

The McCullough Review

An independent review of PSNI conduct relating to covert measures against journalists, lawyers and others of ‘special status’ between 1 January 2011 and 1 November 2024

ADDENDUM of 4 December 2025

(to the report published 24 September 2025)

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This Addendum sets out some further details which can now be provided in relation to matters which appear in the main report of the Review, which was published on 24 September 2025. These further details are provided pursuant to the consistent aim of the Review to provide maximum transparency of its findings in public.

The Chief Constable having accepted Recommendation 1 in the main report, it is expected that there will be a follow-up report produced within the next year.

Journalists

1. At section 35 of the main report, I set out cases which we had identified as falling within the current remit of the Review in which applications for Communications Data had been made that were intended to identify a journalist's source. The following table appears at paragraph 35.1 of the report, summarising those cases:

Investigation	Number of applications	Reference in report, below
<i>Investigation X (IPT 1)¹</i>	<i>4 - authorised</i>	<i>Excluded from consideration due to ongoing IPT proceedings</i>
<i>Investigation Y (part) (IPT 2)²</i>	<i>2 - authorised</i>	<i>Excluded from consideration due to ongoing IPT proceedings</i>
Investigation Y (part) Barry McCaffrey - 2013	2 - authorised	Paragraph 35.2(1)
Operation Yurta	2 - not authorised	Paragraph 35.2(2)
Investigation 1	5 - authorised	Paragraph 35.8
Investigation 2	3 - authorised	Paragraph 35.8
Investigation 3	1 - authorised	Paragraph 35.8
Investigation 4	1 - authorised	Paragraph 35.8
Investigation 5	2 - authorised	Paragraph 35.8
Investigation 6	1 - authorised 1 - not authorised	Paragraph 35.8

2. Leaving aside those that are subject to ongoing proceedings before the IPT (shaded in the table above) and those which are fully identified in the report (the part of Investigation Y that related to Barry McCaffrey and Operation Yurta) there were six investigations that were referred to in generalised unidentifiable terms at paragraph 35.8 of the report.
3. At paragraphs 35.6 and 35.7 I explained that it seemed to me to be inappropriate to identify the individual journalists publicly without first seeking their views, but that each of them had been contacted by me, which was done shortly before the report was published, except one individual who had died in the intervening period since the applications for CD.
4. As made clear in the main report:

¹ Referred to as 'IPT 1' in the open version of the Closed Annex at Appendix C.

² Referred to as 'IPT 2' in the open version of the Closed Annex at Appendix C.

- (1) These were applications for Communications Data, so did not involve accessing the content of any communications. As such, this is not technically surveillance, although it still engages a significantly intrusive statutory power and is particularly liable to identify journalists' sources.
 - (2) All the authorised applications (21, of which 6 are currently before the IPT) pre-dated 2015 when the statutory Code of Practice was changed to recognise the special protections that should be afforded to journalists' sources.
 - (3) In the case of Barry McCaffrey the IPT had considered one of the authorisations from 2013, which had been conceded by PSNI to have been unlawful through applying the Code of Practice in force at the time where that Code has since been recognised to have been deficient in its failure to identify the proper legal test in these circumstances. The IPT found that PSNI had acted in good faith when applying the 2007 Code that was in place when the authorisation was granted and did not consider that any award of damages was necessary to afford 'just satisfaction' for the admitted breach of the Human Rights Act 1998.³
 - (4) It seemed to me that the other authorised applications identified above (leaving aside those that are still before the IPT) were likely to have been unlawful on a similar basis to that found by the IPT in relation to the 2013 application relating to Mr McCaffrey. The individual journalists were each contacted by me, with the approval of the Chief Constable, to notify them of my view. (I understand that each of them has also since been personally written to by the Chief Constable, affirming his acceptance of my findings and his commitment to resolving the issue.)
 - (5) As stated at paragraph 35.9 in relation to the authorised applications: *"We have found no indication that any use was made, or attempted to be made, of collaterally obtained information, but this data remains available on PSNI systems."*
5. Since publication of the report, some individual journalists who had been contacted by me have publicly declared that they were among those notified.
 6. In line with my continuing commitment to the transparency of the Review I have now liaised with each of the journalists concerned.

³ In particular, see paragraphs 24, 88-89, 101-102 and 104 of the IPT's judgment in [McCaffrey and Birney v PSNI and others \[2024\] UKIPTrib 8](#).

