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Private and Confidential

Dear Madam

## IMPRESS application for recognition

We represent IMPRESS in relation to its application for Recognition.

As you know, the Press Recognition Panel's Board has arranged a meeting on 25th October 2016 at which representatives of IMPRESS are expected to answer questions about its application for recognition.

IMPRESS has some concerns about the procedure to be adopted at the meeting and requires your assurance that its application will not be unfairly prejudiced as a result of its attending and responding to questions and that there is no real risk of that happening. The purpose of this letter is to seek those assurances.

We are aware that IMPRESS has requested that its executives be permitted to request a short adjournment before they respond to any unexpected questioning during the Board Meeting on 25<sup>th</sup> October so that they can take advice or investigate the facts. You have not agreed that request, but have sent initial written questions to our client in advance of Tuesday's meeting, some of which are arguably relevant to the recognition criteria, some less so. IMPRESS will provide its responses directly to you prior to the meeting. The opportunity to do so is welcome, but it does not address all of IMPRESS's concerns because it is clear there may be other, unanticipated, questions at the meeting.

Two issues arise in relation to these other questions.

First, as set out in your guidance, the Board is to assess IMPRESS's application against each of the Recognition Criteria set out in the Royal Charter, and must recognise the applicant if all those criteria are met.

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IMPRESS recognises that it is inevitable that some questions put by the Board may range beyond the strict confines of the Charter recognition criteria and the issues referred to in the Leveson Report Part K, Chapter 7, Section 4 which can be referred to in considering whether or not an applicant fulfils the criteria. Our client does not wish to stifle discussion and is committed to transparency. It is of course prepared to answer all questions put to it so far as it can. However, it does require your assurance that no responses to questions which might arise during the discussion will be taken into consideration by the Board in making its final decision other than those which are strictly relevant to the question of whether or not IMPRESS has fulfilled the Charter recognition criteria.

Please provide that confirmation.

Secondly, IMPRESS understands that it is intended that the Board will make its decision at the meeting. It has no wish to impede the flow of the meeting by calling for adjournments or further opportunities to provide further information before the decision is made. However, despite the very large amount of information already provided, it is possible that it will be asked questions to which it does not have a ready or complete answer to offer, or questions which require advice from its legal team or information from third parties. In those circumstances, IMPRESS will endeavour to be as helpful as possible and will give a preliminary answer but may request that it be permitted to return with a supplementary answer within 5 working days of the meeting.

We consider that it would be unfair to our client to make a decision which is based on a preliminary answer to an unexpected question in circumstances where it has requested time to seek advice in relation to its response and, if necessary, to elaborate. It may be that such questions are not relevant to the Charter criteria, in which case our client's answer cannot have any bearing on the decision which can be made without taking the question and its answer, or lack of answer, into consideration. But if the question and its answer have a proper bearing on the decision, fairness requires that our client be given a proper opportunity to respond in full. Were that not so, the Guidance for Applicants procedure could easily be circumvented. That procedure envisages applicants being made aware of concerns that could lead to their applications being rejected and having the opportunity to respond to them before any adverse decision is made. This is, of course, no more than what the common law demands of any regulator in such circumstances.

We look forward to hearing from you with your assurances in relation to these two issues.

Yours faithfully

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