



House of Commons
Committee on
Standards and Privileges

**Premature disclosure
of select committee
papers**

Twentieth Report of Session 2007-08

*Report, Formal Minutes, Oral and Written
Evidence*

*Ordered by The House of Commons
to be printed 25 November 2008*

The Committee on Standards and Privileges

The Committee on Standards and Privileges is appointed by the House of Commons to oversee the work of the Parliamentary Commissioner for Standards; to examine the arrangements proposed by the Commissioner for the compilation, maintenance and accessibility of the Register of Members' Interests and any other registers of interest established by the House; to review from time to time the form and content of those registers; to consider any specific complaints made in relation to the registering or declaring of interests referred to it by the Commissioner; to consider any matter relating to the conduct of Members, including specific complaints in relation to alleged breaches in the Code of Conduct which have been drawn to the Committee's attention by the Commissioner; and to recommend any modifications to the Code of Conduct as may from time to time appear to be necessary.

Current membership

Rt Hon Sir George Young Bt MP (*Conservative, North West Hampshire*) (Chairman)
Rt Hon Kevin Barron MP (*Labour, Rother Valley*)
Rt Hon David Curry MP (*Conservative, Skipton & Ripon*)
Mr Andrew Dismore MP (*Labour, Hendon*)
Nick Harvey MP (*Liberal Democrat, North Devon*)
Mr Elfyn Llwyd MP (*Plaid Cymru, Meirionnydd Nant Conwy*)
Mr Chris Mullin MP (*Labour, Sunderland South*)
The Hon Nicholas Soames MP (*Conservative, Mid Sussex*)
Paddy Tipping MP (*Labour, Sherwood*)
Dr Alan Whitehead MP (*Labour, Southampton Test*)

Powers

The constitution and powers of the Committee are set out in Standing Order No. 149. In particular, the Committee has power to order the attendance of any Member of Parliament before the committee and to require that specific documents or records in the possession of a Member relating to its inquiries, or to the inquiries of the Commissioner, be laid before the Committee. The Committee has power to refuse to allow its public proceedings to be broadcast. The Law Officers, if they are Members of Parliament, may attend and take part in the Committee's proceedings, but may not vote.

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at: www.parliament.uk/sandp. A list of Reports of the Committee in the present Parliament is at the back of this volume.

Committee staff

The current staff of the Committee are Mr Steve Priestley (Clerk), Mrs Sarah Hartwell-Naguib (Second Clerk) and Ms Jane Cooper (Committee Assistant).

Contacts

All correspondence should be addressed to The Clerk of the Committee on Standards and Privileges, Journal Office, House of Commons, London SW1A 0AA. The telephone number for general enquiries is 020 7219 6615.

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Premature disclosure of select committee papers

Background

1. This Report contains our conclusions on two cases referred to us by other committees of the House. The first case involved the unauthorised disclosure of two papers prepared for the European Scrutiny Committee by its legal adviser. The second involved the unauthorised disclosure of parts of a draft Report prepared for the Home Affairs Committee. In each case, the Committee concerned made a Special Report to the House, stating that the unauthorised disclosure had constituted a serious interference with its work.

The European Scrutiny Committee case

2. This case involved the unauthorised disclosure of two briefing notes prepared by the Committee's legal adviser on the mandate for the inter-governmental conference which led to the Lisbon Treaty. Extracts from both notes appeared in an article in the *Daily Telegraph* on 26 June 2007.¹

3. In its Special Report, the European Scrutiny Committee identified two respects in which these disclosures had caused difficulty:

- they had the potential to undermine the ability of officials to give forthright advice without fear of that advice being used for political ends; and
- they meant that the Committee did not proceed with its original intention to report to the House on the proposed mandate for an inter-governmental conference, thus denying the House the Committee's opinion on a matter of considerable political interest.²

4. We understand that the journalist who wrote the article received copies of the notes in a plain envelope through the post. He was not prepared to tell us anything that might identify the person who sent him the papers.³ All those who received the papers officially, or who had authorised access to them, have told us that they were not the source of the leak and nobody has been able to explain how the papers came to be leaked.⁴

5. We have been unable to establish the identity of the person who disclosed to a journalist confidential legal advice to the European Scrutiny Committee.

¹ Blair's EU safeguards 'may not be watertight', *Daily Telegraph*, 26 June 2007

² First Special Report from the European Scrutiny Committee, Session 2006-07, *Disclosure of Committee's internal working papers*, HC955

³ Ev p 8

⁴ Ev pp 1-8

The Home Affairs Committee case

6. In this case, extracts from the Chairman's draft Report on the Government's counter-terrorism proposals appeared in the *Financial Times* on 5 December 2007, the day after the Report had been circulated to the Committee.⁵

7. In its Special Report, the Home Affairs Committee stated that:

We agreed the Report on the counter-terrorism proposals on 11 December and have subsequently published it. However, we consider that the leak and publication of the most sensitive parts of the Report made it difficult, and might have rendered it impossible, to reach agreement on the Report. As a result, we believe it to represent a substantial interference with the work of the Committee ...⁶

8. In investigating this case, we wrote to all members and staff of the Home Affairs Committee and to the few other people to whom the draft Report had been circulated on 4 December 2007. None of them was able to offer an explanation as to how the unauthorised disclosure of parts of the draft Report came about.⁷ We also wrote to the journalist who had written the article; he declined to state anything that might identify his source.⁸ Finally, we heard oral evidence from the Chairman of the Committee, Rt Hon Keith Vaz MP, and from Mr Vernon Hunte, who at the time of the leak was Mr Vaz's senior parliamentary officer. Neither was able to assist us in identifying the source of the leak.

9. In the case of the unauthorised disclosure of extracts from a draft Report of the Home Affairs Committee also, we have been unable to identify the source of the leak.

Conclusion

10. We accept the view of both the Home Affairs Committee and the European Scrutiny Committee that in each case the unauthorised disclosure of internal committee papers constituted a substantial interference in their work. **The unauthorised disclosure of a draft Report or of advice to a select committee not only betrays confidence but can damage trust between Members, and between Members and those who work for or with them. It also undermines the effectiveness of a committee's work. Leaking is a reprehensible act and in any case where this Committee is able to discover the source of a leak it will be prepared to recommend appropriately severe sanctions.**

11. It is a matter of regret to us that, despite expending considerable time on these two investigations, we have been unable to make substantive progress with either. This leads us, as it will surely lead others, to ask whether the criteria for referring to this Committee cases

⁵ Blow to Brown on terror proposal, *Financial Times*, 5 December 2007

⁶ First Special Report from the Home Affairs Committee, Session 2007-08, *Unauthorised Disclosure of Draft Report*, HC 176, paragraph 4

⁷ Ev pp 9-15 and 23-25

⁸ Ev p 11

of unauthorised disclosure that have already been fully investigated by the Committee concerned are the right criteria, and whether they are always properly applied.

12. It is our view that there is unlikely to be anything of value to be gained from referring to this Committee a case involving unauthorised disclosure that has already been fully investigated by another Committee of the House, except where there is good reason to conclude that use of this Committee's power to require Members to give evidence before it would discover the source or cause of the disclosure. We will invite the Liaison Committee, which in practice acts as a clearing house for referrals to this Committee, to consider these matters.

Formal minutes

Tuesday 25 November 2008

Members present:

Sir George Young, in the Chair

Mr Kevin Barron

Mr David Curry

Mr Andrew Dismore

Nick Harvey

Mr Chris Mullin

The Hon Nicholas Soames

Mr Paddy Tipping

Dr Alan Whitehead

Draft Report [Premature disclosure of select committee papers], proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 12 read and agreed to.

Resolved, That the Report be the Twentieth Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

Written evidence was ordered to be reported to the House for printing with the Report.

Ordered, That the transcript of the oral evidence taken by the Committee on 17 June be reported to the House.

[Adjourned till Tuesday 9 December 2008 at 9.30 am]

Witnesses

Tuesday 17 June 2008

Rt Hon Keith Vaz MP, House of Commons, **Mr Vernon Hunte**, Senior
Parliamentary Officer to Mr Vaz

Ev 16

Written evidence

Evidence relating to the European Scrutiny Committee

1	Letter from the Chairman, Committee on Standards and Privileges, to members of the European Scrutiny Committee, 5 October 2007	Ev 1
2	Replies from members of the European Scrutiny Committee	Ev 1
3	Letter from the Chairman, Committee on Standards and Privileges, to Mr Graham Brady MP, 5 October 2007	Ev 4
4	Reply from Mr Graham Brady MP, 8 October 2007	Ev 4
5	Letter from the Clerk, Committee on Standards and Privileges to European Scrutiny Committee staff, 30 October 2007	Ev 5
6	Replies from staff of the European Scrutiny Committee to the Clerk, Committee on Standards and Privileges	Ev 5
7	Letter from the Chairman, Committee on Standards and Privileges to Mr George Jones, Political Editor, the Daily Telegraph newspaper, 5 October 2007	Ev 8
8	Reply from Mr George Jones, 24 October 2007	Ev 8

Evidence relating to the Home Affairs Committee

9	Letter from the Chairman, Committee on Standards and Privileges to members of the Home Affairs Committee, 18 December 2007	Ev 9
10	Replies from members of the Home Affairs Committee	Ev 9
11	Letter from the Chairman, Committee on Standards and Privileges to Mr Jimmy Burns, Financial Times, 18 December 2007	Ev 11
12	Reply from Mr Jimmy Burns, Financial Times, 8 January 2008	Ev 11
13	Letter from the Clerk, Committee on Standards and Privileges to the Clerk, Home Affairs Committee, 10 January 2008	Ev 12
14	Reply from the Clerk, Home Affairs Committee, 29 February 2008	Ev 12
15	Letter from the Clerk, Committee on Standards and Privileges, to the Clerk of the Home Affairs Committee, 16 May 2008	Ev 13
16	Reply from the Clerk, Home Affairs Committee, undated	Ev 14
17	Letter from the Clerk, Committee on Standards and Privileges, to staff of the Home Affairs Committee, 16 May 2008	Ev 14
18	Replies from the Staff of the Home Affairs Committee	Ev 14

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| 19 | Letter from the Clerk, Committee on Standards and Privileges, to the Clerk, Home Affairs Committee, 5 June 2008 (similar letter sent to the former Clerk of the Committee) | Ev 15 |
| 20 | Replies from the Clerk and former Clerk, Home Affairs Committee, both dated 11 June 2008 | Ev 15 |
| 21 | Letter from the Chairman, Committee on Standards and Privileges to Martin Salter MP, 1 July 2008 (similar letter to Patrick Mercer OBE MP) | Ev 23 |
| 22 | Reply from Martin Salter MP and Patrick Mercer OBE MP, 8 July 2008 | Ev 23 |
| 23 | Letter from the Chairman, Committee on Standards and Privileges to the Chairman, Home Affairs Committee, 22 July 2008 | Ev 23 |
| 24 | Reply from Rt Hon Keith Vaz MP, Chairman, Home Affairs Committee, 1 September 2008 | Ev 24 |

Reports from the Committee on Standards and Privileges in the current Parliament

Session 2007-08

First Report	Conduct of Mr Elfyn Llwyd, Mr Adam Price and Mr Hywel Williams	HC 94
Second Report	Conduct of Mr Norman Baker, Mr Malcolm Bruce and Mr Sadiq Khan	HC 182
Third Report	Publications funded from the Communications Allowance	HC 232
Fourth Report	Conduct of Mr Derek Conway	HC 280
Fifth Report	Conduct of Mr Peter Hain	HC 324
Sixth Report	Employment of family members through the Staffing Allowance: Proposals for consultation	HC 383
Seventh Report	Employment of family members through the Staffing Allowance	HC 436
Eighth Report	The Complaints System and the Criminal Law	HC 523
Ninth Report	Conduct of Mr Speaker	HC 559
Tenth Report	Conduct of Mr George Osborne	HC 560
Eleventh Report	Conduct of Sir Robert Smith	HC 646
Twelfth Report	Conduct of Sir Nicholas and Lady Winterton	HC 744
Thirteenth Report	Ending Dual Reporting of Donations: Interim Report	HC 989
Fourteenth Report	Conduct of Rt Hon Ed Balls and Rt Hon Yvette Cooper	HC 1044
Fifteenth Report	Additional Cost Allowance: Main Homes	HC 1127
Sixteenth Report	Conduct of Mr Mark Hunter	HC 1128
Seventeenth Report	Audit and Assurance of MPs' Allowances (Cm 7460)	HC 1138
Eighteenth Report	Ms Dari Taylor	HC 1188
Nineteenth Report	Use of pre-paid envelopes and official stationery	HC 1211
Twentieth Report	Premature disclosure of select committee papers	HC 1212