- 6.1. Three of the journalists have requested that they should not be identified, at least not at this stage. These relate to **Investigations 1 and 3**, and one of the journalists involved in **Investigation 5**. I consider that I should accede to their requests.
- 6.2. I have contacted the next of kin of the deceased journalist, who is content for me to name him, with the following outline details. I am grateful for this agreement as it avoids the families of other journalists who have died since 2011 speculating as to whether their relative was the relevant individual. This concern is not fanciful, as one relative had already contacted me with such a query – and I was able to confirm that their family member was not involved in any of the cases referred to in the report. I can now confirm that the journalist in **Investigation 4** was Joe Oliver of the Ulster Press Agency. The PSNI investigation related to a piece published in the Daily Mirror on 25 January 2012 which described the house move of a senior PSNI officer following a threat from dissident republicans and quoted an unnamed security source. The purpose of the PSNI communications data applications was to identify that source.
- 6.3. Three other journalists have identified themselves publicly as having been notified: Deborah McAleese, Hugh Jordan and Sharon O’Neill. Having contacted them I am able, with their consent, to provide the additional details given below in relation to **Investigations 2, 5 and 6**. In each case I have limited these details to the extent that each journalist was content to approve from the information previously notified to them by me.
7. The living journalists that I have notified, and the next of kin of the deceased journalist, are now in a position to seek further information from PSNI and to consider their position more generally. Such further details that I consider can now properly be published are set out below, together with the information that had appeared in an anonymised form in the main report. I am conscious that none of the journalists has chosen to be in this position and that there are various legitimate reasons (including, but not limited to, source protection) why an individual would not wish to be named, or would wish to limit the details of their cases, in any published document. As indicated above, I consider it appropriate to respect the wishes of each individual in this respect.
8. **Investigation 2** This case arose out of the publication of several newspaper articles by a journalist which contained information that, it was believed, could only have come from an internal PSNI source. There were three authorised

applications in relation to the suspected source, not the journalist. With the consent of the journalist concerned I can provide the following further details:

- This was a PSNI investigation in which it appears there was an attempt to identify an individual as being a source of the journalist Deborah McAleese, who was then the crime correspondent for the Belfast Telegraph.
- One article in question was published on 15 July 2014 and related to PSNI officers raising concerns about their vehicles. The individual suspected of being Ms McAleese's source was a PSNI officer.
- In total, three authorisations for communications data were sought and granted relating to subscriber information and incoming and outgoing call data. All three related to telephone numbers thought to belong to the PSNI officer and not Ms McAleese. They were obtained in July 2014.

9. **Investigation 5** This case arose out of intelligence suggesting that a PSNI officer had been leaking information to journalists. The officer was also under investigation by PSD for other reasons. There are two relevant authorisations in relation to the officer's phone, seeking subscriber data and outgoing calls. Subsequent authorisations in relation to the officer were obtained but they do not obviously relate to the leak investigation.

- This was a PSNI investigation in which it appears there was an attempt to identify an individual as being a source of the journalist Hugh Jordan.
- Around late 2010 to early 2011 the PSNI Professional Standards Department suspected that Mr Jordan had a contact in PSNI who could supply information to him.
- The officer was also suspected of being a potential source of another journalist who has been notified by me but asked not to be named, as indicated above.
- This PSNI investigation does not appear to have been connected to any particular article written by Mr Jordan - or any other journalist.
- In total two authorisations for communications data were sought and granted. Both applications related to the PSNI officer's number, and not the numbers of Mr Jordan or any other journalist. The applications were dated 23 and 25 March 2011.

9. **Investigation 6** In this case, a named officer was alleged to have asked an unnamed officer to take part in an 'off the record' interview with a named journalist in relation to a case in which the unnamed officer had been involved. From the documents available, it

does not appear that anything had yet appeared in the public domain as a result. There was information linking the named officer to the journalist. An initial application for subscriber information for a mobile phone number believed to be linked to the journalist was authorised. A second application was made for incoming and outgoing calls on the journalist's number over a period of just under a month and was refused by the Designated Person who noted that the journalist had not committed an offence, and that the application should have considered collateral intrusion and implications for legitimate journalistic business and sources.

- Ms O'Neill has, through her solicitor, publicly confirmed that she was notified by me, as a journalist whose potential source was the subject of an application for communications data that was considered by me likely to have been unlawfully obtained. I can confirm that she is the journalist referred to in Investigation 6 at paragraph 35.8 of the report. She has indicated that at this point she does not wish any further details to be published. I respect her position and consider that in the circumstances I should not disclose any further details about this case in this Addendum.

