

NI Group Limited
R. Caseby
Second Statement
"RC2 – RC9"
23 February 2012

**IN THE MATTER OF THE LEVESON INQUIRY INTO THE CULTURE, PRACTICES AND
ETHICS OF THE PRESS**

**SECOND WITNESS STATEMENT
OF
RICHARD CASEBY**

I, Richard Caseby, c/o The Sun, News Group Newspapers Limited, 3 Thomas More Square, London E98 1XY, will say as follows:

- 1 I am Managing Editor of the Sun and I have held that position since July 2011.
- 2 The purpose of this witness statement is to address a claim made by Charlotte Church in her evidence before the Inquiry that the Sun's website featured a "countdown clock" to her 16th birthday.
- 3 In particular, at paragraph 23 of Ms Church's witness statement dated 10 November 2011, she stated:

"One particularly distasteful feature was on The Sun website which featured a countdown clock to me turning 16, carrying with it sexually charged and predatory innuendo of a young girl passing the age of consent."

- 4 Further, in Ms Church's oral evidence, she stated:

"So basically it was on the Sun's website and it was a countdown clock, which – I can't remember exactly how long it ran for but it ran for, I think, maybe more than a month, a countdown clock to my 16th birthday, basically with it the innuendo of the age of my passing of consent" (line 15, page 11 of the afternoon transcript of 28 November 2011).

NI's internal inquiry into the claim

- 5 Since Ms Church made this allegation, NI Group Limited ("NI") and Linklaters LLP ("Linklaters") have carried out detailed searches of NI's records. We have found no evidence to support Ms Church's claim.
- 6 Paul Cheesbrough, NI's Chief Information Officer, has informed me of the searches that NI engineers have carried out against NI's databases. These searches and their results are

detailed below. The date ranges for these searches were selected on the basis that Ms Church turned 16 on 21 February 2002.

- (a) Broad electronic searches of the live database that powers the Sun's website were conducted. Searches of this database covered the following categories of data:
- (i) full text articles held on NI's servers, content management system and public website;
 - (ii) third party websites "framed" within the Sun's own website;
 - (iii) links to third party websites;
 - (iv) the site search index, which is a master index of all articles published on the Sun's website; and
 - (v) data held within legacy applications, such as previous versions of the content management system.

The live database was searched for the keyword "Charlotte" across the date ranges 1 October 2001 to 1 February 2002 and 1 February 2002 to 28 February 2002. These searches produced three articles published online by the Sun that referred to Ms Church, however, none of these mentioned a countdown clock of any description and nor did they provide any links to third party sites covering the topic. The three articles are exhibited as **RC2**, **RC3** and **RC4**.

- (b) An electronic search of NI's editorial database, which is a database of articles published by NI titles including the Sun, was conducted for articles containing both the keywords "Charlotte" and "Church" across the date range 1 December 2001 to 30 June 2002. The results did not return any articles published in the Sun that mentioned a Charlotte Church countdown clock.
- (c) A broad search of the internet was conducted for articles and sites covering the topic in 2001 and 2002. These searches revealed that two independent articles were published earlier this year which suggested that there were in fact two "Charlotte Church countdown clocks" online during the period leading up to Ms Church's 16th birthday and that neither of these clocks or websites were in any way connected with the Sun. These articles are exhibited as **RC5** and **RC6**.

7 On this basis, Paul Cheesbrough informed me that:

"based on what we can see today, there is no evidence that we [the Sun] either built a clock or even wrote about the existence of a clock"

8 However, Paul Cheesbrough also noted that a caveat to drawing a conclusion from these search results was that an article which had been published by the Sun but subsequently withdrawn as a result of a complaint would not appear in the results.

- 9 As a matter of course, if an article is withdrawn as a result of a complaint, a record of the reason for the withdrawal is kept by the Sun's legal team. The following additional searches were therefore conducted by NI and Linklaters to ensure that no article relating to a Charlotte Church countdown clock had been withdrawn by the Sun.
- (a) An electronic search of all the available emails of Tom Crone, the Sun's legal manager at the relevant time, was conducted for the keywords "Church", "Charlotte", "Charlotte clock" and "clock" across the date range 1 July 2001 to 28 February 2002. This search did not return any relevant results.
- (b) Hard copy material archived by the Sun's legal team and recorded as relating to Ms Church was retrieved and reviewed. This search did not produce any relevant results.

External inquiries

- 10 To complete our inquiries, we contacted Sony Music Entertainment UK Limited ("**Sony**"), who were Ms Church's record label at the relevant time, to request any records in their possession of a complaint made by them or by Ms Church about a countdown clock published by the Sun.
- 11 On 17 February 2012, the Senior Vice President of Legal & Business Affairs at Sony, Michael Smith, confirmed that after reviewing relevant files and speaking to executives employed by Sony at the time, he could:

"see no connection between The Sun and the website which featured a Charlotte Church 'Count Down Clock' relating to her 16th birthday."

- 12 Mr Smith went on to say:

"On the contrary the collective recollection is that it was an individual who hosted the site and following calls from the artist's lawyer and Sony Business Affairs, the site was closed. Furthermore, newspaper reports (including The Mirror) at the time mentioned the existence and closure of the site without any reference to The Sun".

- 13 A copy of Sony's response is exhibited as **RC7**.

Correspondence with Collyer Bristow

- 14 Linklaters wrote to Ms Church's representatives, Collyer Bristow LLP, on 7 February 2012 indicating that a detailed internal inquiry had been conducted and no relevant records had been found to support Ms Church's claim. Linklaters then provided Collyer Bristow with an opportunity to produce evidence supporting Ms Church's claim, beyond her own recollection. A copy of Linklaters' letter is exhibited as **RC8**.

- 15 On 13 February 2012, Collyer Bristow responded to Linklaters' letter. They did not produce any evidence to support Ms Church's recollection that a countdown clock relating to Ms Church appeared on the Sun's website. Collyer Bristow's letter is exhibited as RC9.

I believe that the facts stated in this witness statement are true

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Dated 23/2/12

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