Session 2006-07

First Report	Evidence to the SSRB Review of Parliamentary pay, pensions and allowances	HC 330
Second Report	Conduct of Mr David Cameron	HC 429
Third Report	Complaints about alleged misuse of Parliamentary dining facilities	HC 431
Fourth Report	Conduct of Mr Julian Brazier	HC 682
Fifth Report	Handling of future complaints on misuse of the private dining facilities	HC 683
Sixth Report	Conduct of Mr George Galloway	HC 909

Seventh Report	Conduct of Mr Gregory Campbell	HC 992
Eighth Report	Conduct of Mr Martin Salter and Mr Rob Wilson	HC 1071
Session 2005–06		
First Report	Conduct of Mr Jonathan Sayeed	HC 419
Second Report	Conduct of Mr John Horam	HC 420
Third Report	Conduct of Mr Tony Baldry	HC 421
Fourth Report	Pay for Standing Committee Chairmen	HC 568
Fifth Report	Electoral Administration Bill: Simplification of Reporting Requirements	HC 807
Sixth Report	Mr Stephen Byers (Matter referred on 19 October 2005)	HC 854
Seventh Report	Conduct of Mr George Galloway	HC 1067
Eighth Report	Conduct of Mr Mark Lancaster	HC 1144
Ninth Report	Lobbying and All Party Groups	HC 1145
Tenth Report	Conduct of Mr Michael Foster (Worcester)	HC 1223
Eleventh Report	Conduct of Ms Emily Thornberry	HC 1367
Twelfth Report	Conduct of Nadine Dorries	HC 1368
Thirteenth Report	Conduct of Mr John Prescott	HC 1553
Fourteenth Report	Conduct of Dr Desmond Turner	HC 1578
Fifteenth Report	Conduct of Mr Eric Illsley	HC 1579
Sixteenth Report	Review of the Guide to the Rules Relating to the Conduct of Members: Consultation Document	HC 1580

Evidence relating to the European Scrutiny Committee

Letter from the Chairman, Committee on Standards and Privileges, to members of the European Scrutiny Committee, 5 October 2007

Following your Committee's agreement to make a Special Report to the House in the light of the unauthorised disclosure of its draft Report on the Government's counter-terrorism proposals, the matter now stands referred to the Committee on Standards and Privileges for investigation.

I should therefore be grateful if you would let me know what, if any, information you have concerning the circumstances in which details of the draft report might have got into the hands of the Financial Times. I should also be grateful if you would send me your copy of the Chairman's draft report. I will ensure that this is returned to you with as little delay as possible.

It would assist my Committee's inquiry if you could let me have a response by Friday 11 January.

Reply from Mr David Borrow MP, 22 October 2007

Thank you for your letter of the 5th October regarding the First Special Report of the European Scrutiny Committee.

Having reflected on your letter and consulted my staff, I can confirm that I cannot recall any action by myself or my staff that could have led to the material you refer to getting in to the public domain.

If I can be of any further assistance, please do not hesitate to contact me.

Reply from Mr William Cash MP, 12 October 2007

Thank you for your letter of October 5th.

Having spoken again to my staff I confirm that neither I nor my staff had any communication whatsoever with the *Daily Telegraph* in respect of the matters raised in the second paragraph of your letter.

Reply from Mr James Clappison MP, 30 October 2007

LEAK OF STAFF BRIEFING PAPERS AND SUBSEQUENT PUBLICATION IN PRESS REPORTS

Further to my letter of 28 June to Michael Connarty MP, Chairman of the European Scrutiny Committee, I wish, once again, to deny any knowledge of the leaking of confidential briefing papers to a daily newspaper.

The email in question arrived in my private secretary's email account on Monday, 25 June at 13.33. I did not see the email as I was away from the House of Commons with the Council of Europe. I understand my private secretary did not print the email off neither did she forward it on to any other person.

Letter from Ms Emma Tilly, Private Secretary to James Clappison MP, 30 October 2007

LEAK OF STAFF BRIEFING PAPERS AND SUBSEQUENT PUBLICATION IN PRESS REPORTS

Further to my letter of 28 June to Michael Connarty MP, Chairman of the European Scrutiny Committee, I wish, once again, to deny any knowledge of the leaking of confidential briefing papers to a daily newspaper.

I received an email from Thomas Powell, Committee Assistant, on Monday, 25 June at 13.33. Mr Clappison was away from the House of Commons with the Council of Europe, therefore, I did not print the email off for his use neither did I forward it on to any other person. The email in question was deleted from my House of Commons email account.

I hope I have provided you with the information you require.

Reply from Ms Katy Clark MP, 25 October 2007

Thank you for your letter dated 5 October in the connection with the referral from the European Scrutiny Committee. I write to confirm that I did not breach the rules of confidentiality in relation to this matter in any way and did not pass any information relating to Mr Carpenter's Advice to anyone. I am satisfied that ***¹ and *** who work for me and have access to my email account would not breach confidentiality in this way and have no links with the *Daily Telegraph*. I have no knowledge of how this information was provided to the *Daily Telegraph*.

If I can assist your investigation in any way please do not hesitate to let me know.

¹ *** personal data redacted

Reply from Michael Connarty MP, 30 October 2007

I apologise for not replying sooner, but I have been over-committed on European business and my research assistant, *** has changed and reduced his hours of employment to fit around his studies for his Master's degree. I have now spoken with him and can make the following categorical statement.

I did not open the E mail, with its' attachment which was the paper from Michael Carpenter until Tuesday 26th June. This was after it had been passed to the *Daily Telegraph* and had been used in a front page article on Tuesday 26th June 2007, including quotes identified as being from Michael Carpenter's paper. I did not send or cause the E mail or its attachments to be sent to anyone at any time then or after the 25th June 2007.

I went through the timetable for the receipt of the E mail and its subsequent handling of the E mail's contents with my research assistant, *** who was the only member of my staff to whom papers were sent. I have no hesitation in accepting his assurance that he did not reply to, print out or forward the E mail or its' attachment to anyone on 25th June 2007, or thereafter.

He stated that he did not notice the E mail had arrived in his "in" box until after his lunch break on Monday 25th after 2pm. He knew that I was delayed on business in my constituency until late afternoon and would not be attending the Commons for the statement of the Prime Minister on the June European Council. He did not open the attachment at that time and only did so on the 26th when the story had appeared in the *Daily Telegraph* newspaper.

I hope this helps with your inquiry.

Reply from Mr Wayne David MP, 2 November 2007

Thank you for your letter of 30 October regarding the unauthorised disclosure of information from the European Scrutiny Committee.

Please note that I am no longer a member of the ESC. In June, I was appointed an Assistant Government Whip and, therefore, it is inappropriate for me to be a Member of the ESC. I have informed the Committee Clerk, but my name continues to appear on its list of Members. Needless to say, I attend no meeting of the ESC and I have no contact whatsoever with the Committee and its work.

I hope this clarifies the situation.

Reply from Pat Dobbin, 24 October 2007

I write in response to your request in you letter of 5 October regarding the leaked E U documents which are subject of an investigation. I confirm as previously reported, that neither I nor any member of my staff was involved in this incident.

Jim Dobbin MP

Reply from Nia Griffith MP, 6 November 2007

EUROPEAN SCRUTINY COMMITTEE—DISCLOSURE OF INFORMATION

I confirm unreservedly what I said in my letter to Michael Connarty MP in his role as Chairman of the European Scrutiny Committee, that the leak to the press did not come from my office. I received the document by email and I did print off a copy for myself. I kept that copy safely with my papers and I certainly did not speak to anyone from the press about it.

The only member of my staff at the time who was working in my Westminster office and who would have dealt with anything related to my parliamentary committee work was ***, who worked for me up until 14th July 2007. He is a very conscientious Greek national, who was always careful to ask about and observe protocol. Prior to this incident, he had secured himself two internships, one for September 2007 and one for January 2008, with prestigious European institutions. He role did not include dealing with the press, and, apart from his own confirmation to me again recently that he did not open or print off the document, he would have had no reason to sully his reputation with any leak of the kind—quite the opposite—it could have put in jeopardy his future ambitions.

Technically, my constituency staff can access my email, but my office practice is that I read all my own emails and forward them if necessary to a member of staff for further action. They have no interest or motivation in involving themselves in my EU committee work, and all three of them ***, *** and *** have confirmed to me that they were not even aware of the document, and certainly had nothing to do with leaking it to the press.

Reply from Mr Greg Hands MP, 7 November 2007

Thank you for your recent letters regarding the appearance in the *Daily Telegraph* of confidential information provided to the European Scrutiny Committee by Michael Carpenter. I apologise for the delay in responding.

At no point have I passed on any confidential information relating to the Committee to the *Daily Telegraph*, or any other person or organisation. I can say categorically that Mr Carpenter's legal advice did not come from either myself or my then PA, ***, the only other recipient in my employment.

Please do not hesitate to contact me if you would like to discuss this matter further.

Reply from Rt Hon David Heathcoat-Amory MP, 9 October 2007

I am responding to your letter of 5 October about a leak of information from the European Scrutiny Committee to the press.

I do not believe that the terms of my statement, or that of ***, should give you any reason to believe that either of us were the cause of the leak.

To put the matter beyond doubt, I can confirm (having spoken to *** again) that neither of us passed on or disclosed or divulged the existence or content of the ESC papers (including Mr Carpenter's reports). I repeat therefore that neither of us was the cause of the publication of part of these papers in the press.

I can confirm that the same assurances apply to my House of Commons secretary, ***, who has occasional sight of select committee papers in the normal course of her duties.

Reply from Kelvin Hopkins MP, 8 October 2007

Re: Your letter of 5 October 2007

Thank you for your letter regarding the referral of the First Special Report of the European Scrutiny Committee.

Having carefully consulted with my staff member who would have sight of the papers prepared by Michael Carpenter and further reflected upon the matter, I remain satisfied that these were not passed to the staff of the *Daily Telegraph* either deliberately or inadvertently.

My staff member receives e-mails on my behalf but the relevant electronic copies of the documents were not forwarded to anyone else.

I am happy for this response to be published.

I hope this is helpful.

Reply from Mr Lindsay Hoyle MP, 9 October 2007

Thank you for your letter dated 5 October regarding the First Special Report of the European Scrutiny Committee.

I can assure you and the Committee that I did not, in any way, pass on or allow any material to get into the hands of any other person(s) which was subsequently published in the public domain.

This statement applies equally to my staff.

I hope this provides the necessary assurance you require.

Reply from Mr Bob Laxton MP, undated

Thank you for your letter regarding the First Special Report of the European Scrutiny Committee.

I have the utmost confidence that my office deals with all sensitive and confidential information in the proper and appropriate manner at all times. Therefore, I would like to state for the record, on behalf of myself and my staff that my office was not the source of any leaked information with regards to the First Special Report of the European Scrutiny Committee.

Please enter this information into your records.

Reply from Angus Robertson MP, 9 November 2007

Many thanks for your letter of 5th October 2007 regarding the disclosure of European Scrutiny Committee material.

You asked that I carefully reflect and consult with any staff who had access to this material.

Having done so, I am absolutely certain that no action on my part, or on the part of any of my staff, could conceivably have led to this material getting into the public domain.

Reply from Mr Anthony Steen MP, 8 October 2007

RE: EUROPEAN SCRUTINY COMMITTEE

Thank you for your letter of 5 October 2007.

I am, unable to help with your enquiries about how the leak came about which resulted in the article in the *Daily Telegraph* on 26th June.

