefing should make its content or the consequential discussion known to anybody else. Therefore someone attending such a briefing can only discuss it with somebody else who was also there.
- 11 MPA members may be asked to give media interviews either about the briefing or the matter that was the subject of the briefing. A Member shall not refer to the content of the briefing. Where the briefing was about an ongoing issue such as the terrorism threat, a member may be uncertain about what is or is not confidential. The guiding principle is that if a member is told something at a briefing they must not disclose it or comment upon it even if they believe that it may have been already disclosed elsewhere.
- 12 If in doubt, a member, or a member of staff, should discuss any concerns or uncertainties with the Deputy Chief Executive, as Monitoring Officer before doing anything that might put them in breach of their obligations.
- 13 Members are asked to inform the MPA Communications Unit in advance of any media interviews they intend to give which may touch on confidential or sensitive issues.
- 14 MPA staff and members must make sure that they do nothing to compromise the confidentiality of information they receive at such briefings. To do so may, for instance, may place police investigations or personnel in jeopardy as well as leading to reluctance on the part of the MPS to share sensitive information with the MPA.
- 15 If members or staff have any questions or uncertainty about this procedure they should contact the Deputy Chief Executive and Solicitor to the Authority for advice.

Internal Audit Directorate

INVESTIGATION INTO THE ALLEGED UNAUTHORISED DISCLOSURE OF CONFIDENTIAL INFORMATION PROVIDED TO AN INFORMAL BRIEFING OF MPA MEMBERS ON FRIDAY 9 JUNE 2006

Report



**METROPOLITAN
POLICE**

Working together for a safer London

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SUMMARY REPORT

The Circumstances

Members and a limited number of officers of the Authority were invited to an informal briefing after the Coordination and Policing meeting on 9th June about the police operation in Forest Gate that had taken place eight days earlier. Assistant Commissioner Andrew Hayman provided the main part of the briefing and the Deputy Commissioner, Paul Stephenson, who dealt with community impact issues, supported him.

A journalist with the Sunday Telegraph contacted the Metropolitan Police Press Bureau enquiries on the morning of Saturday 10th June. According to the Press Officer with responsibility for Specialist Operations, the journalist was aware that the informal briefing had taken place and asked her two specific questions. The questions were interpreted as relating to the confidential material provided at the briefing.

The Investigation

Peter Tickner, Director of Internal Audit (DIA), was commissioned by the Deputy Chief Executive and Monitoring Officer of the Authority to investigate the circumstances surrounding the alleged disclosure, establishing if possible source of the disclosure and, additionally, any lessons to be learned for future confidential briefings. The investigation was conducted by Peter Tickner and Ken Gort (Audit head of investigations), assisted and supported by Graham Walker (Senior Forensic Auditor) and Irene Lloyd (DIA Staff Officer).

Everyone present at the briefing on 9 June was contacted and interviewed about the briefing and their actions during and after it, up to the time when the MPS Press Office was contacted by a Sunday Telegraph journalist. The national press coverage of the Forest Gate events from and including Saturday 3 June through to Monday 12 June has been examined.

The investigators are grateful to the members of the Authority and the officers of the MPS and the MPA who were present at or connected with the briefing on 9 June 2006 for their cooperation and assistance with our inquiry.

Overall Conclusion

On the balance of probabilities it is concluded that it is unlikely that there was an unauthorised disclosure to the Sunday Telegraph of confidential information as a result of the informal briefing to members on 9th June.

Lessons to be Learned

There are a number of lessons to be learned from the sequence of events that led to this inquiry.

