



House of Commons
Culture, Media and Sport
Committee

Unauthorised Disclosure of Heads of Report

**First Special Report of Session
2008–09**

*Ordered by The House of Commons
to be printed 10 March 2009*

The Culture, Media and Sport Committee

The Culture, Media and Sport Committee is appointed by the House of Commons to examine the expenditure, administration, and policy of the Department for Culture, Media and Sport and its associated public bodies.

Current membership

Mr John Whittingdale MP (*Conservative, Maldon and East Chelmsford*)
[Chairman]
Janet Anderson MP (*Labour, Rossendale and Darwen*)
Mr Philip Davies MP (*Conservative, Shipley*)
Mr Nigel Evans MP (*Conservative, Ribble Valley*)
Paul Farrelly MP (*Labour, Newcastle-under-Lyme*)
Mr Mike Hall MP (*Labour, Weaver Vale*)
Alan Keen MP (*Labour, Feltham and Heston*)
Rosemary McKenna MP (*Labour, Cumbernauld, Kilsyth and Kirkintilloch East*)
Adam Price MP (*Plaid Cymru, Carmarthen East and Dinefwr*)
Mr Adrian Sanders MP (*Liberal Democrat, Torbay*)
Helen Southworth MP (*Labour, Warrington South*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk.

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

http://www.parliament.uk/parliamentary_committees/culture__media_and_sport.cfm

Committee staff

The current staff of the Committee are Tracey Garratty (Clerk), Martin Gaunt (Second Clerk), Elizabeth Bradshaw (Inquiry Manager), Anna Watkins/Lisa Wrobel (Senior Committee Assistants), Rowena Macdonald (Committee Assistant) and Laura Humble (Media Officer).

Contacts

All correspondence should be addressed to the Clerk of the Culture, Media and Sport Committee, House of Commons, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 6188; fax 020 7219 2031; the Committee's email address is cmscom@parliament.uk

Special Report

1. Copies of the Heads of Report on BBC Commercial Operations were distributed to members of the Culture, Media and Sport Committee, Committee staff and the Committee's Specialist Advisers on 23 January. The Heads of Report was discussed by the Committee on 27 January. On 25 February a description of the contents of the Heads of Report, together with accurate quotations from it, appeared in an online article in the *Guardian* written by Mark Sweney.
2. The Chairman launched an internal investigation into the circumstances of the leak on 26 February, which involved writing to everyone who had received a copy of the Heads of Report. We also discussed this matter at our next meeting, on 2 March. We were unable to discover how the leak came about. The relevant correspondence is set out in the Appendices to this Report.
3. In accordance with the procedure laid down by the House,¹ we invited the Liaison Committee to give its views. The Liaison Committee concluded that the leak of the draft Report did represent a substantial interference with our work.²
4. We have not yet considered the draft Report on BBC Commercial Operation. We consider that the leak and publication of the Heads of Report is reprehensible and we believe it to represent a substantial interference with the work of the Committee, and we are making this Special Report so that the matter may be placed before the Committee on Standards and Privileges.

1 CJ (1985-86) 252, following a recommendation by the Privileges Committee (Second Report, Session 1984-85, HC 555)

2 Letter to Liaison Committee and minutes of Liaison Committee meeting, 5 March 2009

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Written evidence

Letter from the Chairman to Members of the Culture, Media and Sport Committee on the lead of the Heads of Report on BBC Commercial Operations

We discussed the Heads of Report on BBC Commercial Operations on Tuesday 27 January. Yesterday the online version of the Guardian newspaper contained an article describing accurately and quoting from the Heads of Report.

The House has agreed the procedures to be followed in such cases. Everyone who had access to the draft must be asked whether they know anything about the leak. I therefore write to ask you formally if you can explain how such a leak came about.

I have decided that we will discuss this matter at the Committee's meeting on Monday 2 March, with the planned briefing from David Goldstone, Director of Build and Finance, Government Olympic Executive, to follow immediately afterwards. The meeting will take place at 4pm in Room 7 and I would be grateful if you would make every effort to attend.

I would be grateful to receive your response, copied to the Clerk of the Committee, by the opening of our meeting on Monday.

John Whittingdale MP
26 February 2009

Responses to the Chairman's letter of 26 February 2009 from the Members of the Committee

Further to your letter dated 26th February, I can assure you and the Committee that I certainly did not leak any aspect of this report and therefore cannot explain how it came to be in the Guardian. I very much agree with you that this is a very serious matter and needs to be tackled firmly. I think it is also worth pointing out that this is not the first leak we have seen from our Committee but I very much hope it will be the last.

Philip Davies MP
27 February 2009

Thank you for your letter of 26 February 2009 regarding the leak of Heads of Report on BBC Commercial Operations.

I do not know anything about the leak and having consulted with my staff, I am confident they also do not know anything about the leak.