I was in fact in Panama that whole week on the first Inter-Parliamentary Union delegation to that country. For that reason I did not have the opportunity to view the European Scrutiny Committee papers until my return on 25th June 2007. The envelope was opened on that day for the first time.

My office team had not studied them until I saw them and also have no knowledge or information which might be able to help with your enquiries. They have confirmed to me that they have had no dealings with the *Daily Telegraph* and have not been in touch with any media in relation to the work of the European Scrutiny Committee.

Reply from Richard Younger-Ross MP, 30 November 2007

Thank you for your letter regarding the unauthorised disclosure of certain briefing papers prepared for the European Scrutiny Committee.

I confirm that neither my staff nor I have any knowledge of the leaks, and neither have my staff or I passed on any confidential papers from the European Scrutiny Committee to any person. All my staff are constituency based and therefore do not see any of the European Scrutiny Papers.

The confidential papers I either return to the Committee Clerk or personally shred them on the Commons shredding machine.

**Letter from the Chairman, Committee on Standards and Privileges, to Mr Graham Brady MP,
5 October 2007**

On 3 July, in the course of FCO orals, you referred to comments made to the European Scrutiny Committee by Mr Michael Carpenter, its Legal Adviser, concerning the value of the declaration on the Common Foreign and Security Policy contained in the IGC mandate from the European Council, and in particular to his assessment that the Declaration might prove to be meaningless. The particular exchange with the Minister for Europe is recorded in Hansard at Col. 804.

As you may be aware, Mr Carpenter's comments were set out in an internal working paper to the European Scrutiny Committee, elements of which, including this particular point, entered the public domain irregularly. The Committee, having conducted its own inquiry amongst its members and their staff and the Committee staff, was unable to establish the circumstances. As it considered the public disclosure of Mr Carpenter's advice to amount to substantial interference with its work, a conclusion in which the Liaison Committee has concurred, it has formally reported the matter to the House by way of a Special Report.

Such Special Reports stand automatically referred to the Committee on Standards and Privileges. As a first step in the Committee's inquiry, I am seeking to establish the specific chain (or chains) of events which led to Mr Carpenter's advice to the Committee gaining a wider currency than—as intended by Mr Carpenter and as permitted by the rules of the House—just the members (and to the extent authorised by each individual member for the purpose of assisting them in their work as Committee members, their personal staff) and staff of the European Scrutiny Committee.

As part of my inquiries, I am writing to ask how you became aware of Mr Carpenter's advice to the European Scrutiny Committee which you cited to the House. As the matter has been formally referred to my Committee, your response to this letter will constitute formal evidence to a select committee inquiry. I look forward to hearing from you in due course.

Reply from Mr Graham Brady MP, 8 October 2007

Thank you for your letter of 5th October. You ask how I became aware of Mr Carpenter's advice to the European Scrutiny Committee. I am afraid that three months on I cannot be entirely certain of the precise source. Having spoken on the subject of European Affairs for the Opposition until May of this year, I was still in receipt of a number of e.mail "cuttings services" such as EU Observer and Open Europe which tend to report a number of stories that have come into the public domain. Sometimes these have been reported in the mainstream press already and sometimes not. I think that the specific information to which you refer had come to me by that route. I can assure you that when I raised the subject in the House on 3rd July I took it that this information was already circulating widely—it certainly was not passed to me by another Hon. Member or by a Member of the House of Commons staff.

I hope that this is helpful to the Committee.

**Letter from the Clerk, Committee on Standards and Privileges to European Scrutiny Committee staff,
30 October 2007**

As you will be aware, the *Daily Telegraph* published an article on 26 June which drew on briefing prepared for the European Scrutiny Committee by its legal adviser. The circumstances were the subject of investigation by that Committee and the subject of its First Special Report. That report now stands referred to the Committee on Standards and Privileges.

I have seen your response, published with the First Special Report, to the inquiries carried out by that Committee. I am now seeking your response, on behalf of the Committee on Standards and Privileges, to the following specific questions:

- Did you make available a copy of either or both of the briefing notes, in any form, to anybody other than a member of the Committee; a member of the staff of a member of the Committee duly authorized by that Member to receive Committee papers; or another member of the Committee's staff and, if so, to whom; on what basis; and for what reason?
- Is there any reason to suppose that a third party, not authorized to receive such papers could have gained access to electronic or paper copies in your custody before the appearance of the *Telegraph* article?

As the matter stands formally referred to the Committee on Standards and Privileges, your response will constitute evidence to a select committee inquiry.

I should be grateful for a prompt response. The Chairman of the Committee on Standards and Privileges, the Rt Hon Sir George Young MP has approached all the members of the Committee regarding the circumstances in which these papers reached the *Daily Telegraph*.

Reply from Dr Gunnar Beck, Assistant Legal Adviser (European), undated

For my unequivocal answers please see below.

[first bullet point] No I did not.

[second bullet point] Not to my knowledge.

Reply from Mrs Keely Bishop, Committee Secretary, 5 November 2007

In reply to your letter of 30 October, I confirm that I did not make a copy of the briefing note available to anyone, nor could any unauthorised person have gained access to electronic or paper copies in my custody.

I confirm I did not have any involvement of the leaking of this document and have no knowledge of how the leak came about.

Reply from Mr Terry Bryne, Clerk Adviser, 7 November 2007

My computer is playing up. So I cannot yet reply formally to your letter of 30 October. Meanwhile my answer to both your questions is "No".

Reply from Mr Michael Carpenter, Legal Services Office, 9 November 2007

LEAK OF MY ADVICE TO MEMBERS OF THE EUROPEAN SCRUTINY COMMITTEE

Thank you for your letter of 30 October. I apologise for not having replied before now.

I set out the circumstances fully in my letter of 28 June to Alistair Doherty, of which I enclose a further copy, with it enclosure. I stand by the contents of that letter.

In answer to your specific questions, the answer to the first is that I did not send a copy of either of my notes to anyone who was not authorised to receive it. I did not in fact send either note to anyone except Alistair Doherty, *** (assistant to Mr Cash MP) and John Vaux (Speaker's Counsel). Although John Vaux is not, strictly, within the class of persons referred to in your letter, it is plainly necessary (in my view) to keep Speaker's Counsel as head of the Legal Services Office informed of significant legal developments relating to the European Union.

The answer to second is that I have no reason to suppose that any unauthorised third party could have gained access to any electronic or paper copy of my notes while they were in my custody. As I explained in my letter of 28 June to Alistair Doherty, the electronic versions were kept on a data stick which never left my possession, and I did not pass a paper copy to anyone. I also have the habit of locking my office overnight and did so at the material time.

Reply from Mr James Clarke, Chief Office Clerk, 1 November 2007

LEAK OF EUROPEAN SCRUTINY COMMITTEE BRIEFING: *DAILY TELEGRAPH* ARTICLE, 26 JUNE

Thank you for your letter of 30 October. In answer to your questions:

- I did not make available a copy of either of the briefing notes, in any form, to anybody other than Members of the Committee, Members' staff duly authorized to receive Committee papers and other members of the Committee's staff.
- I have no reason to suppose that any third party could have gained access to electronic or paper copies of the briefing notes in my custody.

I hope this response is sufficient for your purposes. Please contact me if I can be of any further assistance.

Reply from Mr Alistair Doherty, Clerk, European Scrutiny Committee, 5 November 2007

Thank you for your letter of 30 October concerning the leak of the briefing prepared for the European Scrutiny Committee by its legal adviser.

You ask two specific questions: my answer in both cases is "No". I am sorry not to be able to be of more help with your inquiry.

Reply from Mr David Griffiths, Clerk Adviser, 6 November 2007

Thank you for your letter of 30 October.

I am not sure that I even saw the briefing note in question before the article in the *Daily Telegraph* was published, but I can in any case give you my categoric assurance that the answer to each of the questions you have posed is "No".

Reply from Mr Peter Harborne, Clerk Adviser, 5 November 2007

PUBLICATION OF BRIEFING BY THE COMMITTEE'S LEGAL ADVISER

Thank you for your letter of 30 October 2007.

The answers to your questions are:

- No; and
- No.

Reply from Ms Estelita Manalo, Office Support Assistant, 5 November 2007

In response to your letter dated 30 October regarding the publication of European Scrutiny Committee's Briefing papers by the *Daily Telegraph* on the 26th June, here is my answer to your questions;

I did not make any copy on both of the briefing notes and certainly did not make any of the briefing notes available to anybody.

I did not have any copy of the documents in my custody and therefore it's not possible to anyone to gain access of the said documents through me.

I hope this letter will help and answered your questions properly.

Reply from Mr Allen Mitchell, Database Manager/Registrar, 5 November 2007

In answer to your specific questions on the briefing prepared for the European Scrutiny Committee by its legal adviser.

- I did not make available a copy of either or both of the briefing notes, in any form, to anybody, not even a Member of the Committee and certainly not their staff as I did not have access to any form of the aforementioned briefing notes until after the appearance of the Telegraph article.
- There is therefore no reason to suppose that a third party, not authorized to receive such papers, could have gained access to something which was not in my custody before the appearance of the Telegraph article.

Reply from Sir Edward Osmotherly CB, Clerk Adviser, 1 November 2007

Thank you for your letter of 30 October about your Committee's inquiry into the circumstances leading to the publication in the *Daily Telegraph* of 26 June of the legal adviser's briefing for the European Scrutiny Committee.

You asked me two questions. My answer to each of them is "No".

Letter from Mrs Su Panchanathan, Committee Secretary, 1 November 2007

With regard to your letter of 30 October 2007 on the leak of briefing papers to *Daily Telegraph*, my response is:

- I did not make available a copy of the briefing notes, in any form, to anybody.
- There is no reason to suppose that a third party could have gained access to the papers in my custody before the appearance of the article.

Reply from Mr Thomas Powell, Social Policy Section, House of Commons Library, 31 October 2007

Thank you for your letter of 30 October, concerning the publication of an article in the *Daily Telegraph* which drew on briefing prepared by the legal adviser to the European Scrutiny Committee.

In response to your specific questions I can confirm that:

- I did not make a copy of either or both of the briefing notes, in any form, to anybody other than the members of the Committee; members of staff of the members of the Committee who were duly authorised by those members to receive Committee papers; or other members of the Committee's staff.
- I have no reason to suppose that any third party, not authorised to receive such papers, could have gained access to electronic or paper copies in my custody before the appearance of the Telegraph article on 26 June.
- Do let me know if I can be of any further assistance to the Committee's inquiries.

Reply from Ms Vivien Rose, Deputy Counsel, Legal Services Office, 13 November 2007

Thank you for your letter of 6 November 2007 regarding the unauthorised disclosure of the briefing notes prepared by the legal adviser to the European Scrutiny Committee. John Vaux forwarded to me a copy of the second of the briefing notes because we had been discussing the Reform Treaty in relation to my work as co-editor of a legal text book on European Community Law of Competition. My interest was in understanding the import of the French amendment to certain wording relating to competition as an objective of the Union, something which had received a great deal of press coverage. I read the briefing note on screen—in fact it was not particularly relevant to the point I was interested in.

I did not make a copy of the note available in any form to any other person. I did not print out a copy of the note so I never had a paper copy of it and I did not forward the email with the note attached to any person. No one has had access to my computer so I have no reason to suppose that a third party could have gained access to the email in my in box.

Reply from Ms Dory Royle, Secretary, 5 November 2007

Thank you for your letter of 30 October.

I would respond to the questions raised as follows:

- I did not make available to anybody, or in any form, a copy of either of the briefing notes.
- I have no reason to suppose that any unauthorised access has been gained to either electronic or paper copies of any papers within my custody.

Reply from Mr John Vaux, Counsel to the Speaker, Legal Services Office, 31 October 2007

Thank you for your letter of 30 October 2007 which asks two questions.

I made available a copy of the second briefing note to Ms Vivien Rose who is a colleague in the Legal Services Office. I did so by forwarding to her the second briefing note as an attachment to an email, which I deleted shortly after sending it, because Ms Rose has expertise relevant to part of the subject matter of the second briefing note.

