From: John Donovan [mailto:john@shellnews.net]
Sent: 08 September 2007 20:53
To: robert.allen@simmons-simmons.com
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Subject: Subject Access Request

Attention Mr Robert Allen
Simmons & Simmons Solicitors, London

Subject Access Request

Dear Mr Allen

YOUR CLIENT: SHELL INTERNATIONAL LIMITED

We acknowledge receipt of your letter dated 5 September 2007 and note your declaration that your firm is retained by Shell International Limited, a subsidiary of Royal Dutch Shell Plc.

The first point to make is that in my capacity as a long term Shell shareholder, I am appalled that Shell management has retained one of the biggest and most expensive law firms to handle our legitimate application under the Data Protection Act.

The last published population figure that we have seen for Shell ís in-house army of lawyers is 650. Why then would Shell management and in-house lawyers feel the need to retreat behind external legal representation unless **something is very seriously amiss?**

We will come later to a possible explanation.

The cost of this manoeuvre must already run to thousands of pounds. It is not just a case of a once-off letter. You had to be briefed on the extensive back history as well as current matters. So as a Shell shareholder, I will have to pay for your firm and for the time of the Shell lawyer(s) who briefed you.

Shell could have saved money on the background briefing by going to one of the two other London law firms previously used against us, both of whom incidentally have a record of intimidation in their dealings with us. In view of the closing comments in your letter, it seems that you are joining the club.

The first, Mackrell Turner Garrett, the law firm which coincidentally employed Shell lawyer Richard Wiseman many years ago, prior to him joining Shell, sent us a letter threatening to make the litigation then underway **"long drawn out and difficult"**; they had the audacity to put into writing the threat to drain the resources of a financially weaker opponent. Despite the best efforts of their Mr Nigel Rowley, Shell ended up paying us £200,000 plus costs to settle the relevant claims for breach of confidence and breach of contract.

Next time round, Shell used DJ Freeman (now known as Kendall Freeman). We subsequently caught red-handed, examining private mail at our offices, an undercover agent using fake credentials, including a fake company and a fake name. We cornered Colin Joseph, the then senior partner, and Shell Legal Director, Richard Wiseman, into both admitting in writing that the agent on a covert mission worked for Shell. Like Rowley, Joseph had no shame and had the effrontery to warn us in writing that other "enquiry agents" were engaged in activities against us. This was at a time when a number of sinister events took place which were investigated by the Police. We only later found out that titled senior Shell directors were at the time also major shareholders and directors of a private intelligence firm engaged in

precisely the kind of activities used against us. One was the Chairman of the company and the other, the President of an associated Foundation set up in an oversight capacity. We were so disgusted by the sleazy undercover activity that we picketed the offices of Shell and DJ Freeman and handed out leaflets to staff and visitors. Shell settled that case by paying my legal fees. I also received a secret payment which was not disclosed even to the trial judge.

Returning to matters at hand, we intend to make a fresh SAR application to your client. It will cover all correspondence/communications between Shell and your firm on this matter. Shell cannot claim legal privilege for the relevant information because no litigation is in progress. That is the excuse Shell recently used on a SAR application relating to the current reserves fraud litigation. Shell asked questions about us during the deposition process. Our new application will also cover other recent developments.

We accept that no automatic right to rectify details of incorrect statements is contained in the Data Protection Act, but that was not our case. The guidance clearly states that; ***"..where the third party individual is the source of the information held about the person making the request, there may be a strong case for their identification if the person needs to correct some damaging inaccuracy. However, it will always depend on the circumstances of the case".*** In other words, it boils down to a judgement on whether the seriousness of misleading information about us overrides Shell employees rights to privacy.

Since it is clear Shell are not going to concede on this point, we will write to the Information Commissioner and ask for a ruling. As you are probably aware they frequently make rulings in such a case, where it hinges on the differing interpretations of data controller and data subject. We will outline the history of the SAR and present our contention that we have two specific complaints: that the company are withholding the source of information about us, and that that the information is also inaccurate. We will cite the technical guidance note of 12 July 2006 on dealing with SARs involving other people's information.

We will also inform the Commissioner that we have reason to believe Shell are using a codename strategy to try to evade its statutory duty of releasing more information; it is our understanding from the IC's office that we are entitled to any information that refers to us or by which we can be identified, even if it is not by name. **We further understand that it is an offence under that act to knowingly take steps to withhold information.** We will supply a copy of our original SAR, Shell ís response, and all relevant subsequent correspondence.

The codename issue is serious; we understand that if the Commissioner thinks your client has tried to evade the relevant provisions of the Act, he will write to Shell and require them to release all that information to the Information Commissioner and to us.

In this connection, I note that in your letter you have referred to the exemptions to the Act under which Shell does not have to disclose information, in Section 7. There are various reasons like national security, commercial sensitivity, legal privilege, journalism etc but **one of them is self-incrimination.**

"A person need not comply with any request or order under section 7 to the extent that compliance would, by revealing evidence of the commission of any offence other than an offence under this Act, expose him to proceedings for that offence".

We raised the codename issue in our last communication to your client. Instead of an answer, we received your letter which completely ignores the question (and legitimate questions about missing documents e.g. an email from Wiseman to Shell CEO Jeroen van der Veer and the Executive Director of Shell EP, Malcolm Brinded, which was

about Alfred Donovan and mentioned his surname. We supplied the date and time of the email).

The possibility therefore arises that your client is frightened of incriminating themselves as a result of their libellous/slanderous/nefarious activities. That would explain the sudden retreat behind external lawyers and the aforementioned intimidation with which you wind up your letter. We would not expect anything less from lawyers representing Shell.

We will wait a few days to see if you wish to obtain instructions from your client which would allow you to make a categorical denial on their behalf in relation to the code name issue. If you do not do so, we will draw this to the attention of the Information Commissioner.

I have copied this email to Mr Bill Campbell the esteemed former Group Auditor of your client company as I believe he has also made a SAR application via Mr Michiel Brandjes and will probably wish to know if he has been assigned a code name by Shell.

Yours sincerely
John Donovan

for and on behalf of Alfred Donovan
and John Donovan