Adrian Sanders MP
27 February 2009

Many thanks for your letter relating to a leak of the BBC Worldwide report. I give you my word that I have not passed this report to anyone.

Nigel Evans MP
2 March 2009

I have only just seen your letter of 26 February regarding this, together with the Guardian website report, as I've been away since last Thursday.

This is just a short response, as requested, to confirm that neither I nor my office has had any involvement in this leak, nor have we been contacted by The Guardian to solicit any leak or to make any comment on this.

I wasn't at the meeting on Tuesday 27 January and haven't looked at the Heads of Report since the draft was circulated.

Paul Farrelly MP
2 March 2009

Further to your letter of 26 February 2009, I assure you I have no knowledge of the source of the leak, nor can I shed any light on the source of the report.

I view such leaks as deplorable and seriously undermine confidence in the work of Select Committees.

Rosemary McKenna CBE MP
2 March 2009

Thank you for your letter of 26 February, which I am afraid I have only just seen. I was in my constituency from last Thursday and did not get back to Westminster until yesterday evening.

I confirm that I know nothing about the leak in question and was not aware of it until Nigel Evans mentioned it to me last night, and then I saw your letter today.

Janet Anderson MP
3 March 2009

Thank you for your letter dated 26 February 2009.

I have no clue myself as to how it could have happened but have always regarded it as absolutely unacceptable that any information should ever be given. If a complete confidential document has been released, it is even worse.

Since 1997 when I first became a member of the committee, there have been occasions when a member of the committee has allowed him/herself to be tempted by a journalist to say more than intended but it has rarely been very serious.

I apologise for not arriving at the meeting until after the item was taken but, as I said when we discussed the matter informally at the end of the meeting, the best way to resist the temptation is for each of us to have our own prepared phrase with which to respond to a journalist. Otherwise it is easy for “nice” people like us, who do not want to appear to be impolite when someone asks a direct question, to be caught out. I always use tough humour and say, “I do not wish to discuss the report—why don’t you make it up like you usually do! You can write two articles; one based on guesswork before the report is released and one after you have read it!” Even journalists tend to laugh.

Alan Keen MP
3 March 2009

I did not leak the Heads of Report on the BBC Commercial Operations.

Mike Hall MP
4 March 2009

Thanks for your letter of 26 Feb. 2009. I confirm that I have no knowledge of the leak to which you refer.

Helen Southworth MP
5 March 2009

I confirm that I am not responsible for the leak.

Adam Price MP
5 March 2009

**Letter from the Clerk to the Chairman of the Culture, Media and Sport Committee
on the lead of the Heads of Report on BBC Commercial Operations**

As you know the Committee discussed the Heads of Report on BBC Commercial Operations on Tuesday 27 January. Yesterday the online version of the Guardian newspaper contained an article describing accurately and quoting from the Heads of Report.

The House has agreed the procedures to be followed in such cases. Everyone who had access to the draft must be asked whether they know anything about the leak. I therefore write to ask you formally if you can explain how such a leak came about.

Tracey Garratty
Clerk, Culture, Media and Sport Committee
26 February 2009

Response to the Clerk's letter of 26 February 2009 from the Chairman of the Committee

Thank you for your letter dated 26 February.

I was extremely concerned to learn that the Heads of Report on BBC Commercial Operations had been leaked to the Guardian newspaper. I have no knowledge of how this came about and regard it as a serious interference in the work of the Committee.

John Whittingdale MP
Chairman
26 February 2009

**Letter from the Chairman to staff of the Culture, Media and Sport Committee
on the lead of the Heads of Report on BBC Commercial Operations**

I understand that you received a copy of the Heads of Report on BBC Commercial Operations discussed by the Committee at its meeting on Tuesday 27 January. You are aware that Committee papers are in confidence and for the use of Members of the Committee only. Yesterday the online version of the Guardian newspaper contained an article describing accurately and quoting from the Heads of Report.

The House has agreed the procedures to be followed in such cases. Everyone who had access to the draft must be asked whether they know anything about the leak. I therefore write to ask you formally if you can explain how such a leak came about.

I would be grateful to receive your response, copied to the Clerk of the Committee, by the opening of our meeting at 4.00 pm on Monday 2 March.

John Whittingdale MP
26 February 2009

Responses to the Chairman's letter of 26 February 2009 from staff of the Committee

My own copy was destroyed afterwards, and I have not passed the contents on to anyone.

Robert Wilson
Principal Clerk, Select Committees
26 February 2009

I did not leak the Heads of Report on BBC Commercial Operations, and I do not know how the leak came about.

Elizabeth Bradshaw
Inquiry Manager, Culture, Media and Sport Committee
26 February 2009

I write to confirm that I received an electronic copy of the Heads of Report on BBC Commercial Operations. I also confirm that at no stage have I forwarded this to anyone. Nor have I discussed its contents with anyone.