- In dealing with the media, particularly about high-profile or sensitive issues, it is important contact is routed through authorised MPA or MPS press office staff in accordance with existing policies.
- Also that adequate records are kept of contacts. Had they been kept in this instance it would have been a simple matter to decide whether there had been an unauthorised disclosure and whether there had been any breach of the official secrets act.
- There is a clear need to have an adequate and effective policy in place that has been communicated to all members, officers and staff who are likely to be involved or who become involved in confidential briefings.
- It is particularly important that attendees are aware, prior to the briefing being given, of the nature of the confidential issue and obligations placed on them to maintain confidentiality of the information provided.
- Confidential briefings should only be given in rooms that have been suitably physically and electronically secured.
- Only those that 'need to know' should be present at a confidential briefing.
- Confidential briefings must be appropriately scripted, structured and an appropriate record maintained.
- When MPA staff are cleared to a higher level for the purposes of receiving or hearing about sensitive material then both they and any appropriate line manager need a clear understanding of what this means and what is involved in aftercare.
- Appropriate systems need to be put in place for the monitoring and aftercare of security-cleared staff.

1. INVESTIGATION REPORT

Introduction

- 1.1 This investigation was commissioned by the Deputy Chief Executive of the MPA, he is also the Authority's monitoring officer. The Deputy Chief Executive determined the scope and terms of reference for the investigation and these are set out in Appendix 1 to this report.
- 1.2 The Director of Internal Audit was appointed to conduct the investigation together with the Assistant Director of Internal Audit (Forensic). The investigation commenced on 18 July 2006.
- 1.3 External oversight of this investigation has been provided by Mr William Taylor CBE QPM. Mr Taylor held the posts of HMCIC Scotland and Commissioner of the City of London Police, and earlier in his career held the post of Assistant Commissioner Specialist Operations (ACSO), the post currently held by Mr Andrew Hayman CBE.

Methodology

- 1.4 It was identified that this investigation had many potential sources for the alleged unauthorised disclosure and adopted an informal discussion style of fact-finding, exclusively with the attendees at the briefing. Newspaper reports for the period covered by the investigation have been reviewed for appropriate comment and the findings incorporated into the report.

On the basis of the findings of these stages it was not considered appropriate or proportionate to extend the investigation further. However, due to the importance of some issues an early emerging findings note was passed to the Deputy Chief Executive suggesting action in relation to any upcoming confidential or sensitive briefings.

Interviews

- 1.5 In the course of this investigation, interviews have been conducted with 10 MPA Members, 5 MPA officers, 4 senior police officers and 1 police staff. For the reasons set out later in this report in paragraph 1.29 it was not considered necessary to interview the journalist who made the telephone call that lead to this investigation being commenced.

Technical Security Inspection

- 1.6 A technical security inspection of MPA meeting rooms 1 and 2 was conducted by the MPS Operational Technical Support Unit (OTSU) on 28 June 2006. In order to get this inspection conducted as close as possible to the event that initiated this matter it was undertaken prior to

the terms of reference for the investigation being agreed. The findings of this inspection are set out in a report prepared by OTSU dated 29 June 2006. The inspection report is not enclosed in these papers but it is available from the investigators if required. In brief, the report identified a number of risks and weaknesses in using meeting room 1 and its equipment for a confidential briefing.

Telephone Call from Journalist to MPS Press Bureau

- 1.7 At approximately 1030 hours on Saturday 10 June 2006 a telephone call was received by the MPS Press Bureau from a journalist working for the Sunday Telegraph newspaper. The matter was passed to the MPS press officer with responsibility for the MPS Specialist Operations Directorate who was on-call.
- 1.8 The MPS press officer has been interviewed as part of this investigation. The MPS press officer rang the journalist back and spoke to him. The journalist said that he knew there had been a confidential briefing for MPA members the previous day and asked two questions. The press officer recalls that the first question related to the possible removal of the bomb from the Forest Gate premises two or three weeks prior to the police operation on 2 June. The second question related to the timing of when the intelligence relating to the device was received by the police.
- 1.9 The MPS press officer informed the journalist that the matter was a live investigation; with enquiries continuing; intelligence was continuing to be developed and to run any story of this type could impact on the operation with the obvious consequences that could follow. The MPS press officer says she did not confirm or deny the information. The journalist's response was that it would take a call from a more senior officer, possibly even the Commissioner, to explain why the story shouldn't run. The call was ended with the press officer going to consult the MPS and the journalist to speak to his editor. They agreed to speak later in the day.
- 1.10 The MPS press officer spoke to both ACSO and the Director of Public Affairs. In a telephone conversation with ACSO it was agreed that she would speak with the journalist and strengthen what she had said earlier, particularly emphasising the impact on the live investigation. The MPS press officer telephoned the journalist back and restated the MPS position and asked him not to publish. The journalist said his newspaper was consulting its lawyers over the story because of possible defamation as the individuals concerned had not been charged. The call ended on this position. The MPS press officer was telephoned later by the journalist to say that the story was not going to be published. The newspaper was going to run another story instead.

