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NEWS BRIEFING

BUSINESS

Demise of Carillion could start contagion

The future of Carillion, the crisis-hit construction firm, remained in the balance last night as the Government held last-ditch talks on whether to bail-out some of its most troubled contracts. EY, the accountancy firm, was waiting in the wings to potentially put the £5.2billion revenue contracting giant into administration as early as today, potentially triggering a contagion that could threaten hundreds of its suppliers. “They’ll take a great swathe of companies with them,” said one analyst. *Business, page 1*

Editorial Comment: Page 17

FEATURES

Celia Walden

Spare me those she men – the ‘Bro-diet Bores’

Page 23



SPORT

Liverpool end City’s unbeaten run in thriller

Jurgen Klopp said Liverpool needed a statement of intent after the sale of Philippe Coutinho. Their pulsating victory that ended Manchester City’s run of 22 Premier League games unbeaten was that emphatic message. Klopp said he would be judged on his decision to allow the Brazilian to leave, but as the remaining members of the so-called “fab four” scored in the 4-3 win – and Alex Oxlade-Chamberlain was majestic in Coutinho’s old position – Liverpool showed how they will move on. Liverpool thrived with their courage, attacking City in a way few sides have tried. *Sport: Pages 1-4*

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Patients’ data given to tobacco giants

Health officials hand cancer victims’ records to US firm working for cigarette companies

By Laura Donnelly, HEALTH EDITOR

THE medical records of British cancer victims have been handed to a controversial American firm working for one of the world’s biggest tobacco companies, *The Daily Telegraph* can reveal.

The data covering almost 180,000 patients – every case of lung cancer diagnosed in England over a four-year period – was given by health officials to a firm which has acted for cigarette giant Philip Morris International for almost three decades.

It is feared the company could use the data in legal cases minimising the dangers of smoking, or fighting regulation.

The sensitive information, taken from anonymised NHS records, was taken without the consent of any of the cancer sufferers or their families.

An investigation by *The Daily Telegraph* reveals that Public Health England (PHE) gave the data, covering 179,040 lung tumours diagnosed between 2009 and 2013, to a firm called William E. Wecker Associates.

The company has testified on behalf of tobacco giants in dozens of lawsuits, including the landmark United States v Philip Morris case, which in 2006 held Philip Morris liable for racketeering and deceiving the public for decades about the dangers of smoking. Records seen

by this newspaper show that PHE released the cancer data to William E. Wecker Associates in July 2016.

It did so after the firm explained that it wanted to evaluate lung cancer trends in Australia, Ireland, the United Kingdom and the United States.

The request came as Philip Morris, maker of the Marlboro brand, unsuccessfully fought government plans to introduce plain packaging in the UK, which had already been introduced in Australia and agreed for Ireland.

In the request, Wecker said it wanted to examine the relationship between tobacco use and cancer – having made a career out of downplaying such links – and the part played by regulation.

The firm’s president featured heavily in the 2006 case that the tobacco industry had deceived the public about the harm caused by smoking. The court found that Dr William E Wecker, “by his own admission, has ‘never been qualified by a Court as an expert in the subject of smoking and health’”, describing his analyses as “flawed”, his arguments “irrelevant” and “flatly contradicted by ... voluminous research reports and other documents, spanning decades”.

Last night, PHE said it was not aware *Continued on Page 4*

Editorial Comment: Page 17

It’s the girlfriend or the job, Ukip leader told



Jo Marney, the girlfriend of Henry Bolton, the Ukip leader, leaves her Kent home yesterday. Mr Bolton is under pressure to quit after messages emerged in which Miss Marney made offensive comments about Prince Harry’s fiancée and black people. *Report: Page 7*

Mordaunt: UK will cut aid to richer nations

By Steven Swinford
DEPUTY POLITICAL EDITOR

BRITAIN is prepared to cut foreign aid spending to wealthier developing countries if they fail to “take responsibility” and invest in their own people, the International Development Secretary warns today.

Penny Mordaunt says that Britain will no longer hand out aid money “when others should be putting their hands in their pockets” and will focus increasingly on helping developing countries “stand on their own two

feet”. She says that the public have “legitimate” concerns about Britain’s £13billion aid budget and are entitled to question whether it would be better spent on meeting “domestic needs” or paying down the national debt.

Writing in *The Daily Telegraph*, she argues that simply saying that taxpayers’ money has been well spent “won’t cut it” and the Government must demonstrate that it “cannot be better spent” on anything else. Ms Mordaunt pledges to use Britain’s foreign aid as part of a “bold new Brexit-ready proposition to boost trade and investment with devel-

oping countries”, offering a “win-win” for both Britain and developing nations.