Lawyers (CD)

10. In section 41 of the report, I outlined the circumstances of 'Case Study 1' at paragraphs 41.7 to 41.12 in which authorisations were granted to obtain communications data relating to telephones, including phones used by lawyers who were suspects in the investigation. At paragraph 41.6 I had noted that this case was "*the only instance of all those identified [involving lawyers] in which I have significant concerns that the authorisation for CD was on a materially flawed basis*". Accordingly, as set out at paragraph 41.12, I enquired as to whether there was any good reason why the lawyers concerned should not be notified. In response, the Chief Constable indicated that he was prepared for the lawyers concerned to be notified that their phones were the subject of CD authorisations that were obtained on a basis that I considered to have been questionable. The lawyers were therefore contacted by me, shortly in advance of publication of the report, in terms agreed with the Chief Constable.
11. On the same date as the report was published, 24 September 2025, the solicitors' firm Phoenix Law issued a statement which confirmed that the solicitors involved were Darragh Mackin and Peter Corrigan, as the lawyers referenced in Case Study 1, and that

the case in question was the appeal proceedings in *R v. McConville & Wootton*. With the lawyers having identified themselves, I can confirm that this is correct. Their clients had been convicted of the murder of Stephen Carroll, a PSNI officer who was killed on 9 March 2009. Their appeals were dismissed by the Court of Appeal on 29 May 2014.

12. The [statement](#) from Phoenix Law announced the following:⁴

“Today, it has been revealed that two prominent human rights solicitors, Peter Corrigan and Darragh Mackin of Phoenix Law, were the subject of unlawful surveillance by the police. The [McCullough Review](#) found that the surveillance trespassed upon legal professional privilege. The Chief Constable Jon Boucher has issued a personal apology to both Mr Mackin and Mr Corrigan for the police actions.”

13. It is apparent from the main report of the Review that:

(1) ‘Case Study 1’ related to authorised applications for communications data (CD). The nature of CD is explained at section 20 of the report, including that it does not constitute ‘surveillance’ and does not involve accessing the content of any communications.⁵ However, as made clear in the report and above, obtaining CD still engages a significantly intrusive statutory power.

(2) In relation to the authorised applications for CD in Case Study 1, I expressed “significant concerns that the authorisation for CD was on a materially flawed basis”, which were outlined. My “reservations” were sufficient for me to propose that the lawyers concerned should be notified, as set out above.

(3) As noted at paragraph 11 of the Overview in the report (p.12):

“There is some, albeit limited, scope for a CD application to reveal information that should be considered subject to legal professional privilege (LPP); for example where it demonstrates contact between a lawyer and a particular client in relation to a legal issue that is identifiable from other available information. Mere contact between a lawyer and an identified client may also be considered sensitive information, even if not legally privileged.”

(4) It was public knowledge that these lawyers were acting for clients in the pending appeal and so that information cannot of itself have been privileged. There is no finding or suggestion in the report in relation to Case Study 1 either (a) that the CD

⁴ Phoenix Law, Diarmuid Brecknell, 24 September 2025, ‘Phoenix Law Statement – McCullough Review’, www.phoenix-law.org/phoenix-law-statement-mccullough-review/

⁵ See also paragraph 69.1 in Part L (‘Truth-Checking and Myth-busting’) which aimed to assist in understanding and reporting of this subject matter, and the importance of accuracy in identifying the nature of the covert measures under consideration in any case.

obtained pursuant to the authorisations revealed any information that was subject to LPP; nor (b) that any information obtained collaterally under these authorisations had been acted upon by PSNI. (Equally, I did not state that I had ruled out the possibility that information potentially subject to LPP was apparent from the CD obtained pursuant to these authorisations.)

Lawyer (DSA)

14. At section 43 of the report I identified two DSAs relating to the same solicitor: see paragraphs 43.6 to 43.18, which concluded that *“the DSA which related to surveillance at the court house is likely to have been unlawfully obtained and the second DSA did not properly consider the likelihood of obtaining LPP material”*. On that basis the solicitor was notified by me in terms agreed by the Chief Constable. Having liaised with the solicitor they do not wish to be publicly identified and I consider it appropriate to give effect to their wishes.

Erratum

15. We have noticed the following error in the main report of September 2025:

- At paragraph 30.17(b), the reference to ‘four’ DSAs relating to journalists should be to ‘three’. As corrected this should read: *“This DSA was one of several (three relating to journalists and two relating to a lawyer) in the relevant period ...”*.

Angus McCullough KC

Independent Reviewer

4 December 2025