There is no reason whatsoever to suppose that a third party, not authorised to receive Committee papers, could have gained access to the first or second briefing note through either electronic or paper versions in my custody.

Reply from Ms Emma Webbon, Second Clerk, 5 November 2007

With reference to your letter of 30 October 2007, I confirm that I did not forward either of the briefing notes to anybody, nor do I have any reason to suppose that a third party could have gained access to either electronic or paper copies held by me.

Letter from the Chairman, Committee on Standards and Privileges to Mr George Jones, Political Editor, the *Daily Telegraph* newspaper, 5 October 2007

On 26 June together with your colleague Bruno Waterfield, you published a story under the headline “Blair’s EU safeguards ‘may not be watertight’”. The article contained direct quotations from two papers prepared for the European Scrutiny Committee by Mr Michael Carpenter, its Legal Adviser. These papers had not been reported by the Committee to the House of Commons, so their formal status was that they remained confidential to its members and staff.

As you may be aware, the European Scrutiny Committee conducted its own inquiry amongst its members and their staff and the Committee staff to try and establish precisely how material from the two papers got into the public domain, but was unable to establish the circumstances. As it considered the public disclosure of Mr Carpenter’s advice to amount to substantial interference with its work, a conclusion in which the Liaison Committee has concurred, it has formally reported the matter to the House by way of a Special Report.

Such Special Reports stand automatically referred to the Committee on Standards and Privileges. As a first step in the Committee’s inquiry, I am seeking to establish the specific chain (or chains) of events which led to Mr Carpenter’s advice to the Committee gaining a wider currency at that time than—as intended by Mr Carpenter and as permitted by the rules of the House—just the members (and to the extent authorised by each individual member for the purpose of assisting them in their work as Committee members, their personal staff) and staff of the European Scrutiny Committee.

As part of my inquiries, I am writing to ask you to confirm that, as asserted in the article, *Daily Telegraph* staff physically had sight of the relevant papers. It would also be very helpful if, without in any way compromising your source, you could give me some indication as to its general nature. I ask this question not least because, in circumstances such as this, the shadow of suspicion inevitably falls—for the most part unfairly—on a wide range of categories of individual. Any indication that you can give which helps to remove that shadow from any particular group will, I know, be welcomed by them.

I look forward to hearing from you in due course. As the matter has been formally referred to my Committee, your response to this letter will constitute formal evidence to a select committee inquiry.

Reply from Mr George Jones, Executive Editor, Politics, Telegraph Media Group, 24 October 2007

Thank you for your letter about the report with Bruno Waterfield on EU safeguards not being watertight. I am sorry for the delay in replying but the letter only reached me today, having possibly been held up in the postal strike.

I am afraid I cannot be of much help as the document arrived anonymously in a brown paper envelope. Unfortunately, as you may be aware, the *Daily Telegraph* was recently decanted from the Press Gallery over the summer and the original document was either lost or destroyed in the move. I am sorry I cannot help the committee further.

Evidence relating to the Home Affairs Committee

Letter from the Chairman, Committee on Standards and Privileges to members of the Home Affairs Committee, 18 December 2007

Following your Committee's agreement to make a Special Report the House in the light of the unauthorised disclosure of its draft Report on the government's counter-terrorism proposals, the matter now stands referred to the Committee on Standards and Privileges for investigation.

I should therefore be grateful if you would let me know what, if any, information you have concerning the circumstances in which details of the draft report might have got into the hands of the *Financial Times*. I should also be grateful if you would send me your copy of the Chairman's draft report. I will ensure that this is returned to you with as little delay as possible.

It would assist my Committee's inquiry if you could let me have a response by Friday 11 January.

Reply from Mr Jeremy Browne MP, 17 January 2008

UNAUTHORISED DISCLOSURE OF THE HOME AFFAIRS SELECT COMMITTEE'S REPORT INTO COUNTER-TERRORISM PROPOSALS

Thank you for your recent letter on the above topic. I am afraid I have no information concerning the circumstances surrounding the leak and could not indicate to you how the breach occurred. I am also unable to provide my copy of the draft report, as this was destroyed by my office after the publication of the full report shortly before Christmas.

I wish you well with your inquiry and hope that it prevents such a breach occurring in future.

Reply from Karen Buck MP, 18 December 2007

Thank you very much for your letter of December 18th.

I am afraid that I have no useful information to share with regards to the draft document from the Home Affairs Select Committee. I was not responsible for passing on any details of the report and discussed its contents with no-one other than one or two members of the committee. I feel that the leaking of the contents of the draft report was damaging to the committee and believe very strongly that such behaviour is unhelpful and counter-productive.

Reply from Mrs Ann Cryer MP, 3 January 2008

I refer to, and thank you for, your letter of the 18th December.

There is little I can add to your Committee's enquiry into the unauthorised leak to the newspapers of the draft report of the Home Affairs Select Committee into the Government's counter-terrorism proposals.

It may help your enquiry to know that I missed three meetings of the Select Committee: on Tuesday, November 27th, I attended the funeral of a friend in Sheffield; and on December 4th and 11th I was at home suffering from bronchitis. My GP, ***, prescribed anti-biotics and suggested that I should not travel to Parliament until I was much improved.

I had my first sight, therefore, of the report (along with other Home Affairs Select Committee documents) on Wednesday, December 12th when I called into my Parliamentary office.

I believe that I received, through my Keighley Constituency Office, on Monday December 10th an e mail from Martin Salter and Patrick Mercer suggesting an amendment to Paragraph 66 of the report.

Although I was in Parliament on Thursday, December 13th I did not attend the official launch of the report as I had not been told where it would take place.

Finally, I would like to make my position absolutely clear. I at no time leaked to anyone the contents of the Home Affairs Select Committee's report into the Government's counter-terrorism proposals.

I enclose herewith my copy of Volume 1 of the said report and the printed e mail from Martin Salter and Patrick Mercer.

Reply from David T C Davies MP, 21 December 2007

Thank you for your letter of 18th December 2007.

I would like to make it clear that I had nothing to do with this leak. I do not read the *Financial Times* and, to the best of my knowledge, I have not spoken to a journalist on the paper since being elected in 2005.

I did not discuss the draft report with anyone and I had not even seen it before extracts were published in the *Financial Times*.

My copy of the report is in London and I will try and get it to you ASAP.

Reply from Mrs Janet Dean MP, 7 January 2008

UNAUTHORISED DISCLOSURE OF THE DRAFT REPORT ON THE GOVERNMENT'S
COUNTER-TERRORISM PROPOSALS

Further to your letter of 18 December 2007 I confirm that I have no knowledge of the unauthorised disclosure of the Committee's Draft Report and I did not divulge the contents of the draft to anyone.

I hope that the source can be identified because suspicion is thrown on everyone when such a leak occurs.

Reply from Patrick Mercer OBE MP, 21 December 2007

Thank you very much for your letter of 18 December. I have had irregular contact with the *Financial Times* since the inception of the "28 day" debate some two years ago. Despite this, I have no information that will be useful to you concerning this leak.

My copy of the Chairman's draft report was, in common with all sensitive documents that I have to handle, destroyed shortly after it was given to me. I cannot now remember whether it was sent to me beforehand or was waiting for me in the meeting: I suspect the latter. If I am wrong it would have been lodged in my safe within my office and unavailable to prying eyes!

Reply from Margaret Moran MP, January 2008

Apologies for the oversight. I do not know any information which might assist except, as I indicated in writing to our Chair, I can categorically state it was not me! My draft report was handed back to the Chair/Committee Clerk. I believe I put my name on it so that there can be no confusion. I sincerely hope your efforts succeed as this brings all committees into disrepute.

Reply from Gwyn Prosser MP, 18 January 2008

Please accept my apologies for not responding earlier about the leak of information to the *Financial Times*—I emailed the Committee Chairman at the time (copy enclosed) and wrongly assumed that that would suffice.

I can confirm that I had no contact with anyone outside the committee about the content of our draft report prior to publication and I have no knowledge of the circumstances of the leak that might help your investigation.

If I've still got my copy of the draft it will be locked away in my HoC Office and I will search for it on Monday but I can't guarantee that I haven't dumped it.

Sorry I can't be of more help.

Reply from Bob Russell MP, 21 December 2007

Thank you for your letter of 18th December 2007. I have no knowledge of how details of the Home Affairs Select Committee's "draft report" on counter-terrorism proposals got into the hands of the *Financial Times*.

Nor can I provide any information about a report which appeared in the *London Evening Standard*. What I can say, and I told colleagues this at our next meeting, was that I was contacted by a journalist on The Guardian who was fishing for details. As on previous occasions when I have been contacted for comments prior to the publication of Committee Reports, I declined to do so and referred them to the Chairman.

I keep all my Committee papers in my office at the House of Commons, so I will have to await my return after the Christmas Recess to see if I still have the "draft report". In the past I have sometimes handed them in at the end of the meeting or had them destroyed. I hope that I still have this one to hand!

What I think is equally worrying is that it has now been revealed that confidential e-mails between the chairman and Lord Falconer found their way to The Guardian (and possibly other newspapers). The Chairman told the Committee that he had not leaked his own e-mails, which leaves us with two choices: either Lord Falconer leaked them, or someone has hacked into the private e-mail traffic between these two distinguished people. Either way, this is clearly a serious matter—and, I believe, should be investigated.

Reply from Martin Salter MP, 7 January 2008

I write in response to your letter of the 18th December 2007. I have no information as to the circumstances in which details of the Home Affairs Select Committee draft report on the Government's counter-terrorism proposals were leaked to the *Financial Times*.

It is, however, clear to me that the person leaking the report was an opponent of any proposal to increase the pre-charge detention period beyond 28 days.

I hope this is helpful.

I attach my copy of the Chairman's draft report as you required.

Reply from Mr Gary Streeter MP, 20 December 2007

Thank you very much for your letter of 18 December 2007.

I am afraid that I have absolutely no idea how the draft report on the Government's counter terrorism proposals came to be leaked to the *Financial Times*.

At this stage, writing from my constituency office, I do not have the draft report although it might be in my London desk. If it is, I will let you have it, but if not it has already been disposed of.

Reply from Rt Hon Keith Vaz MP, 19 December 2007

I am writing to thank you for your letter of the 18th December regarding the leak of the Chairman's Draft Report on the Government's Counter-terrorism proposals. I can confirm that I have no information as to how details of the draft report might have got into the hands of the *Financial Times*.

I am pleased that the Committee has begun its inquiry into this matter and would be grateful if it would consider calling the relevant journalist, Jimmy Burns, from the *Financial Times* who claims to have seen the draft.

I enclose as requested by you my copy of the Draft Chairman's Report.

I would also like to inform you that since this leak occurred the Home Affairs Committee has now adopted the practice of collecting copies of draft reports as soon as the Committee has read them and give them back to the Clerk of the Committee.

If I can be of any assistance on this matter please do let me know.

Reply from Mr David Winnick MP, 19 December 2007

Thank you for your letter, which presumably has gone to all members of the Home Affairs Committee.

Keith Vaz at the time asked the members if they had any information on how the draft report on the counter-terrorism proposals was leaked. I have no knowledge of how this occurred and certainly was not involved in any way. I deplore such leaks, which, apart from anything else, undermine the mutual confidence amongst members on the Committee.

You asked for my copy of the draft Report to be enclosed with this note. I brought my copy to the Committee meeting where we discussed and finalised the Report; this was after the leak to the *Financial Times*, as well as the *London Evening Standard*.

At this meeting, where the Report was finalised, I moved some amendments based, of course, on the draft Report which was before me. However, it is my normal custom, once a report has been finalised, to throw the draft one away, since I see no purpose by retaining it.

Letter from the Chairman, Committee on Standards and Privileges to Mr Jimmy Burns, *Financial Times*, 18 December 2007

On 5 December, an article appeared in the *Financial Times*, attributed to you, which drew on what you described as "a leaked draft" of a draft report submitted to the Home Affairs Committee on the Government's counter-terrorism proposals. The article included a number of quotations from the draft. Following a Special Report to the House from the Committee, the matter of the unauthorised disclosure of this draft report stands referred to the Committee on Standards and privileges for investigation.