- 1.11 The MPS press officer advised ACSO and the Director of Public Affairs and, later in the day, the on-call press officer in the MPA of the contact from the journalist. The MPA Chief Executive recalls that there was also direct contact between others whilst the press officer was dealing with the journalist eg ACSO and the MPA Chief Executive.
- 1.12 The contact with the MPS press officer was made whilst she was on-call but not in the office. No record was made of the contact.
- 1.13 The Sunday Telegraph published three articles concerning Forest Gate on Sunday 11 June. The journalist who contacted the MPS press officer the previous day was the co-author of two of the articles. The other article was a feature authored by Ian Duncan-Smith. None of the articles contain any material related to the two questions asked of the MPS press officer nor mention the MPA briefing.

The Briefing on 9 June 2006

- 1.14 The briefing for MPA Members on the events of Forest Gate was arranged at short notice by the MPA Committee Services and Members Liaison Services unit (CLAMS). It was to follow-on from a pre-arranged routine meeting of the MPA Co-ordination and Policing Committee (CoP) and was held in meeting room 1. The e-mails sent to Members by CLAMS and the Chief Executive encouraging them to attend referred to the briefing being informal.
- 1.15 A short break of five to ten minutes was taken after the CoP meeting and before the briefing started. Attendees believe the meeting commenced in the period 1210 hours to 1230 hours. The only (partial) note of the meeting located in this investigation records the briefing as starting at 1230 hours. At the start of the meeting the need for the presence of some MPA staff was questioned and at least one, an MPA press officer left the meeting room. The MPS press officer referred to earlier in this report remained.
- 1.16 Attendees generally recall the briefing lasting about one hour or slightly longer, although one recalls it lasting up to one and a half hours and one member thought about fifty minutes. An attendee with a clear recollection of the event, an MPA officer, believes it lasted up to one and half hours.
- 1.17 Attendees generally recall a similar format for the briefing. The briefing was introduced briefly by the Chair of the MPA and then straight into a detailed briefing by ACSO. The Deputy Commissioner then talked about the actions to engage with the community at Forest Gate and a question and answer session followed. One attendee recalls ACSO speaking for approximately thirty minutes, the Deputy Commissioner for about ten minutes and each member asking at least one question (being grouped together in batches of two or three

questions to be answered). On this basis it is unlikely that the briefing finished before 1330 hours. ACSO agrees that the briefing overran and made him late for his next appointment with the Crime Reporters Association (CRA) – see paragraph 1.27.

- 1.18 Every attendee recalled some form of reference towards the start of the briefing as to the confidential nature of the briefing and there is general agreement this was given by the MPA chair. No attendee is in any doubt that the briefing was confidential, although it has been raised by some independent members and MPA staff attendees as to what this means in practice. The GLA members have not expressed any doubt about their understanding of what this means. Recollections differ as to what was actually said and by whom or attendees cannot recall the form of the warning.
- 1.19 No comprehensive record of the information provided to attendees at the briefing has been identified, other than the partial note made by a MPA CLAMS officer. No attendee has admitted to making a note of the briefing or electronically recording the briefing. The meeting room had both a public address and the hearing induction loop systems installed. The MPA CLAMS officer says that public address system remained on for the briefing (no tapes in the recording system) but the induction loop was switched off. No attendee witnessed other attendees recording the briefing, although a number had mobile telephones and BlackBerrys switched on throughout the briefing.
- 1.20 The Deputy Commissioner and ACSO say they had no notes or briefing material. The Deputy Commissioner recalls he spoke on community engagement issues. ACSO says he carried the information in his head and did not use notes. He cannot recall the specific details of his briefing as he has given a variety of briefings to a range of stakeholders.