She says: “I will not invest when others should be putting their hands in their pockets. It will no longer be enough for a project simply to be achieving good things.

“I want the governments of developing countries to step up and take responsibility for investing in their own people, in healthcare or education, for example. If it chooses not to, that will inform our decisions around our funding.”

Penny Mordaunt: Page 16

Fine for allowing fly-tipping

By Jack Maidment
POLITICAL CORRESPONDENT

HOUSEHOLDERS who fail to check if “man in van” companies are legitimate before having their rubbish taken away could be hit with £400 on-the-spot fines if it is fly-tipped.

The Government is considering allowing councils to impose fixed penalty notices on those who “fail to take all reasonable measures” to make sure a business is registered to transport waste in a crackdown on illegal dumping. In 2016-17, councils in England

dealt with around one million fly-tipping incidents, up seven per cent on the previous year and costing £57.7 million. A lot of the fly-tipping is the result of using unauthorised companies.

Thérèse Coffey, the environment minister, said: “Fly-tipping blights our communities and we need determined action to tackle it. These new powers will curb the rise of waste sites that continue to operate outside the law.”

The Government added that “under no circumstances should regulators use fixed penalty notices as a means to generate income”.





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Big Tobacco

No smoke without fire
Fighting the tobacco industry

- 1954 Richard Doll, a British scientist (and smoker), publishes a paper in the *British Medical Journal* confirming the link between smoking and lung cancer.
- 1964 In the US, the Surgeon General's report concludes that smoking causes lung cancer, following the consideration of more than 7,000 pieces of evidence, and is considered seminal.



1966 Notices on cigarette packets are introduced in the United States, left. They state: "Caution: Cigarette smoking may be hazardous to your health".

1971 UK parliament passes a law introducing mandatory health warnings on cigarette packets: "WARNING BY HM Government. SMOKING CAN DAMAGE YOUR HEALTH".

1995 California, right, is the first US state to introduce a ban on smoking in public places



1999 The US Department of Justice brings a lawsuit against nine cigarette manufacturers and two tobacco trade associations, alleging they had engaged in a conspiracy to deceive the American public.

2006 The case – United States v Philip Morris USA, Inc – concludes that the industry had "lied, misrepresented and deceived the American public about the devastating health effects of smoking".



2007 England introduces a ban on smoking in enclosed work places, left, following Scotland, Wales and Northern Ireland.

2012 Australia introduces plain packaging for cigarettes, in a bid to make smoking less attractive to consumers.

May 2017 Plain packaging for cigarettes is introduced in the UK, with standardised packaging bearing graphic warnings, right, of the dangers of smoking. Ireland follows suit in September.



Nov 2017 Tobacco manufacturers in the US are forced to start running adverts across newspapers and prime-time television, stating that they intentionally designed cigarettes to create addiction.

US tobacco companies engaged in 'numerous acts of fraud'

Judge accused firms of lying, misrepresenting and deceiving the American public about the health effects of smoking

By Laura Donnelly HEALTH EDITOR

THE ruling in the landmark 2006 case – United States v Philip Morris – was exonerating.

The tobacco industry had "marketed and sold their lethal products with zeal, with deception, with a single-minded focus on their financial success, and without regard for the human tragedy or social costs that success exacted," Judge Gladys Kessler wrote.

The 1,652-page judgment went on: "Over the course of more than 50 years, defendants lied, misrepresented and deceived the American public, including smokers and the young people they avidly sought as 'replacement' smokers about the devastating health effects of smoking and environmental tobacco smoke."

The ramifications of that judgment – which found the companies liable for racketeering by "engaging in numerous acts of fraud" – are still being felt.

It wasn't until last November that tobacco manufacturers, including Philip Morris, were finally forced to start running advertisements across newspapers and prime-time television.

"More people die every year from smoking than murder, Aids, suicide, drugs, car crashes, and alcohol combined," says one.

Cigarette companies intentionally designed cigarettes with enough nicotine to create and sustain addiction," warns another. And what is notable about the advertisements – which re-



Dr William Wecker's evidence on smoking was described as 'basically irrelevant'

cently began running during prime-time television shows and in newspapers across the United States – is the explanation behind them.

"A Federal Court has ordered RJ Reynolds Tobacco, Philip Morris USA, Altria and Lorillard to make this statement about the health effects of smoking," the advertisements state.

"The findings were particularly brutal about the expert witnesses called by the tobacco industry. One man, William E Wecker, came in for particular scorn.