Such unauthorised disclosure inevitable casts suspicion on a wide range of people, in the vast majority of cases unfairly. The Committee on Standards and Privileges would therefore be grateful for any assistance you can give, consistent with maintaining your professional obligations, in removing that cloud of suspicion from as many of those as possible on whom it falls unfairly. In particular, it would be helpful if you could let me know how you received this material, and at what time you received it. I should also be grateful if you could send me a copy of the material you received.

It would assist the Committee's inquiry if you could respond to me by Friday 11 January.

Reply from Mr Jimmy Burns, *Financial Times*, 8 January 2008

Thank you for your letter dated 18th December which I received just before the Christmas break. I apologise for the delay in replying.

As I am sure you realise, I am in a difficult position here. I have enormous respect for the seniority of the committee and for the role it plays. However, as I think your letter recognises I have to be bound by my professional obligations. While I would ordinarily wish to help the committee I cannot see any way that I can do so while meeting those obligations. Complying with any of your requests would make it easier for my source to be identified and so I must decline.

I am sorry but feel I have no choice in this matter.

**Letter from the Clerk, Committee on Standards and Privileges to the Clerk, Home Affairs Committee,
10 January 2008**

As you will be aware, the Chairman of the Committee on Standards and Privileges has initiated the investigation into the unauthorized disclosure of your Chairman's draft report on the Government's Counter-Terrorism Proposals. Do you yet have a publication date for your Committee's Special Report on the matter?

I know that as part of your own investigation, you wrote to all the staff concerned, and that the relevant correspondence is to be published with the Special Report. When I have seen that, I will be able to judge whether I need to repeat the exercise as part of my own Committee's inquiry.

We have already discussed informally the sequence of events from the discussions immediately ahead of finalisation of the Chairman's draft report, through its distribution and requests for further copies, to the appearance of the article in the *Financial Times* the following day. All of these are undoubtedly relevant to the Committee's inquiry. I should therefore be grateful if you could provide me with a memorandum setting out in as much detail as possible this sequence of events, including timing and details of the circulation, approaches made (and to whom) for additional copies and the grounds on which they were requested, and also details of any additional copies sent out on the initiative of staff. It would also be helpful if you could let me know about any copies subsequently supplied to anybody who had received one before the *Financial Times* article appeared.

Finally you mentioned to me that it was possible to be certain that the version disclosed to the press was the draft report as circulated to the Committee, and not any earlier working text. Perhaps in your note you could explain the grounds for this.

I look forward to hearing from you.

Reply from Elizabeth Flood, Clerk, Home Affairs Committee, 29 February 2008

Thank you for your letter of 10 January about the Committee of Standards and Privilege's investigation into the unauthorised disclosure of my Chairman's draft report on the Government's Counter-Terrorism proposals. I apologise for the long delay in replying to it.

Although he has been given oral assurances from all members of the Committee, despite reminders, the Chairman still has not received a written response to his letter about the leak from four members. This has delayed publication of the Special Report. However, all the staff have replied. As a result, we intend to publish the Special Report early in March.

I attach a memorandum in the terms you requested. I drafted the memorandum in January, shortly after receiving your letter.

**Memorandum on sequence of events connected with the drafting and distribution of the Chairman's draft
Report on the Government's Counter-Terrorism proposals**

DRAFTING OF REPORT

In October 2007, the Committee decided to extend its inquiry into the Government's counter-terrorism proposals by taking oral evidence from further witnesses. However, it agreed to work to a tight timetable as it wished to publish a report before the proposed Counter-Terrorism Bill was introduced, which was expected to take place before Christmas and perhaps as early as the end of November.

I therefore began drafting the parts of the Report dealing with the background to the inquiry and the evidence received to date from witnesses in mid November.

On 13th November, the Committee agreed to hold a Heads of Report discussion at its meeting on 21st November. It later became apparent that the Committee had too long an agenda on that date and formal consideration of Heads of Report was postponed till Tuesday 27th November, though there was some preliminary discussion on 20th. Also on 20th November, the Committee decided that it would need two meetings to consider the Report in addition to the Heads of Report meeting and it fixed on 6th and 11th December.

Meanwhile, I had completed the first draft of the Report, but was, at the Chairman's request, providing alternative recommendations for his consideration on the controversial question of the extension of pre-charge detention of terrorist suspects beyond 28 days.

The Committee discussed Heads of Report on 27th November, concentrating especially on the proposed extension of the 28-day limit and the Chairman's outline recommendation on that issue. As a result of that discussion, I amended the draft Report on 28th November. This version is the first that I still have saved on the Committee's M-drive. I further amended it on 29th November (which version I sent to the Chairman),

and, in response to his instructions, further amendments were made on 30th November (which I again sent to the Chairman, and to Mr Robert Wilson, the relevant Principal Clerk of Select Committees). The Chairman suggested further amendments on 3rd December, and this version was sent to him that evening.

The Chairman was aware that the Committee would need a couple of days to read and think about the draft and we agreed that copies of the draft Report should be handed out to the Members who attended the Committee meeting on 4th December, and distributed to those who were absent.

CIRCULATION OF REPORT

The Chairman's final amendments were notified to me by his assistant, Vernon Hunte, at about 8.30 am on 4th December, just before the draft was due to be distributed to the Committee. The Chairman suggested some further amendments to the Summary and to the paragraphs detailing recommendations relating to the extension of the 28-day limit (paragraphs 63–67).

I printed off the final version of the draft and the Second Clerk of the Committee took 20 photocopies of the master, each of which she numbered and allotted to a member of the Committee, a member of staff or as spares; she recorded that information on a list and then wrote the allotted number on random pages of the copy. All the copies were on blue paper to distinguish them from the papers relating to other inquiries. The Members' copies and that for Mr Robert Wilson, Principal Clerk of Select Committees, were placed in double envelopes, following standard procedure.

I left the master copy and my numbered photocopy in an unmarked folder in a drawer in my office. The four spare copies were locked in a drawer in the Second Clerk's office. Their envelopes were handed to the eleven Members present at the meeting. The envelopes for those who were not present (Messrs Browne and Clappison and Mrs Cryer) were placed on the Letterboard, and Mr Robert Wilson's was delivered to his office.

One member of the Committee, Mr Prosser, left his envelope (inner envelope unopened) behind at the end of the meeting. It was put back inside its outer envelope, resealed and left on the Letterboard for collection.

I was out of the office on the afternoon of 4th December as I was attending a family funeral. I was later told that during that afternoon, Mr Vernon Hunte had telephoned and spoken to both our secretary, Mrs Dinsdale, and our Committee Assistant, Tony Catinella, asking for an electronic copy of the draft Report to be e-mailed to him on behalf of the Chairman. Mrs Dinsdale and Mr Catinella can give more details about what was said. We had been told by the Chairman to treat all requests from Mr Hunte as if they came direct from him, so an electronic copy was e-mailed to Mr Hunte.

Also that afternoon, a copy was e-mailed to a member of the staff of the Scrutiny Unit, Ms Gemma Buckland, who had been helping us with the Counter-Terrorism inquiry.

DISCLOSURE OF CONTENTS OF DRAFT REPORT

On 5 December, the *Financial Times* published an article by Jimmy Burns under the headline "Blow to Brown on terror proposal". Mr Burns accurately reported the contents of a "leaked draft" of the Committee's report, and quoted three short passages:

That the terrorist threat facing the UK is "real, acute and growing"

That, in this context, requests from the police must be treated with "great seriousness"; and

"We consider that there should be clearer evidence of the* need before civil liberties are further eroded, not least because without such evidence it would be difficult to persuade the communities principally affected that the new powers would be used only to facilitate evidence gathering and not as a form of internment."

These passages appeared in different parts of the report—the first two quotations were taken from the Summary, the first appearing in that form only in the Summary, and the third from paragraph 63.

The second and third quotations were some of the amendments made to the draft on 3rd December, as a result of discussions with the Chairman. The first quotation was an amendment made to the draft on the morning of 4th December, as a result of my instructions from Vernon Hunte. Previously, the phrase had appeared in the form "real and acute". This is why I deduce that the version of the draft seen by Mr Burns was that circulated to the Committee on 4th December.

* This "the" does not appear in the draft Report, but apart from that all three quotations are verbatim.

Letter from the Clerk, Committee on Standards and Privileges, to the Clerk, Home Affairs Committee, 16 May 2008

The Committee on Standards and Privileges is about to embark on its inquiry into the circumstances in which this draft report was disclosed to Mr Burns. At this stage, I have only two further questions: did any member of the Committee, or any member of staff request a further paper copy of the draft report before it was first considered by the Committee on 6 December? The second follows, if the answer to this question

is in the negative, would it be correct to say that the only copies of the report which had been officially distributed outside your office before the appearance of the article in the *Financial Times* on 5 December were:

- the fifteen paper copies distributed, one to each member of the Committee and one to Mr Wilson; and
- two electronic copies, one sent to Ms Buckland in the Scrutiny Unit and one to Mr Vernon Hunte, both on the afternoon of 4 December?

I am also writing to Mr Catinella and Ms Dinsdale concerning the request made on the afternoon of 4 December for an electronic copy.

PS Could you also tell me at whose request the electronic copy was sent to Ms Buckland, and precisely when?

Reply from Elizabeth Flood, Clerk, Home Affairs Committee, undated

[in relation to the first question] No.

[in relation to the second question] Yes.

[in relation to the post scriptum] 14.41 on Tuesday 4th—at Gemma’s request.

Letter from the Clerk, Committee on Standards and Privileges, to staff of the Home Affairs Committee, 16 May 2008

As you will be aware, the unauthorised disclosure of the Home Affairs Committee Chairman’s draft report on the Government’s Counter-Terrorism proposals is now a matter for the Committee on Standards and Privileges. Now the Home Affairs Committee’s First Special Report has been published, the Committee is beginning its investigation.

According to the memorandum I have received from Elizabeth Flood, you were approached by Mr Vernon Hunte on the afternoon of 4 December, asking for an electronic copy of the draft report to be e-mailed to him on behalf of the Chairman. I should be grateful if you could let me have a note setting out as much of the following information as you can provide:

- at what time he called;
- details of the request, and any background Mr Hunte provided as to why the electronic copy was being requested;
- what action you took in response to the request; and
- any other information you have about the circumstances of Mr Hunte’s request and the action you took that you think may be relevant to the Committee’s inquiry.

It would be helpful if your response could reach me by Monday 2 June. Please do not hesitate to get in touch if you want to clarify any of the requests in this letter, or need any further information.

Reply from Mr Tony Catinella, Committee Assistant, Home Affairs Committee, 19 May 2008

I have detailed below my account of the phone conversation with Mr Vernon Hunte regarding his request for an electronic copy of the Chairman’s draft Report on the afternoon of Tuesday 4 December 2007.

The call from Mr Hunte was passed to me at approximately 4 pm by Ms Sheryl Dinsdale, the Committee Secretary, who was unable to work out what Mr Hunte was asking for.

Mr Hunte said he would like a copy of the draft report (The Government’s Counter-Terrorism Proposals). I made sure that it was the most recently amended version that he was asking for. I then pointed out that the Chairman already had a copy of this.

Mr Hunte said “I think he has lost it”. I took this to mean that he had temporarily misplaced it rather than lost it. He then went on to say “maybe he has it with him or he has left it in the car”.

I then e-mailed Mr Hunte a copy as requested at 4.25 pm to huntev@parliament.uk. I then immediately held a conversation with Ameet Chudasama, Chief Office Clerk on the Home Affairs Committee, in which we discussed how odd it was that Vernon was asking for a further copy.

It is worth pointing out that Keith Vaz MP, Chairman of the Committee, instructed all Committee staff, on a number of occasions, to treat any conversation or communication from Mr Hunte as if it were from him personally. Instructions from Mr Hunte were to be handled as if they were from the Chairman himself.

Reply from Ms Sheryl Dinsdale, Secretary, Home Affairs Committee, 21 May 2008

In response to your letter dated 16 May regarding the disclosure of the Home Affairs Committee Chairman’s draft report on the Government’s Counter-Terrorism proposals, I can confirm that on Tuesday 4 December I received a call from Mr Hunte at around 4.00 pm.

