

# UNDERCOVER POLICING INQUIRY

Hearing on 21 March 2018

## Direction

### **The Lambert report.**

In pages 82 to 100 of the book "Undercover", published in 2013, Rob Evans and Paul Lewis summarised and quoted from a 45 page report written by Bob Lambert (HN 10) dated May 1994. The report contains a foreword, a circulation note and 7 chapters, divided into 101 paragraphs. The book contains direct quotations from the foreword, the circulation note and all 7 chapters. Direct quotations are taken from 45 paragraphs. Other paragraphs are summarised, accurately. It is obvious that the authors had a copy of the report. As responsible journalists, it is highly likely that they have kept a copy of the report, for the obvious purpose of defending themselves and their publishers from civil actions for defamation and/or breach of confidence.

I am satisfied that, in publishing and summarising the extracts which they have, they have not committed an offence under the Official Secrets Act 1989, because the disclosure thereby made did not impede the prevention or detection of offences or the apprehension or prosecution of suspected offenders and would not have been likely to have had that effect (see section 4 (2) (iii) of the 1989 Act). Accordingly, the information published was not protected against disclosure under section 5 (2), because it was not information to which section 4 applied (see section 5 (5) (b)). I am also satisfied that at least some further disclosure could be made from the report without infringing the 1989 Act.

I invite submissions from Mr Evans and Mr Lewis (or Guardian News and Media on their behalf), the Metropolitan Police Commissioner and the Designated Lawyers on the following question of law:

whether or not Rob Evans and Paul Lewis are entitled, as a matter of the civil law of confidence or misuse of private information, to publish further extracts from the report, in particular those which name individuals.

Any written submissions must be provided to the Inquiry by 4 pm on Thursday, 8 March 2018. They will be published to the extent possible.

I am not able to provide a copy of this report more widely at this stage, but if any other core participant wishes to supplement those submissions in a manner which does not duplicate any of them, they may provide written submissions to the Inquiry by 4 pm on Thursday, 15 March 2018.

Oral submissions will be heard at the hearing on 21 March 2018.

Issued under the authority of the Chairman; sent on 23 February 2018 to the Metropolitan Police Commissioner, the Designated Lawyers, Guardian News and Media and Rob Evans, and published on 28 February 2018.