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NDS completely rejects the allegations made by BBC Panorama.

Alistair Jackson
Panorama
BBC

March 29, 2012

Dear Mr. Jackson:

Following an initial review of material used in your program to accuse NDS of promoting and facilitating piracy, it has already become evident that you featured manipulated emails, while in addition completely mischaracterising the substance and context of others.

You have seriously misconstrued legitimate activities we undertake in the course of running an encryption business. You have used footage to falsely demonstrate your allegation that we sent certain emails externally to facilitate piracy when in fact the email was sent internally as part of our anti-piracy work. You have also taken emails wholly out of context. This has helped paint a picture for your viewers that is incorrect, misleading and deeply damaging to my company and our sister company News Corporation.

We demand that you retract these allegations immediately.

The fact that you relied on manipulated email chains, without checking their authenticity with us prior to broadcast, demonstrates a flagrant disregard to the BBC's broadcasting code, misleading viewers and inciting widespread misreporting.

For example, an excerpt of one email purports to show an NDS employee sending information about a security key to his NDS colleagues.

The version displayed by Panorama, however, was manipulated to clearly omit the critical designations (denoted by ">") showing that NDS was merely internally forwarding material that had been sent to it.

Despite your on air claims, this manipulated email is not evidence of NDS promoting or facilitating piracy. To the contrary, in its original form, this exchange is clear evidence of NDS's ongoing anti-piracy activities.

Furthermore, you displayed total flagrant disregard for the true context surrounding emails cited. For example, you purported that an email sent to Ray Adams was evidence of NDS's encouragement of piracy associated with the thoi.com website.

That email, however, was sent from an undercover agent at thoi.com to NDS, not from NDS to thoi.com. Thoi.com was a website on which any user could post information. The email, in its original form, cannot reasonably be interpreted as evidence of NDS's participation in or promotion of piracy. Instead, it is further proof of NDS collecting information from thoi.com as part of its long-standing fight against piracy.

We understand that manipulated and mischaracterized emails may have been provided to you by a third party, but this does not excuse your ethical and journalistic obligation to present us with your intended allegations prior to broadcast. *Nor does it excuse you from telling your audience the truth.*

For several weeks, we have repeatedly requested that you identify the factual allegations you intended to make and the information on which you expected to rely. You chose to reject our several requests. Were you to have shared this manipulated and misleading material with us prior to broadcast, we would have shown you that this cache of stolen emails had been obtained and manipulated as part of an ongoing plan by third parties to damage the reputation of NDS, our sister companies, and News Corporation. Frankly, it is outrageous that Panorama has facilitated these actions by third parties to damage our name.

We look forward to your swift response and resolution of this matter.

Sincerely,

Abe Peled

Executive Chairman
NDS Group Ltd.