Mr Hunte asked if he could have a copy of the Minutes of the meeting. The request actually didn't make any sense to me as I believed it wasn't the Minutes he was actually after. Due to the confusion of the request I passed the call to Tony Catinella to deal with. Once Tony had ended the call he confirmed with me that it was actually the draft Report that Mr Hunte required for the Chairman. From that point on I had no further dealings with the request.

Letter from the Clerk, Committee on Standards and Privileges, to the Clerk, Home Affairs Committee, 5 June 2008 (similar letter sent to the former Clerk of the Committee)

Can I pursue one point that has arisen in connection with this Committee's inquiry into the unauthorised disclosure of your Chairman's draft report on the Government's counter-terrorism proposals?

Mr Vernon Hunte has made the following statement to me:

"It is the practice of the Committee to provide electronic and hard-copies of all Committee documents to the Chairman."

Could you confirm whether this is in fact the case and, in particular, whether it is the practice routinely to provide the Chairman with electronic copies of the "as circulated" version of Chairman's draft reports (ie the version to be considered by the Committee).

I should be grateful for a response by Thursday 12 June.

Reply from Elizabeth Flood, Clerk, Home Affairs Committee, 11 June 2008

I am writing in response to your letter of 5 June asking about the practice of the Home Affairs Committee in distributing documents electronically.

It is the practice to provide electronic and hard copies of all documents other than "as circulated" Chairman's draft reports to Members. The Chairman receives electronic copies of various versions of reports while they are still being drafted by the Committee staff, as this is the quickest way for us to check that they accord with what he wants; but the final version, as distributed to all Members, is given or sent to the Chairman only in hardcopy.

It may also be helpful to confirm that the draft Report on the Counter-terrorism proposals was the first report to be considered by the Committee after Mr Vaz became Chairman. The Committee had agreed two Special Reports in October last year after Mr Vaz became Chairman, but these were simply the publication of two Government responses.

Reply from Dr Robin James, former Clerk, Home Affairs Committee, 11 June 2008

Thank you for your letter of 5 June.

You asked me to comment on Mr Hunte's statement that "it is the practice of the Committee to provide electronic and hard-copies of all Committee documents to the Chairman"; and, in particular, on whether it is the practice routinely to provide the Chairman with an electronic copy of the "as circulated" version of a Chairman's draft report.

My recollection of practice during the period when I was Clerk of the Home Affairs Committee is as follows:

1. Not all papers received by the Committee were distributed even in hard copy. Only a selection of incoming memoranda, correspondence and other material was actually sent out to Members, including the Chairman; the remainder were listed on the Committee's weekly "bulletin", and any Member who wished to receive a particular item could do so on request to the Committee staff. This system served to reduce the amount of paperwork sent out to Members to a manageable level.
2. Of the items that were circulated in hard copy, only a proportion were circulated in electronic form (albeit an increasing proportion over the years, as Members became more accustomed to dealing with items electronically).
3. During the chairmanship of Mr Denham, inquiry leaders would send early drafts of reports to him in electronic form, and receive emailed comments or an amended version from him in return, but this was only during the drafting phase. When the draft report had been approved by Mr Denham and adopted as the "Chairman's draft Report", it was circulated to other Members in hard copy only.
4. Mr Vaz replaced Mr Denham as Chairman on 25 July 2007. Between that date and 31 October 2007, when I ceased to be Clerk of the Committee, no draft Reports were sent to the Chairman in any format (other than two draft Special Reports relating to government replies to earlier Committee Reports—each of these was only a few lines long and was entirely routine).

I should add that I have checked with Tony Catinella and Ian Thomson, who were successive Committee Assistants on the Home Affairs Committee during the period when I was its Clerk, and were therefore the staff members directly responsible for organising the circulation of Committee papers. They have confirmed the accuracy of my recollection as to Committee practice in these matters.

Oral evidence

Taken before the Committee on Standards and Privileges

on Tuesday 17 June 2008

Members present

Sir George Young, in the Chair

Mr David Curry
Mr Andrew Dismore
Nick Harvey
Mr Elfyn Llwyd

Mr Chris Mullin
The Hon Nicholas Soames
Mr Paddy Tipping
Dr Alan Whitehead

Witness: **The Rt Hon Keith Vaz MP**, a Member of the House, Chairman, Home Affairs Committee, gave evidence.

Q1 Chairman: Good morning, Mr Vaz. Thank you for joining us this morning. As you know, this Committee is doing an inquiry into the unauthorised disclosure of your Report, and we are seeing one or two witnesses this morning. I wonder if I could ask you to start with if you could putting this leak in context? What might have been the motives of whoever it was who leaked the Report, and what were the consequences for your Committee of the leak?

Keith Vaz: Sir George, good morning. First can I say how pleased the Committee is that the Standards and Privileges Committee is conducting this inquiry? We first discovered that there was a leak when we read the *Financial Times*, “we” being other members of the Committee and I, on 5 December, which was a day after the Chairman’s draft had been circulated. This was a very difficult Report. Probably each member of the Committee had a different view as to what we should be doing about the Government’s counter-terrorism proposals, and therefore any leak, any indication of the thinking of the Committee, was difficult for us in the way in which we decided on the final wording of the Report, which we did not do until the 11 December.

Q2 Chairman: But what might, then, have been the motives of whoever leaked it? Would it have been to embarrass the Government?

Keith Vaz: I have no idea because the wording that was in the *Financial Times* on 5 December was in the end different from what the Committee agreed, so throughout that week before the draft Report before it became a draft Report was being changed almost hourly by different members of the Committee, so it was not helpful to the deliberations of the Committee, and the next day the Home Secretary, on 6 December, announced her own proposals on counter-terrorism and subsequently came to give evidence, so I have no idea what the motives were because we still do not know who leaked the document.

Q3 Chairman: If there are no other questions on the general context perhaps I can move on to the specifics. Did you at any time lose your copy of the Report?

Keith Vaz: Did I—

Q4 Chairman: At any time lose your copy?

Keith Vaz: Lose? No.

Q5 Chairman: Is there any reason why Mr Hunte might have thought you could have lost or mislaid your Report?

Keith Vaz: I would not have thought so. I would not have thought it would be lost, but we were amending copies all the time.

Q6 Chairman: But, after the Committee had finished, would you have gone back to your office with the Report and left it in your office, or would you have taken it with you somewhere else?

Keith Vaz: Not necessarily, no. I would have taken it, possibly put it in my case, and my case would have been taken over or I would have taken my case over, but it would have left the Committee.

Q7 Chairman: Over where?

Keith Vaz: To my office.

Q8 Chairman: Back to the office?

Keith Vaz: Yes.

Q9 Chairman: So in theory the paper copy of the Report ought to have been in your office after the meeting?

Keith Vaz: Possibly—yes, of course it would have been in the office, but it would have been amended because we were amending the Report. The paper copies that were circulated—we were amending the paper copy of the Report actually at the meeting because that was the first time we had the opportunity of seeing it, or other members of the Committee could see it, so it would have a lot of scribbles on it because members would be changing it. So it would not be a clean copy of the Report.

Q10 Mr Mullin: Mr Vaz, good morning. Do you know Mr Burns?

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Keith Vaz: Mr—?

Q11 Mr Mullin: Burns. The journalist concerned.

Keith Vaz: I have spoken to him on the telephone and I have seen him.

Q12 Mr Mullin: When did you last speak to him?

Keith Vaz: When he rang me last week to ask me how I was going to vote in the counter-terrorism.

Q13 Mr Mullin: Did you speak to him at any time in relation to the Counter-terrorism Report?

Keith Vaz: Yes. Mr Burns and other journalists rang my office on a number of occasions to ask when we were producing the Report. I may not have spoken to them. My staff may have spoken to them.

Q14 Mr Mullin: But did you speak to him during that time?

Keith Vaz: I cannot remember. Probably, and I would have said “Wait until next week”.

Q15 Mr Mullin: Did you speak to him on December 4 or 5?

Keith Vaz: No. I would not have thought so.

Mr Mullin: Thank you.

Q16 Mr Dismore: How long had Mr Hunte worked for you before this happened?

Keith Vaz: Vernon Hunte? Two years.

Q17 Mr Dismore: What was his experience before he came to you?

Keith Vaz: Well, the way I appoint staff is we advertise on the net, and people apply. 130 people applied for his job and he was selected. He had a very good record of working for the Foreign Policy Centre and he got an extremely good degree from the LSE. You know the quality of people who apply for jobs as research assistants is very high and his work was absolutely brilliant.

Q18 Mr Dismore: What were his duties?

Keith Vaz: Before I became Chairman of the Select Committee he would be doing what a normal parliamentary officer would be doing. When I took over the Home Affairs brief he was helping me with the Home Affairs agenda. He would read the newspapers in the morning, he would make sure Home Affairs issues were brought to my attention, he would liaise with the Committee on my behalf; whenever he dealt with the Committee he was always acting on my instructions; he would pass back messages from the Committee; we had a change of Clerk from one to another and so he was invaluable in the work that I did.

Q19 Mr Dismore: And on that day, did you ask him to get an extra copy of the Report?

Keith Vaz: Yes, yes, we did, because each member of the Committee had a different view as to what the mechanisms should be on counter-terrorism and so every one of the 14 had their own view and, therefore, it was literally changing every few hours.

Q20 Mr Dismore: So Mr Hunte asked the Committee staff for a copy of the Report at your request?

Keith Vaz: Yes. He would not do anything without my knowledge when dealing with the Committee because he was a post box. He would have to report back.

Q21 Mr Dismore: Did he draft any amendments for you on that day?

Keith Vaz: He would have taken my instructions as to what I thought the Committee were saying and, therefore, I think what would happen, or has happened on subsequent and previous reports—though this was the first major Report, the other one was on Romania—is he would have a copy, I would have a copy and I would go through and feed in what the members said, so we would be sitting in the room together and he would amend it.

Q22 Chairman: On that, did you then have access to the electronic copy that came through later?

Keith Vaz: He would have printed it out. I cannot remember exactly what happened but what would happen if something came through electronically is he would print it out, bring it to me, sit in front of me and then I would feed through the amendments that had been made. He would then ring up the Clerk or fax it to the Clerk, so that the Clerk was aware of it. At that stage, Sir George, I had given two members of the Committee, Martin Salter, and Patrick Mercer, the responsibility of drafting the final part, the compromise section, to try and get the Committee to agree unanimously on our conclusions.

Q23 Chairman: Did you table any amendments to the electronic copy that came through?

Keith Vaz: I did not table them but members of the Committee on the morning of the 4th, having read the Chairman’s draft, almost all wanted to say something about it, so by the afternoon when we met we were already amending the draft Report which was then amended again on the 5th and circulated on the 6th for another meeting of the Committee, and in between is when the leak occurred.

Q24 Mr Llwyd: Mr Vaz, can I just ask you this? Mr Hunte in a way acted on your authority as all times?

Keith Vaz: Absolutely.

Q25 Mr Llwyd: And conversations with him were taken to be actually conversations with you, according to the evidence we have?

Keith Vaz: Yes.

Q26 Mr Llwyd: I am just curious, if it is usual in the last stages of amending a report for various people to ask for further copies, why should Mr Hunte say you had lost yours?

Keith Vaz: Well, I have no idea, but if I had I had. He would never say anything that was wrong or improper.

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Q27 Mr Llwyd: No, I am not suggesting in any way that he would say anything improper, but your evidence earlier on was that this was a constant amendment situation, and I am just curious as to why Mr Hunte had given the impression you had lost yours, or maybe you had left it in the car according to other members of the staff.

Keith Vaz: Well, I do not know, but if that is what he says it must be the case.

Q28 Mr Llwyd: Why should he bother to say that if it was a constant situation where copies were given and redrafted and so on?

Keith Vaz: I have no idea; you will need to ask him. I have to tell you I do frequently lose things in my office.

Q29 Mr Llwyd: Could I just press you a little on your response to the questions about Mr Burns? I think the final question put to you was whether you had spoken with Mr Burns on the day before the article.

Keith Vaz: Yes.