"Defendants called a statistician, William Wecker, who, by his own admission, has 'never been qualified by a court as an expert in the subject of smoking and health,' the document states.

"Because he is a statistician, and neither an epidemiologist nor a medical doctor, Dr Wecker is 'not able to offer opinions as to causation relating to the relative health effects of low tar cigarettes,'" it continued.

"Moreover, Dr Wecker's statistical analyses are unconvincing because they are flawed in several ways," the

'Companies intentionally designed cigarettes with enough nicotine to create and sustain addiction'

critical document added, pointing out that his main opinion was "flatly contradicted by ... voluminous research reports and other documents, spanning decades".

It went on to describe his evidence as "basically irrelevant," reflecting "his lack of understanding of the relevant subject matter" and noting his admission that "I don't reach my opinion by weighing all the evidence".

Dr Wecker, a statistician and applied mathematician, has, however, been working diligently for the tobacco industry for close to three decades. And it was this statistician who asked British health officials to hand over their data which they did, in July 2016.

At the time, Philip Morris, one of his main employers, was fighting a legal battle against plain packaging – part of government plans which aimed to reduce smoking's death toll by making the packets less attractive.

Under the laws governing release of medical data, it should only be released "in the interests of improving patient care, or in the public interest".

The *Daily Telegraph* asked Dr Wecker to provide details of the study, including any plans to publish his findings, but no response was provided.



A 1967 advert for Marlboro by the Philip Morris company. After a landmark ruling in 2006, it was forced to start running adverts stating the health risks of smoking in stark terms

Records handed to firm 'arguing over impact of smoking on cancer'

Continued from Page 1 of the links between William E Wecker Associates and Philip Morris until contacted by *The Daily Telegraph*. Senior officials said they had been told the study aimed to "identify strategies to achieve a healthier global population". They insisted they had a legal duty to release the information when it was requested under the Freedom of Information Act.

Laws governing the release of medical data state that it should only be released "in the interests of improving patient care, or in the public interest".

Charities last night said it would be "incredibly distressing" for lung cancer sufferers to learn that their medical data was being used by the industry which had caused so many cases of the disease.

Privacy campaigners said the disclosures were scandalous, as they called on the Commons Health Select Committee to investigate how the situation could have been allowed.

Lung cancer is the third most common form of cancer in the UK, with about 45,000 diagnoses annually, with nine in 10 cases caused by smoking.

PHE has access to thousands of medical records, which come from NHS hospitals and screening services. Patients are unable to block the use of information about them, because the body is not currently covered by NHS rules on consent, which allow patients to refuse for their data to be used for any purpose except direct care.

The rules have been dogged by controversy. Plans for a national database of

medical data were halted in 2014 amid concerns that the public had not been properly informed about their right to opt out. A new consent model is due to be introduced in March, but it is not yet clear whether the rules will apply to data extracted by agencies such as PHE.

The apparent lack of due diligence raises question marks about whether there are any safeguards in place to prevent misuse of data released by PHE.

Sam Smith, from privacy campaigner

90pc

The proportion of lung cancer cases in the UK that are caused by smoking. It is the third most common form of cancer.

medConfidential, said: "This is a system that relies on public trust; a system so flawed that it's not yet clear if any rules were broken."

"It's a scandal that 'medical purposes' has been twisted, and officially approved, to include a firm working for big tobacco," he added. "We want the Commons health committee to now investigate as a matter of urgency. Even now we don't know how this data from medical records is being used. We only know it was given to a firm which has spent three decades acting for a tobacco giant, trying to use statistics to dispute the impact of smoking on cancer."

Paula Chadwick, chief executive of Roy Castle Lung Cancer Foundation,

expressed alarm at the revelations. "This could be incredibly distressing for patients and their loved ones," she said.