Briefing Content and Newspaper Reports

- 1.21 Attendees at the briefing have been asked for recollections of what was said. Attendees generally recalled only the subjects of interest or concern to them but by collating this information it has been possible to reconstruct what was probably said. Some of the recollections were however contradictory or uncertain. For reasons of confidentiality they are not set out in this report, although virtually all of what was said had been reported prior to the briefing in national newspapers (see paragraph 1.24 below).
- 1.22 Attendees generally viewed favourably the holding of the briefing and comments ranged from welcoming the openness and frankness of the briefing to the briefing contained too much detail and went too far in disclosing information.

- 1.23 Some of the attendees at the briefing recall ACSO providing information concerning informal and off-the-record briefings with the media. A group of MPA members discussed a comment concerning this in the members' room after the briefing.
- 1.24 National newspaper reports concerning Forest Gate for the period from 3 June 2006 to 12 June 2006 have been reviewed and compared to the confidential information given at the briefing. Eight items of information given at the briefing have been identified as not being reported in the national newspapers prior to the briefing and further, they did not appear in national newspapers in the period reviewed. An item reported in The Observer on Sunday 11 June contradicts an item of information given at the briefing as recalled by more than two attendees. A similar contradiction appears in The Times and the Daily Mail the following day. No newspaper has reported the holding of the briefing itself (which was referred to by the journalist in his initial contact with the MPS press officer on 10 June 2006). A policy decision was made not to undertake a similar trawl in the broadcast media.

Other matters

- 1.25 One interviewee, an MPA officer, admitted that he passed information from the briefing to a second MPA officer who was not entitled to receive the information. The second MPA officer has been interviewed as part of this investigation. There is no reason to believe that the second MPA officer passed the information to any other person. That matter is not an issue for this report but has been passed to the relevant authority.
- 1.26 The first MPA officer had approximately one year earlier met and attended social events with the journalist who made the call to the MPS press officer. The officer has demonstrated honesty and straight-forwardness in respect of his behaviour so it would be reasonable to accept his assurance that he was not the source of the alleged unauthorised disclosure. Having said that the officer did pass the information on to the second MPA officer in a public house, although in the circumstances highly unlikely, the possibility it was overheard cannot be totally discounted.
- 1.27 Immediately after the confidential briefing, ACSO and the MPS press officer had a lunch appointment with members of the CRA in a restaurant at 1:30pm.
- 1.28 It is widely recognised that there is considerable interaction and information exchange with the media – on a variety of levels by a range of organisations. ACSO confirmed this and expressed the view that there had been unauthorised disclosures of information at all levels and in all bodies involved. The Evening Standard reports on 6 June of 'the

poisonous fog of briefings and counter-briefings' in the MPS. A number of newspapers refer to sources within the MPS and security services as well as contradictory statements as to the source of the information.

Interview of Journalist

- 1.29 The journalist who contacted the MPS press officer has not been interviewed in the course of this investigation. The journalist could be expected to be highly protective of his source. The events at Forest Gate had attracted extensive media coverage, no doubt based on variety of sources, official, unofficial, unauthorised or simply speculative. This made the formulation of meaningful questions to the journalist unrealistic. Also taking the investigation to one journalist may not have been enough and other media outlets could have merited similar treatment.