Q30 Mr Llwyd: And your response was “I should not have thought so”. Could I ask you to think further about that? Was that yes or no?

Keith Vaz: Well, I cannot remember who I spoke to on the 4th. I had 13 members of Parliament all wanting to do different things; we had the Home Secretary wanting to come and give evidence; we had many journalists ringing up; he could easily have rung my office and asked to speak to me. I subsequently rang him—no, I subsequently saw him at the next meeting of the Select Committee and I did admonish him and ask him why he printed this Report, but, to give you a definitive answer whether I spoken to him, if I had spoken to him I would have given him the same answer I would give all journalists, which is they have to wait for the publication of the Report.

Q31 Mr Llwyd: Would it not in the circumstances have been better perhaps not to speak with him at that stage?

Keith Vaz: Well, if they get through to me and they speak to me I have to tell them to go away. I cannot sort of just smile.

Q32 Chairman: From your report of what happened at your meeting it implies there was some discussion of the Report, whereas what the Clerk has said was that “the Chairman was aware that the Committee would need a couple of days to read and think about the draft and we agreed that copies of the draft Report should be handed out to members who attended the Committee and distributed to those who were absent”, which implies actually there was not substantive discussion and it was just handed out. Was there substantive discussion?

Keith Vaz: Well, with the greatest of respect to the Clerk, if you look at minutes of any of our Select Committees the Clerks never disclose discussions that are going on. The only section that people disagreed with was the process by which the counter-terrorism procedures were triggered, and that was

the kernel of the whole Report. The rest of the Report was all agreed. It was, as always, the conclusions, and particularly when the Home Secretary would be able to extend the detention period, so there was a discussion and that is why everyone went away. What was happening is throughout the days before, and on that day, I took it upon myself to speak to members; Mr Mercer and Mr Salter had produced a version, and they went away to see if they could find further compromises.

Q33 The Hon Nicholas Soames: Mr Vaz, how long has Mr Hunte worked for you, did you say?

Keith Vaz: He would have worked for me for two years prior to his departure.

Q34 The Hon Nicholas Soames: And have you in that time ever asked him, invited him, to leak anything to the press on your behalf?

Keith Vaz: Absolutely not, and I am absolutely certain he did not leak this Report to the press.

Q35 The Hon Nicholas Soames: And you are quite sure that he himself would not have leaked this document?

Keith Vaz: Absolutely.

Q36 The Hon Nicholas Soames: Can you think of anyone else amongst the members whom you regard as being unreliable in this respect?

Keith Vaz: No, I would never think any of my colleagues on my Committee are.

Q37 The Hon Nicholas Soames: Have there been any previous leaks from the Committee?

Keith Vaz: No, nor since. We have changed the process now and we do not let them keep the Reports—not because we suspect any of them, we just feel it is easier, once they have read the draft, to have the drafts handed back immediately.

Q38 Mr Curry: Mr Vaz, I am slightly puzzled about the process which led to the completion of the Report. In the Select Committees in which I have been a member, all the negotiation takes place inside the committee room and at the end of the day we agree the Report. I get the impression that, perhaps because you are up against a deadline and also because it is a complex issue there seems to have been a whole series of informal negotiations between members outside the committee room. Is that an accurate impression?

Keith Vaz: That is absolutely right, this was, Mr Curry a very exceptional report. The deadline we were up against was the fact that we wanted to publish before the end of the session on 17th and we were told, as usual, that it would take a week to print by the time everything was got together. We were then thrown at the end of this process on the 5th when the Home Secretary announced her own proposals on the 6th, so we had to have her back on the 11th to amend our Report again and then to get it to the printers.

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Q39 Mr Curry: So the normal process by which your Committee completed the Report would be the same as any other Select Committee?

Keith Vaz: Absolutely.

Q40 Mr Curry: But this was an exceptional procedure?

Keith Vaz: Yes.

Q41 Mr Curry: And because it was an exceptional procedure it could be, could it not, that there were in existence a series of reports, or drafts, which were not actually the same in all respects? There must have been a series of impromptus and variations going between colleagues, is that right?

Keith Vaz: Absolutely right, and, in fact, unknown to the *Financial Times* they printed a version that was completely wrong.

Q42 Mr Curry: And you had asked two colleagues, Mr Salter and Mr Mercer, to try and pull the thing together?

Keith Vaz: We did. On this Report, Mr Curry, because it was clearly very controversial, what we had sought to do was try and get a compromise which would bring the Committee together, as all Chairmen seek to do. However, we even divided on this.

Q43 Mr Curry: And Mr Salter and Mr Mercer, I do not know if they were sitting in a room together, would they then e-mail around the colleagues saying, "A propos paragraph 16, could you live with this?" Is that the sort of process, that they were sending chunks of the Report or controversial bits around?

Keith Vaz: I think before the Chairman's draft, because their first amendments were in the Chairman's draft, they would be talking to each other on the phone. I do not think they would be circulating it to colleagues. The first time colleagues would have seen their version would have been on the day of the 4th, but colleagues would have had their own versions. Mr Winnick, for example, was very keen we did not go beyond the 28 days and, therefore, he would be against that.

Q44 Mr Curry: So electronically there would be the same versions with perhaps annotations or amendments, and there would be physically a series of documents where people had perhaps put in what they had read in the latest effort to reach an agreement, or what they wanted themselves? So it was a bunch of palimpsests, as it were?

Keith Vaz: You make it sound totally chaotic and it was not as bad as that! But people were feeding in their thoughts on the process of the extension of the detention period.

Q45 Mr Curry: So, because of this process, the opportunity for something to go adrift or to be left or to be on a screen perhaps when there was a division or whatever, were greater than what would be the case in a "normal" procedure?

Keith Vaz: Possibly, but, of course, nobody would have the definitive version. The definitive version in the end was only agreed on the 6th and the process that the *Financial Times* put in as being the process of our choice was completely wrong. So my guess is that somebody who had received the Report on the morning of the 4th at the meeting, thinking this was the Chairman's draft Report, the final Report, had actually given it to the *Financial Times*.

Q46 Mr Curry: So you are able to pinpoint, as it were, the timeframe when the document which appeared in the *FT* existed as the latest version of the Report?

Keith Vaz: Absolutely. It must have been at that meeting because by the 5th afternoon—by the 4th afternoon it had changed.

Q47 Chairman: The leak must have taken place shortly after the meeting.

Keith Vaz: Yes.

Q48 Chairman: Because it was only at the meeting that the Report became available from which the quotes appear to have been accurate?

Keith Vaz: Yes. Absolutely.

Chairman: And by the next day, as you say, events had moved on.

Q49 Dr Whitehead: Could I just ask whether you normally work from computer texts or whether you do not? Are you highly computer literate or do you normally require that material is printed out for you which you work on which is then made back into electronic copy?

Keith Vaz: I am afraid I am not computer literate so normally even the task of printing things out and amending things on computer—I tend to lose documents on computer. I press the wrong button and get very worked up about it, so that is what my staff would do.

Q50 Dr Whitehead: So this procedure, as with others, would have been based on somebody printing out the material for you and you looking at the printed version and placing your amendments into the printed text and it then being converted back?

Keith Vaz: Absolutely, and they would then amend it, either phone the Clerk or send it as Vernon did, but it is a policy of my office to shred all the documents after we have dealt with them, so there were no documents hanging around photocopy machines. That is why they would be printed straight from the computer.

Q51 Chairman: I have one final question. It would be technically possible for the House authorities to track what e-mails left any particular e-mail account on any particular day. The Committee have not taken a view on this but would you have any objection if there was an audit of the outgoing traffic from your e-mail box on the day?

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Keith Vaz: Absolutely. I have no problem with that. Can I just say this about Mr Hunte because I did not realise the subject of this discussion was Mr Hunte, though I knew he was coming to give evidence because he informed me as a former member of staff that he was coming, though we did not discuss it. He is a person of the highest integrity. All my staff sign

confidentiality agreements when they join me, and if any of my staff were involved in anything of this kind they would be dismissed immediately, and I believe he would have no role whatsoever in leaking any document to any journalist. Everything he did would have been under my instructions.

Chairman: Thank you very much, Mr Vaz, for the evidence you have been good enough to give to us.

Witness: **Mr Vernon Hunte**, former Senior Parliamentary Officer to the Rt Hon Keith Vaz MP, gave evidence.

Q52 Chairman: Good morning, Mr Hunte. As you know, this Committee is conducting an inquiry into the unauthorised disclosure of the Chairman's draft Report of a Home Affairs Select Committee Report last year, and we are interviewing one or two witnesses. Can I start off by asking why you asked for an electronic copy of the Chairman's draft Report?

Mr Hunte: Absolutely. That day when I believe the leak must have happened I—well, it is the usual practice to go through, next to the Chairman of the Home Affairs Committee, the Report—not that Report but any briefing or report document—and he would annotate to me any amendments he would like for me to pass to the Clerk of the Committee.

Q53 Chairman: But after the Committee met in the morning there would have been a paper report, a hard copy of it?

Mr Hunte: Yes.

Q54 Chairman: What led you to believe that this had been misplaced or mislaid?

Mr Hunte: There is no reason to believe that. I only asked because it was standard practice for me to always ask the Committee directly for any electronic copies of any papers written to the Home Affairs Committee.

Q55 Chairman: What did you do when you got the electronic copy?

Mr Hunte: Printed off two copies and I cannot remember exactly when but I kept them with me and I went up to Keith and he went through the Report with me.

Q56 Chairman: But that would have been the same version as the hard copy that was circulated in the morning?

Mr Hunte: Yes.

Q57 Chairman: So why would it have been necessary to have an electronic copy if the identical hard copy was already available?

Mr Hunte: I fully appreciate that. In retrospect there was no need for me to ask for that electronic copy, I accept that. I only did it because it was such standard practice for me in my dealings with the Committee staff, that this was what I always did, so that is what I did.

Q58 Mr Dismore: When you received it and printed it off, did you delete it or leave it in your inbox?

Mr Hunte: I deleted it.

Q59 Chairman: Just pursuing this for a moment, did you with the Chairman draft any amendments to the electronic copy or, indeed, to the hard copy?

Mr Hunte: The process was the Chairman went through his suggested amendments, I took both copies back downstairs, rang up the Clerk of the Committee and went through the amendments he read out to me.

Q60 Mr Llwyd: You said that it was quite normal for you to request the further electronic copy? Nothing unusual about that?

Mr Hunte: This was the first report I dealt with on Home Affairs business, I just want that to be clear, so I was not sure on standard procedures, and I would have assumed that the Committee staff would have told me if I was breaking any protocol in this case.

Q61 Mr Llwyd: But you said earlier on that it was normal for you, after a Committee meeting, to ask for an electronic copy of the Report.

Mr Hunte: It was normal for me to ask for the Committee's papers, such as the briefings beforehand, before an evidence session, for example, so I could tabulate down the sides to make it easier for the Chairman's reference.

Q62 Mr Llwyd: Because your colleagues thought it highly unusual for you to ask for this further electronic Report.

Mr Hunte: I accept that, but I did not know at the time that it was unusual. This was the first Report.

Q63 Mr Llwyd: Did Mr Vaz indicate to you that he had lost his copy?

Mr Hunte: No. This was entirely my own decision to request this copy, and I regret it now but I did not know.

Q64 Mr Llwyd: Then why did you say to Mr Catinella that you thought that he had lost his copy?

Mr Hunte: This is six months ago now and I do not recollect saying that to Mr Catinella. I am sure the Chairman had his copy on him but I was not with the Chairman at the time.

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Q65 Mr Llwyd: So Mr Catinella is absolutely wrong when he said you said: “I think he has lost it” and then when you went on to say, “He might have it in his car”?

Mr Hunte: I do not recollect that conversation which was six months ago, but I can say that I know the Chairman did not lose it because he had it with him later that afternoon, and we returned it to the Clerk later on.

Q66 Mr Dismore: How long have you worked for Mr Vaz?

Mr Hunte: One year as senior parliamentary officer, and for about eight months beforehand as parliamentary officer.

Q67 Mr Dismore: And what did your duties involve?