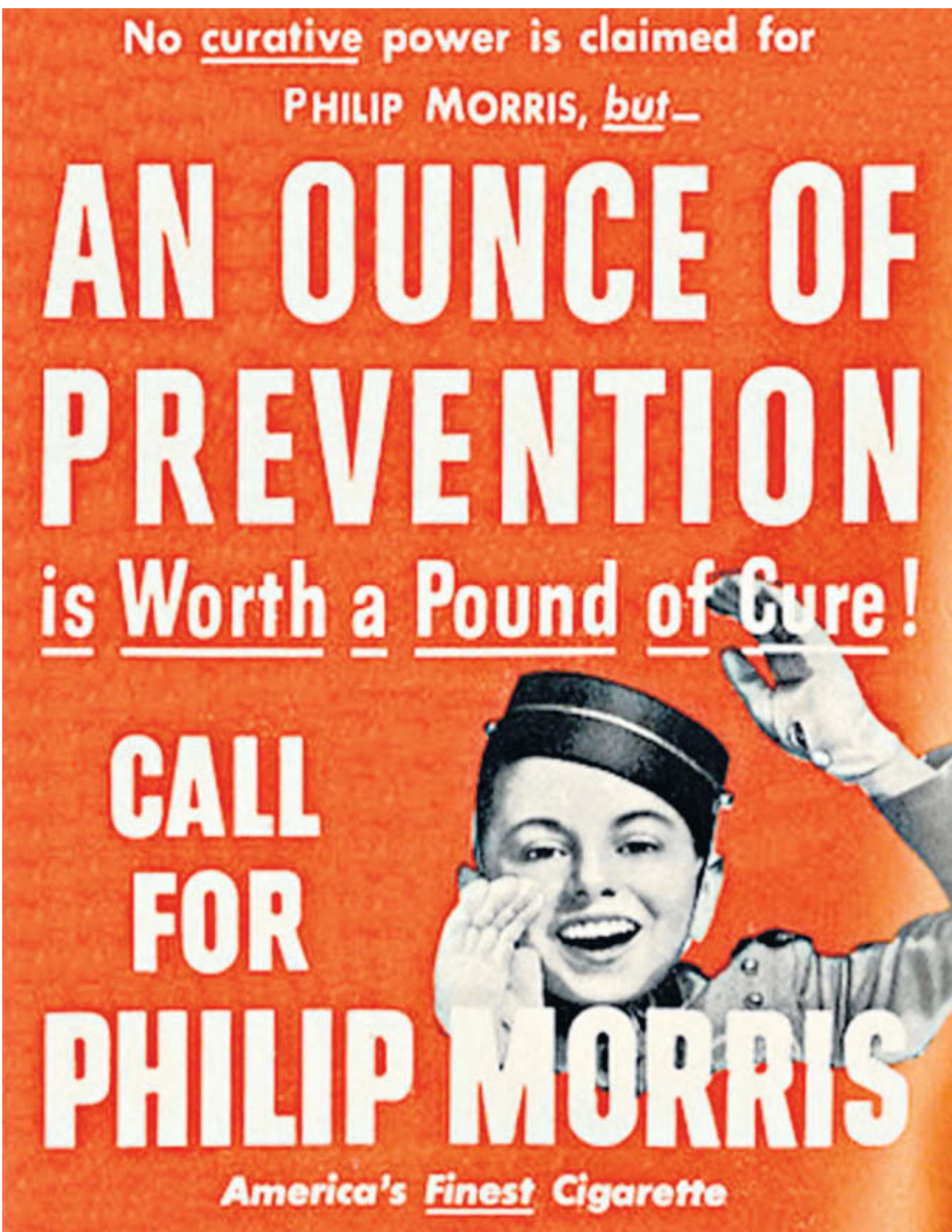
A spokesman for PHE said the data was released to William E Wecker after it set out plans for a study evaluating "morphological changes in lung cancers across countries and continents" in order to "extend the analysis of relationships between tobacco use and cancer" and "identify strategies to achieve a healthier global population".

Health officials said the request from the firm stated: "It is widely accepted that the largest contributing factor in developing lung cancer is tobacco use... We would like to do a cross-continental study involving Australia, Ireland, the United Kingdom and the United States to evaluate whether cancer morphologies differ across nations or continents." The spokesman said PHE was not told who funded the study.

Dr Jem Rashbass, National Director for Disease Registration and Cancer Analysis, PHE, said: "We released this data under our legal duty to comply with the Freedom of Information Act. Patient confidentiality is of utmost importance and we've ensured that no sensitive or identifying patient information has been released."

"Any organisation or person can submit an FOI request and is legally entitled to a response, provided there is no applicable exemption."

The *Telegraph* asked William E Wecker to provide details of the study, including any plans to publish its findings, but no response was provided.



A 1946 Philip Morris advert even implied that cigarettes could be good for your health

NHS litany of failure on records goes on despite claims of 'due diligence'

By Laura Donnelly

WHEN it comes to medical records and data security, the NHS has a chequered history.

Labour's plans for a national IT system, to enable sending and sharing of patient data, were scrapped in 2011, after estimated costs reached £12 billion.

Under the coalition government, plans were drawn up for a national database – called Care.data – which would see information extracted from GP files in order to aid medical research.