2. FINDINGS

- 2.1. As reported in paragraph 1.24 attendees at the briefing would have become aware of eight sensitive matters which had not been previously reported in national newspapers. Significantly, the journalist did not raise them with the press officer and they have not been reported in the national newspapers.
- 2.2 All matters identified by attendees as sensitive have appeared in the national press in some form with the exception of the eight matters. None of these matters appear in the Sunday Telegraph article of 11 June in which the journalist is one of three credited with the by-line. From the telephone call by the journalist to the MPS press officer it appears the only piece of information to have been disclosed is that the briefing itself had taken place. Anyone who was aware of the briefing could have disclosed that information to the journalist. This includes a wide circle including all Members, their personal assistants, most of the staff of the MPA Secretariat and a wide range of MPS police and press officers.
- 2.3 Based on the interviews conducted and the evidence gathered, the most likely scenario is that there was an unintended disclosure of the existence of the confidential briefing, although the fact that a briefing took place would not be regarded, in itself, as confidential information.
- 2.4 The journalist who contacted the MPS press officer on 10 June about the confidential briefing had recently become a member of the CRA. The MPS press officer has said that to the best of her knowledge he was not at the lunch in the restaurant on 9 June.

- 2.5 The examination of the newspaper reports (referred to in paragraph 1.24) shows that most of the information given at the briefing as being confidential had in fact been published in a newspaper prior to the briefing, although not in such a focused or comprehensive way. It is a concern that so much detail of the case became known to the media (and before the MPA members briefing). The publication by The Observer newspaper on Sunday 11 June and The Times and Daily Mail on 12 June of articles that contradict information given at the briefing might be seen as casting doubt on the briefing as the source of the alleged unauthorised disclosure.
- 2.6 It is not possible to reach a firm conclusion as to the source of the alleged unauthorised disclosure due to:-
- The range of potential sources of the unauthorised disclosures to the media identified by this investigation.
 - The extensive information already reported in the media, identified by this investigation, prior to the MPA briefing.
 - The information presented at the briefing that has not found its way into the media.
 - The publication of information in The Observer on Sunday 11 June and The Times and Daily Mail on Monday 12 June that contradicts information given at the briefing.

On the balance of probabilities it is concluded that it is unlikely that there was an unauthorised disclosure to the Sunday Telegraph of confidential information as a result of the informal briefing to members on 9th June.

3. LESSONS TO BE LEARNED AND RECOMMENDATIONS FOR IMPROVEMENT

- 3.1 It is evident that there are a number of weaknesses in our current processes for dealing with confidential and sensitive briefings. Although we remain confident that information given in the briefing was not disclosed to the media, we have found a number of ways by which the information could have been unintentionally passed on by those present.
- 3.2 Unauthorised disclosure of information in relation to high profile and sensitive matters have the potential to harm operations and cause reputational and financial damage to the MPA and MPS.

For each of the areas of concern identified in the course of this investigation the nature of the concern and any recommendations for improvement are set out below.

3.3 Dealing with the Media

Contact with the media about high profile and sensitive matters needs to be routed through authorised MPA or MPS press office staff and in line with current policies.

It is recommend that:

- (1) Only Members, police officers or staff who have been appropriately trained, briefed and authorised should have contact with the media on such matters.
- (2) Contact about MPA or MPS business on such matters must be noted and reported to the duty press officer, who should keep an appropriate record of the contact, including details of the individuals involved and the issue discussed.

3.4 Policy for Confidential and Sensitive Briefings

There is no effective MPA policy or laid down procedures for handling briefings to Members and/or officers, particularly where those briefings are likely to contain confidential, classified or sensitive information.¹ Until that is corrected and promulgated to those likely to be involved in attending or organising such briefings the Authority is at significant risk through its failure to take sufficient steps to minimise the likelihood of a damaging unauthorised disclosure of sensitive information that could potentially harm police operations.