Mr Hunte: They would involve basic tasks from photocopying to diary management to answering calls, arranging media appearances, providing briefings on relevant subjects.

Q68 Mr Dismore: Do you think it was unusual for him to put you as a member of staff in effectively the same position as he was?

Mr Hunte: First, I would not accept that premise, I was not in the same position as he was. I was at most a method of communication between him and the Committee staff.

Q69 Mr Dismore: Did you draft any amendments to this particular version of the Report?

Mr Hunte: No.

Q70 Mr Dismore: So when you said that you e-mailed or communicated, I am not sure which, the staff amendments to the Report just now, was that wrong?

Mr Hunte: I passed directly Mr Vaz’s suggested amendments to the Committee staff.

Q71 Mr Dismore: So he drafted the amendments?

Mr Hunte: Yes.

Q72 Mr Dismore: But you passed it on?

Mr Hunte: Yes.

Q73 Mr Dismore: And did he ask you to do anything with the Report other than that?

Mr Hunte: Not at all.

Q74 Mr Dismore: Why did you leave Mr Vaz’s employ?

Mr Hunte: Two years—although it felt like two and a half—was a very long time for a parliamentary officer, and the main reason I wanted to move, and I had been planning to move for some time, was to find a job which remunerated slightly better and also gave me opportunities for development. An MP’s office is quite small.

Q75 Mr Curry: The Chairman has just told us that he quite often lost things. Is that true?

Mr Hunte: Not as far as I know.

Q76 Mr Curry: And that he was prone to losing things and that he could well have, I think he said he might even have, lost this Report.

Mr Hunte: I know he did not lose this Report, as I say, because we returned it to the Committee staff when this came to light. But I maintain we had a very well organised office and if a piece of paper did go missing—

Q77 Mr Curry: So when you asked for that electronic copy it was for you to be able to see what was in it and work on it? It was not related to the whereabouts of the Chairman’s copy?

Mr Hunte: No. I want to make that entirely clear. This had nothing to do with me believing that any copy was lost because I would say no copy was lost, but it was standard practice for me. I thought as soon as the Chairman returned to the office I would like to have a copy ready so he could go up straight away. We were under a lot of pressure to try and get this out before the recess and this was the simplest way. I would have assumed the Committee staff would have told me if I was not meant to request this document.

Q78 Paddy Tipping: Could we return to the phone call with Mr Catinella? Can you remember what time of day that was?

Mr Hunte: It would have been afternoon.

Q79 Paddy Tipping: Could you be more precise?

Mr Hunte: I cannot really. I would not like to say a time because I would probably be wrong, but after the Committee meeting and before five o’clock in the afternoon, I would imagine.

Q80 Paddy Tipping: And you printed two copies off?

Mr Hunte: Yes.

Q81 Paddy Tipping: When did you see Mr Vaz’s original copy?

Mr Hunte: I would have seen it at some point in that day because we always prepare or he always has his Home Affairs pack, so he brought that back. So I would have seen it then.

Q82 Paddy Tipping: Did you see Mr Vaz’s original copy after the copy you had received electronically?

Mr Hunte: Yes.

Q83 Paddy Tipping: When was that?

Mr Hunte: It would have been when we went through it together at some point that afternoon, but I would not know what precise time.

Q84 Paddy Tipping: After you had spoken to Mr Catinella?

Mr Hunte: Yes.

Q85 Dr Whitehead: Can I return to the day of the leak? When you received the electronic copy, you mentioned that you produced two paper copies. Were you aware at the time that there was a process

17 June 2008 Mr Vernon Hunte

under way of trying to resolve certain issues within the Report which involved other members of the Committee, specifically Mr Salter and Mr Mercer?

Mr Hunte: I was aware.

Q86 Dr Whitehead: And did you send anything to them or did you have any discussions with them about how those amendments might be fed into the Report?

Mr Hunte: Not at that level, no. If anything it was saying that Mr Vaz would like a phone call, but not at all really.

Q87 Dr Whitehead: And you had always intended to leave Mr Vaz's employ shortly afterwards, had you?

Mr Hunte: Yes. I had originally been intending to leave at the end of July in the summer recess, but when he had his Home Affairs appointment I thought it would be a good opportunity to get Committee experience, which it has subsequently proved to be in my current position.

Q88 Mr Mullin: Do you know the journalist Mr Burns?

Mr Hunte: No.

Q89 Mr Mullin: You have never spoken to him?

Mr Hunte: No.

Q90 Nick Harvey: Tell us, is Mr Vaz quite handy with a computer? Does he have his own e-mail account?

Mr Hunte: He does, yes. I would say—and this is no offence to Members here—for an MP he is quite good with a computer. But he is very busy, and I am sure every Member here will recognise this that every Member of Parliament is very busy, and I did look after part of his electronic management, so to speak.

Q91 Chairman: If there are no other questions I have a final one. It would be within the competence of the House authorities, if we so wish, to do an audit of the outgoing e-mails from any individual account. Would you have any objection to that taking place with yours?

Mr Hunte: None at all.

Chairman: Thank you very much, Mr Hunte. That concludes your interview.

Written evidence

Letter from the Chairman, Committee on Standards and Privileges to Martin Salter MP, 1 July 2008 (similar letter to Patrick Mercer OBE MP)

As you know, the First Special Report of the Home Affairs Committee, which reported the unauthorised disclosure of the Chairman's draft report on the Government's counter-terrorism proposals, stands referred to this Committee.

On 17 June, Keith Vaz, the Committee Chairman, gave oral evidence in private on this matter. In the course of his evidence, he mentioned that he had given Patrick Mercer and yourself the responsibility for drafting certain possible compromise texts on aspects of the report. It would be very helpful to my Committee's inquiry if you could let me know:

- precisely what areas the Chairman asked Mr Mercer and yourself to work on;
- when he asked you to do this work; when it was completed; and how the outcome was communicated to the Committee (whether by incorporation into a formal text circulated in the name of the Chairman, or otherwise);
- whether this work involved, as part of the drafting process, the circulation of suggested wordings to colleagues on the Committee; and
- whether following your initial work, there was any further work carried out by you on this at the request of the Chairman and, if so, on what basis and over what period.

I should be grateful if you could let me have a response by Wednesday 9 July. I am writing in similar terms to Mr Mercer.

Reply from Martin Salter MP and Patrick Mercer OBE MP, 8 July 2008

HOME AFFAIRS SELECT COMMITTEE—BREACH OF CHAIRMAN'S DRAFT REPORT ON THE GOVERNMENT'S COUNTER-TERRORISM PROPOSALS

Thank you for letter of July 1st.

In answer to your questions we were happy to confirm the following and hope that it will be helpful to you in your inquiry.

1. The Chairman's Draft Report was circulated on December 4th 2007 and discussed at our meeting on December 6th where the Chairman asked us to draft a compromise text in respect of paragraph 66 and the subsequent recommendations.
2. The leaking of the Chairman's Draft Report was also discussed on December 6th.
3. Over the weekend of December 8th/9th we discussed over the phone and by text message the wording of the replacement paragraph. We did not address any other aspect of the Draft Report nor did we circulate any copies to anyone else.
4. We agreed the new paragraph on Sunday 9th December and presented it to the committee at our meeting on Tuesday 11th December having first shared it with the Chairman. The committee unanimously agreed our text and it was incorporated into the final report which was then published on December 13th. A copy of the text is attached.¹
5. We undertook no further work on this report.

In conclusion, we confidently state that our work focussed solely on this one aspect of the report—namely the circumstances under which an extension to pre-charge detention might be justified in exceptional circumstances.

Given that the leak occurred several days before we were asked to undertake this exercise it is difficult to see how our work on a single paragraph has any bearing on the leaking of the draft text.

We hope this is useful to your committee.

Letter from the Chairman, Committee on Standards and Privileges to the Chairman, Home Affairs Committee, 22 July 2008

When you gave evidence on 17 June in connection with my Committee's inquiry into the unauthorised disclosure in December 2007 of your Chairman's draft report on the Government's counter-terrorism proposals, I mentioned that there was some difference of emphasis between aspects of your evidence, and written statements made by Committee staff as to the precise sequence of events surrounding the circulation and consideration by the Committee of that draft report. Also, Mr Salter and Mr Mercer, who were commissioned by you to prepare a compromise proposal to replace paragraph 66, have told us that this request was made on 6 December, the day following the appearance of the *Financial Times* article.

¹ Not printed.

It would be helpful to my Committee's inquiry if you could go through the events surrounding this draft report over the period 4–5 December with the Clerk, and resolve as far as possible the differences between your recollections. I enclose a further copy of your evidence to assist with this. If you could let me have a note of the outcome, and of any consequential changes you would like to make to your oral evidence as a result, by mid-September, that would be very helpful.

Reply from Rt Hon Keith Vaz MP, Chairman, Home Affairs Committee, 1 September 2008

Thanks you for your letter of 23rd July.

I can see how the confusion has arisen about these matters and I am most grateful for the opportunity to clarify the sequence of events.

I have met with the clerk and asked her to prepare a timeline of the events which I attach for the convenience of the committee.

The report which was leaked was the report circulated on the morning of Tuesday 4th December, none of the other amended versions found their way into the public domain including the one drafted by Mr Mercer and Mr Salter.

My answer to question 9 is in fact a reference to the meeting held on the 6th December not the 4th, Mr Mercer and Mr Salter were asked to draft a compromise version of some aspects of the report at the meeting of the 6th and they worked on this over the weekend to have a draft ready for the meeting on 11th December when the Home Secretary came to give evidence. Unfortunately the private minutes of the meetings on the 4th and 6th do not include any of the notes of the discussions including the request of the committee to Mr Salter and Mr Mercer.

As I said in my evidence, from the moment the report was circulated members suggested amendments. I don't believe it was the case that a copy was left on a computer or a photocopier. This was a deliberate leak of the first copy of the draft. Only the journalist Jimmy Burns would be able to say how he obtained it and from whom.

30 JULY 2008 CHRONOLOGY OF DRAFTING OF REPORT ON THE GOVERNMENT'S COUNTER-TERRORISM PROPOSALS

October 2007—The committee decided to extend its inquiry into the Government's Counter-terrorism proposals.

27 November 2007—Heads of report discussed by the committee, Elizabeth Flood made her first changes to the Chairman's draft report.

29 November 2007—First complete draft of the report was sent to the Chairman.

30 November 2007—A further draft report was sent to the Chairman with amendments suggested by the Chairman.

3 December 2007—A further draft report was sent to the Chairman with amendments suggested by the Chairman.

The Chairman, via Vernon, emailed further amendments on the night of the 3 at about 9.15pm.

4 December 2007—Amendments were incorporated into the draft along with further amendments which were given to the Chief Clerk by phone by Vernon at 8.30am. It is this draft which was leaked. This was never sent to the Chairman electronically before the meeting with the Committee. It was also not discussed during this meeting.

Numbered hard copies of this draft were given to Mr Robert Wilson, principle Clerk of Select Committees and to each of the members in double envelopes.

11 members were present at the committee meeting that morning, they were all handed a copy. Absent were Mr Browne, Mr Clappison and Mrs Cryer. The copies for the absent members were placed on the letter board and Mr Wilson's was delivered to his office.

The Chief Clerk had a paper copy, a master copy and four spares locked in drawers in the staff offices.

Mr Prosser left his envelope behind at the end of the meeting. The envelope was resealed and left on the letterboard for collection.

This draft was then emailed to Gemma Buckland, a member of the Committee Office Scrutiny Unit and Vernon Hunte, Senior Parliamentary Officer in the office of Keith Vaz. No other emailed versions were sent.

5 December 2007—The *Financial Times* published an article by Jimmy Burns which reported a leaked draft of the committee's report and quoted 3 paragraphs.

6 December—The committee met to discuss the Chairman's draft. The Home Secretary published further proposals on the Government's Counter-terrorism Proposals this same day. The Committee decided to call her back in to give further evidence.

Patrick Mercer and Martin Salter were appointed to draft a compromise version of some aspects of the report.

11 December 2007—The Home Secretary gave evidence on the report. The Committee then agreed the final report. The report was sent to the Print Unit.

13 December 2007—12.30pm the report was published.