But the scheme was put on hold in 2014 and scrapped two years later amid public concern that people had not been properly informed about how to opt out, along with fears the database could be vulnerable to hackers.

It followed a series of scandals over access to medical records – including the sale of NHS data covering 47 million patients to the insurance industry, revealed by *The Daily Telegraph*.

The debacle saw the resignation of Tim Kelsey, head of Care.data, already under fire for claiming more than £46,000 a year on hotels and travel.

Public confidence was further shaken last year when the NHS fell victim to the biggest cyber attack in history, with "ransomware" crippling 40 hospital trusts.

But health officials are determined to press on with wider access to medical data – insisting that it is vital to improve medical research and make services more responsive to patients.

A new consent model has been drawn up, with every patient promised a "single and simple" way to opt out if they do not want personally identifiable data shared for anything beyond their own care and treatment.

Ministers hope that they will avoid the previous backlash if the public is given clearer information about the plans, due to be launched in March.

But many questions remain unanswered, including whether a data re-

Smoking gun Six decades since deadly secret revealed

It is more than 60 years since Richard Doll's landmark study, proving that smoking causes lung cancer. The findings were so controversial that it took three more years and further studies before ministers announced the link.

In America in 1964, the surgeon general estimated that smokers had 10 times the risk of lung cancer compared with non-smokers.

Since then, the tobacco industry has battled to defend sales, arguing about the level of the risk posed by smoking and the relative risks of lower tar products.

Most recently, it has fought the introduction of plain packaging, proposed by the last Labour government.

In 2011, Philip Morris International tried to use Freedom of Information

laws to gain access to secret data on teenage smoking and packaging.

The University of Stirling refused to hand over the insights, gathered from 6,000 confidential interviews undertaken with teenagers as young as 13.

When the coalition went ahead with the Labour plans, the tobacco industry began court

proceedings, losing the case in May 2016, and losing the right to appeal in April last year – a month before the law came in.

Earlier this month, Philip Morris launched a new campaign pushing smokeless products, such as e-cigarettes, as healthier alternatives, and offering smokers help to quit, leading to scepticism from anti-smoking campaigners.

leaze such as that disclosed today will be allowed under the new system. Until now, the debate has focused on NHS rules on consent. But, although the National Cancer Registration Service takes NHS data out of hospitals for every cancer patient in the country, it is run by Public Health England (PHE). As an agency of the Department of Health, it is not covered by NHS rules.

While the release of all health data is covered by 2006 legislation, which states it should only be released "for medical purposes", patients get no say.

That means that when data was extracted from the medical records of almost 180,000 lung cancer patients, no patients or relatives were asked for consent.

Patients can ask to have their full cancer registry record deleted – but officials admit this could potentially harm their own care. PHE insists "due

diligence" was carried out when they were asked to release data on every patient diagnosed with lung cancer in England between 2009 and 2013.

It has stressed that care was taken to ensure that no "identifying" patient information was handed over.

The request from William E. Wecker Associates Inc, a statistical and applied mathematical consulting firm, was authorised, and anonymised information from almost 180,000 patients duly handed over.

Last night, PHE officials said that until they were contacted by this newspaper, they were unaware of any link between William E. Wecker and Philip Morris International, despite their long and public collaboration.

But questions will now be asked about what that "due diligence" process involves. It appears to exclude basic internet searches.

Lung cancer sufferer I want medical data to be used for positive reasons

Michele McMahon, 49, a lung cancer sufferer, said she was horrified that medical data from thousands of patients like herself had been handed to allies of Philip Morris.

The former NHS nurse said: "I really believe in the importance of research. I want medical data to be used for positive reasons – to help people, to help to find better treatments, and also to find ways to make smoking less attractive to young people.

"If I had been asked, I would never have given permission for my data to be used by the tobacco industry," said Mrs McMahon, from Liverpool, pictured with granddaughter Alice. "I don't understand how Public Health England could



have allowed this," said the mother-of-two, who was diagnosed 15 years after giving up smoking. "This is about our lives; these tobacco firms are all about making a profit."

Mrs McMahon, who was a ward sister at the Royal Liverpool Hospital, said she feared how the data could be used. "It is just inexplicable – we know the kinds of things the tobacco industry has said and

done over the years. They spent long enough trying to argue that smoking doesn't cause lung cancer. Why would PHE hand over data from our medical records to firms like that? It

horrifies me. Not just because of what they want to do with it, but also that it undermines all the really important work that is going on in research," she said. "I've worked in the NHS. I know

how important data protection is," she continued. "It is really important to have public confidence in the way they look after medical data. This will do enormous damage."

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