It is recommend that:

- (3) As a matter of urgency the policy and procedures for such briefings are prepared, approved and promulgated to Members and staff.
- (4) Those attending such briefings must be given clear, unequivocal guidance as to the sensitivity of information likely to be disclosed and what that sensitivity actually means immediately prior to the briefing and at the end of it.
- (5) If the briefing is likely to contain material covered by the Official Secrets Act, then the audience must be warned and have spelt out to them the potential consequences of any breach of the Act by those present.

3.5 Physical safeguards.

The location for any sensitive briefing needs to be physically secured. Any location used for a sensitive briefing will need a number of

¹ It is recognised that CLAMS do indicate the briefing is confidential in the invitation they send to potential attendees.

electronic safeguards. For example, meeting room one is a public meeting room and needs to have restricted access for the period of the briefing. The microphones and other equipment used in the room when live or powered up transmit or broadcast signals capable of being received outside the building. This also applies when the induction loop is switched on. Where those attending a briefing bring with them electronic devices such as Blackberries and mobile phones, unless they are secured and turned off they can be used to transmit information directly from the meeting.

There is evidence from our inquiries that a sticky substance similar to that used to attach surveillance devices was placed under two tables in the meeting room. The origin of this material is unknown and was not pursued. It is also possible that anyone entering meeting room two could have overheard the briefing in the main meeting room.

3.6 *Emphasising the need to know principle.*

The nature of the briefing being provided must determine which members and officers need to know the information, regardless of any inherent level of security clearance they may hold for their normal activities. Only those that need to know the information should be present at such briefings. For example, there was some confusion at the start of the Forest Gate briefing as to which officers of the Authority and the MPS could remain present for the briefing. There is no apparent logic in the exclusion of the MPA press officer and the inclusion of the MPS press officer at that particular briefing, regardless of whether there was any difference in their respective levels of clearance.

3.7 *Controlling the briefing.*

The briefing given on 9th June and the answers given to questions that followed were viewed differently by various members as regards what was or was not appropriate, but some members commented that it included unexpected or too much information.

It is recommended that:

- (6) For confidential or sensitive briefings the material to be disclosed is structured and scripted beforehand.
- (7) Any answers to questions asked are kept within the original brief and an appropriate note kept of the proceedings.

3.8 *Security Clearances and Aftercare*

Two members of Authority staff were given increased levels of security clearance to ensure that they could receive briefings from specialist police about counter terrorism matters in relation to the community. It

was clear during the interviews of these staff that neither of them had an adequate understanding of what this means in practice and they had not been given any specific guidance by the MPA to assist them in that understanding. There is also doubt as to whether their line managers were aware of their own responsibilities in relation to these clearances or indeed knew that their staff had been cleared to a higher level. For all staff with clearances appropriate aftercare arrangements must be put in place. For staff with higher security clearances line managers have a particular responsibility to ensure that the higher level is necessary and the behaviour of the individual remains appropriate to that level of clearance.

It is recommend that:

- (8) The Deputy Chief Executive reviews and confirms the continuing need for any security clearance above the basic and CTC level for staff other than those employed in Internal Audit, where the Director of Internal Audit should carry out a similar exercise.
- (9) HR maintain an accurate confidential record of staff and member levels of clearance and ensure that line managers are aware of their aftercare responsibilities.

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METROPOLITAN POLICE AUTHORITY

INVESTIGATION OF UNAUTHORISED DISCLOSURE OF INFORMATION

COMMISSIONING BRIEF

1. As Solicitor to the Authority and Monitoring Officer, and following consultation with the Chief Executive, I am commissioning the Director of Internal Audit to undertake an investigation into an unauthorised disclosure of confidential information to the media in June 2006. The circumstances, so far as known, relating to the disclosure are set out below in the section titled "Background".
2. The Director of Internal Audit will be assisted by the Assistant Director, Forensic Audit, and such other Internal Audit personnel as he judges necessary.
3. Mr William Taylor of the Elmley Partnership will also be appointed to provide independent external guidance and oversight of the investigation.

