IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

MEDIA AND COMMUNICATIONS LIST

Claim Number QB-2019-001430

CRAIG WRIGHT

Claimant

-and-

PETER MCCORMACK

Defendant

DEFENDANT'S RESPONSE TO THE CLAIMANT'S PART 18 REQUEST FOR INFORMATION ON THE DEFENCE

Under paragraph 6.4 of the Defence:

"*The Tweets complained of are no longer online and accessible via the Defendant's Twitter page. They were automatically deleted in or about mid-June 2019 by software installed on the Defendant's account*"

Request

1. Please state the name and version of the software installed on the Defendant's account ("**the Software**").

Response

1. The Software is TweetDeleter. To the Defendant's knowledge TweetDeleter does not have identifiable versions as it is a web based tool.

Request

2. Please state the date on which the Software was installed.

Response

2. 14 June 2019.

   The Defendant installed the Software onto his online account after Jeremy Welch, a friend of his who tweets on bitcoin-related issues, had told him that he used, and

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recommended using, an automatic Tweet deletion service. The Defendant then read an article in *Wired* at the following URL https://www.wired.com/story/the-know-it-alls-should-i-delete-my-tweets/ which advocated the use of software for automatic deletion of tweets, particularly by journalists. The Defendant therefore decided to install the Software.

Further, prior to the Defendant's installation of the Software, the Claimant had not asked the Defendant to preserve the tweets complained of. On the contrary, in his letter of claim of 14 April 2019, the Defendant, by his solicitors, SCA Ontier LLP, had stated that the Claimant "*required*" the Defendant to take various steps, including "*[y]our undertaking to delete all tweets and other online or other publications in which you alleged that [the Claimant] had fraudulently claimed to be Satoshi Nakamoto*".

The Defendant downloaded data relating to his Twitter feed before installing the Software (see 3(a) below), which is retained by his solicitors.

Request

3. Please state the settings on which the Software operated between 12 April 2019 and 8 August 2019, including:

   a. the number of days between publication of a tweet on the Defendant's account and its scheduled auto-deletion;

   b. whether the number of days was changed, how they were changed, and on what date(s);

   c. the dates, if any, between 12 April 2019 and 8 August 2019 on which the Software's auto-delete function was paused or turned off;

   d. whether any tweets were immune from auto-deletion, and how; and

   e. any other functions of the software used by the Defendant apart from the auto-delete function.

Response

3. The services offered by the Software are summarised at https://tweetdeleter.com/en/blog/22-watch-video-what-services-tweetdeleter-can-offer. Each of sub-paragraphs 3(a)-(e) is addressed in turn below:

   a. Following installation, the number of days between publication of a tweet on the Defendant's account and its scheduled auto-deletion was set at 30. On a date

which the Defendant does not recall, he changed the number of days between publication of a tweet and its scheduled auto-deletion to 40.

The Software did not automatically delete less recent material from the Defendant's Twitter feed. The Defendant believes that this is because Twitter's API allows TweetDeleter to access only the most recent 3,200 Tweets from a user's feed (see https://tweetdeleter.com/en/archives). Therefore on 14 June 2019 Defendant downloaded data from the feed and uploaded it to the Software in order to effect deletion of the less recent material, using the process recommended on the TweetDeleter website at the URL https://tweetdeleter.com/en/archives. The Defendant does not believe that the publications complained of were among that less recent material.

b. See (a) above.

c. The Defendant does not recall exactly when the auto-delete function was turned off. He believes it was between about 20 June 2019 and the end of July 2019.

d. Subject to sub-paragraph (a) above, the Defendant does not believe that any tweets were immune from auto-deletion.

e. The Defendant does not recall using any additional functions other than those set out at sub-paragraph (a) above.

Request

4. Please state the date(s) on which the Tweets complained of in the Particulars of Claim were deleted from the Defendant's account.

Response

4. The Defendant believes that they were deleted on 14 June 2019.

Request

5. Please state whether any tweets complained of in the Particulars of Claim were deleted by the Defendant or anybody else, independently of the auto-delete function on the Software, between the dates of 12 April 2019 and 8 August 2019.

Response

5. Not to the Defendant's knowledge.

Request

6. Please state whether the Defendant still uses the Software and:

   a. if he does not, the date on which he stopped using it; or

   b. if he does, the settings on which it still operates with reference to the criteria in paragraph 3 above.

Response

6. The Defendant still has a TweetDeleter account but since turning off the auto-deletion function (see 3(c) above) has not used the Software. The TweetDeleter auto-deletion function remains turned off.

Request

7. Please state whether the Defendant has preserved any soft or hard copy of any data, including metadata, associated with the tweets complained of, including data as to likes, retweets, and the number and identity of publishes.

Response

7. As set out in 3(a) above on 14 June 2019 the Defendant downloaded data from the feed, which included data relating to the tweets complained of. This has been preserved by the Defendant's solicitors.

I believe that the facts stated in this response to the Claimant's request for information on the Defence are true.

Signed:

Name: Peter McCormack

Peter McCormack

Date: 22nd Nov 2019