Grahame Danby
Research Clerk, House of Commons Library
26 February 2009

In response to your letter regarding the leak of the Heads of Report on BBC Commercial Operations, I did not leak this. Beyond the information that I have forwarded to Tracey Garratty, the Clerk of the Committee, I do not know how the leak occurred.

Rowena Macdonald
Committee Assistant, Culture, Media and Sport Committee
26 February 2009

I write in response to your letter of 26 February 2009, and I can confirm that I did not leak the Heads of Report on the BBC Commercial Operations.

I have discussed this matter with the Committee's staff, and thought it would be helpful to the Committee if I listed the chronology of events relating to the circulation of this document:

Friday 23 January—Heads of Report circulated in hard copy to Committee Members, staff and the inquiry's Specialist Adviser and electronically to the Committee's usual internal circulation list.

Tuesday 27 January—Heads of Report discussed at Committee meeting.

Monday 16 February—Request received from Adrian Sanders via an email from his office for a draft of the BBC Commercial Operations Report if one was available.

Monday 23 February—Having previously checked via email with Martin Gaunt, Second Clerk, Rowena Macdonald, Committee Assistant, sent an electronic copy of the Heads of Report document, as amended by Martin to take account of the Committee's comments on 27 January, to Adrian Sanders office and explained in the accompanying email that the draft Report was not ready to be circulated.

Tracey Garratty
Clerk, Culture, Media and Sport Committee
27 February 2009

In response to your letter of 26 February 2009 I did not leak the Heads of Report on BBC Commercial Operations and I do not know how this leak came about.

Lisa Wrobel
Senior Committee Assistant, Culture, Media and Sport Committee
27 February 2009

Thank you for your letter of 26 February, which was a shock to read. I did receive a copy of the draft Heads of Report by email, but certainly did not pass it to anyone or divulge its contents. I understand completely the importance of keeping such details confidential and always do so.

Sara John
Specialist Adviser, Culture, Media and Sport Committee
27 February 2009

Thank you for your letter of 26 February, which arrived today. I hope this reply reaches you in time for your meeting on Monday afternoon but I have also e-mailed a copy to Tracey Garratty just in case.

I can assure you the leak did not come from me and I am sorry to learn that one has occurred. I was unaware there was even a problem until I received your letter, although Rowena Macdonald's regular Friday e-mail this afternoon referred to some restriction of Committee papers to advisors but not the nature of the issue.

The subject is completely outside my field of expertise or experience and I would not dream of communicating any of the Committee's work to outside parties. While I appreciate being copied in on non-heritage related papers—as this gives a useful overview of the Committee's work—I usually only peruse the press cuttings files in any depth. All papers I receive here I store securely. Only the heritage ones are retained and the remainder are always shredded.

Having worked for the Committee now for three years I am fully aware of the sensitivity of the Committee's unpublished work. I hope you are able to get to the bottom of this matter quickly.

Bob Kindred
Specialist Adviser, Culture, Media and Sport Committee

27 February 2009

I am afraid that I cannot explain how the unfortunate leak of the Heads of Report took place. I have treated the document as being in confidence throughout.

Martin le Jeune
Specialist Adviser, Culture, Media and Sport Committee
1 March 2009

In response to your letter regarding the leak of the Heads of Report on BBC Commercial Operations, I did not leak this. Beyond the information that I have forwarded to Tracey Garratty, the Clerk of the Committee, I do not know how the leak occurred.

Martin Gaunt
Second Clerk, Culture, Media and Sport Committee
2 March 2009

Just to formally confirm that I had nothing to do with the Commercial Operations report leak. That is a shame.

Laura Humble
Media Officer, Culture, Media and Sport Committee
2 March 2009

You ask whether I know anything about the leak of the Heads of Report on BBC Commercial Operations. I honestly cannot recall receiving this, as it is not my field, and I cannot therefore help you in your search for an explanation of this leak.

David Sekers
Specialist Adviser, Culture, Media and Sport Committee
2 March 2009

As I was supplied with the Heads of Report on the BBC's Commercial Operations, I have been asked to write to you with any knowledge that I may have of the subsequent leak of that document. I can confirm I did not leak the Heads of Report and I do not know how the leak came about.

Hannah Stewart
Legal Specialist, Justice Committee
2 March 2009

In response to your letter of 26 February 2009 I did not leak the Heads of Report on BBC Commercial Operations and I do not know how this leak came about.

Anna Watkins
Senior Committee Assistant, Culture, Media and Sport Committee
2 March 2009

Your letter was the first I had heard of this leak. I had nothing to do with it. I confess that, partly because the document in question arrived at a time when all the submissions for the press inquiry were coming in, and partly because it is not a subject that involves me or particularly interests me, I didn't even read it.

Brian Cathcart
Specialist Adviser, Culture, Media and Sport Committee
2 March 2009