Terms of Reference for the Investigation

4. The Terms of Reference for the Investigation are: -
 - To investigate an unauthorised disclosure of information to the media following a confidential briefing provided to certain MPA Members and Officers on 10 June 2006 by the Assistant Commissioner, Specialist Operations, relating to an MPS operation relating to the existence of materials of terrorism at a property in Forest Gate East London.
 - So far as possible, to identify the person or persons responsible for the unauthorised disclosure.
 - To consider what lessons can be learned by the MPA as a result of this matter, with a view to preventing any recurrence, and to make such recommendations as are appropriate to that end.
 - To present the findings of the investigation in a report to the Solicitor to the Authority as soon as practicable.
 - To submit a weekly interim report of progress, and to inform the Solicitor to the Authority immediately if the Investigation Team considers at any stage that there is material evidence pointing to the identity of a person or persons who made a disclosure.

5. In the event that the investigation considers that a criminal offence may have been committed, the Solicitor to the Authority will be advised immediately.
6. In the event that there is evidence that an unauthorised disclosure was made by a Member of the MPA, the matter will be referred to the Standards Board for England as a complaint of a breach of the Members code of Conduct, by the Monitoring Officer.
7. In the event that there is evidence that an unauthorised disclosure was made by an officer of the MPA, the matter will be dealt with under the MPA Misconduct and Disciplinary Procedure.
8. In the event that there is evidence that an unauthorised disclosure was made by an officer or staff of the MPS, for those below ACPO rank the matter will be reported to the appropriate MPS officer with disciplinary responsibility. Evidence of an unauthorised disclosure by an ACPO rank officer will be reported to the Solicitor to the Authority.
9. The Director of Internal Audit will prepare an investigation plan following consultation with William Taylor, and will proceed to conduct all necessary interviews and investigation to give effect to that plan.
10. William Taylor will provide assistance, guidance and oversight of the Investigation. His role will include
 - Advice on the investigation plan
 - Advice on the scoping of the investigation.
 - Advice on a strategy for interviews.
 - Reviewing statements obtained from persons interviewed, and considering and advising on the outcome of interviews; giving guidance as to what, if any, further investigation should be carried out.
 - Considering and reviewing whether there is any reason to think that a criminal offence has been committed by any person, and advise the Investigation Team.
 - Generally oversee the conduct of the investigation with a view to ensuring that it is rigorous, proportionate, and effective.
 - Submitting a report to the solicitor to the Authority, accompanying the Investigation Report by the Director of Internal Audit, with his observations on the investigation and any recommendations made.

BACKGROUND

11. On Friday 9 June, AC Andy Hayman gave a pre-arranged confidential briefing to Members of the Authority relating to the raid on a house in Forest Gate the previous week, which occurred following intelligence

as to the existence of a bomb or weapon to be used in a terrorist attack.

12. The persons present were: -

MPS Officers – Paul Stephenson, Deputy Commissioner; AC Andy Hayman; Anna DeVries, Press Officer.

MPA Officers – Catherine Crawford, Andy Hull, Sally Benton, John Crompton,

MPA Members – Len Duval, Cindy Butts, Reshard Auladin, Jennette Arnold, Damian Hockney, Toby Harris, Karim Murji. Aneeta Prem, John Roberts, Richard Sumray.

NOTE The Solicitor to the Authority will notify all

13. At about 10.am on Saturday 10 June Ben Leapman of the Telegraph called the MPS Press Bureau and asked to speak to the on call press officer. The call was referred to Sarah Cheeseman of DPA by pager and she called him back.

14. On 26 June I wrote to AC Hayman to seek his views on whether the leak might have involved a breach of the official secrets act, amongst other things. My letter to him and his reply dated 26 June are attached as a pdf file. The Investigation Team will note the comments made by AC Hayman regarding the sensitivity of relationships with Ben Leapman.