

Desmond P Kane

London

U.K.

03.10.2014

Dear Mr Kane

Data Protection Acts 1988 to 2003

Response to your data subject access request dated 25 August 2014

I write further to your request for details of your personal data which you consider is processed by or on behalf of Shell E&P Ireland Limited ('SEPIL') and other companies group within the Shell group of companies ('Shell Group') and my letter to you of 5 August 2014.

Shell E&P Ireland Limited

Tel +353 (0)1 669 4100 Fax +353 (0)1 669 4101

Corrib House 52 Lower Leeson Street

> Dublin 2 Ireland

I confirm that Shell E&P Ireland Limited ('SEPIL') and other companies within the Shell Group of companies processed personal data about you for the purposes of business execution, including concluding and executing agreements with customers, suppliers and business partners, organisation and management of the business, health safety and security of Shell assets and individuals and for legal and regulatory compliance.

I can also confirm that:

- the source of your personal data is yourself, employees of OSSL, other companies within the Shell Group, a number of media sources which are referred to in the attached document, Mr John Donovan, and the Garda Síochána Ombudsman Commission (in respect of which a copy of their letter to SEPIL of 8 July 2014 is attached).
- the categories of data are your contact details (name, address and email address) details of
 contractual relations and disputes between OSSL Company and SEPIL and data relating to your
 complaints and allegations made in relation to SEPIL, other companies within the Shell Group
 and individuals engaged by or on behalf of those companies.
- the recipients of your personal data were SEPIL, other companies within the Shell Group and those third party organizations providing administration or other services to the Shell Group as well as third party media organisations who contacted SEPIL in response to your complaints.

I enclose copies of the information comprising your personal data in hard copy documents.

Names of other data subjects and identifying particulars have been deleted to protect the identity of third parties.

Certain personal data has been omitted where it is subject to legal professional privilege.

Yours sincerely

Paul D Walsh

UI IT Service & Operations Manager - Norway, UK & Ireland

Shell E&P Ireland Limited

Confidential

Subject Access Request: Mr Desmond Kane

This information along with the accompanying document comprises the personal data regarding Mr Desmond Kane in response to his Subject Access Request dated 25.08.14

OSSL Company was a contractor engaged by the Corrib Project from 2004 to 2010 to provide Personal Protective Equipment (PPE), safety gear and to perform and coordinate small-scale contracting works (as a sub-contractor to a main contractor called Roadbridge).

The OSSL contract was never an exclusive agreement and other companies bid and sometimes won business for PPE, safety gear and construction services.

Shell E&P Ireland Limited (SEPIL) advised OSSL in late 2009/early 2010 that its services were no longer required because, with completion of terminal and delay in construction of the tunnel, demand no longer existed. All matters and settlements relating to this contract are completed.

OSSL began a contract dispute at the time of contract termination; OSSL eventually sued SEPIL and Roadbridge in April 2011 for what it claimed was excessive tax with-holding on invoices from 2007. SEPIL hired an independent accountancy firm, to review the manner in which tax was withheld and they advised it had been done correctly and proper tax had been remitted to Irish Revenue.

The dispute was that Roadbridge had deducted too much tax for work done by OSSL as a sub-contractor. Ireland Revenue rules state that any construction operations are subject to Relevant Contract Tax (RCT). Tax is to be held back on services but not on goods. Any invoice with a mixture of goods and services is treated as being services in accordance with Irish Revenue guidelines. In reviewing the invoices that are mixed goods and services, SEPIL agreed that potentially some additional tax was deducted and in good faith reimbursed OSSL for that as part of a mediated settlement.

In early 2012 mediation was requested by SEPIL in relation to the outstanding court case and was accepted, leading to a mediated settlement on August 2nd 2012. Feedback at the time was that OSSL was satisfied with the outcome of the mediation and OSSL then withdrew the outstanding court action. SEPIL considers that the mediation settlement is a final closure of matters relating to the contract. Note that terms of the settlement are confidential.

In 2011 OSSL alleged falsification of invoices and delivery of truckloads of alcohol to the Gardaí in 2007, as well as non business-related works and gifts for some local residents, which it claimed to have taken place in 2007. A detailed internal investigation by the Shell Business Integrity Department (based in The Hague) was conducted when these allegations were first raised in 2011. During the investigation, many people were interviewed, including SEPIL staff, Roadbridge staff and OSSL.

OSSL were asked to supply written evidence (e.g. receipts) to support their allegations but they were unable to do so. The BID investigation did not find evidence to support the OSSL allegations.

After the mediation settlement, on August 24th, 2012, OSSL restated its allegations regarding delivery of alcohol to the Garda and gifts to local residents in 2007. OSSL invoiced Shell for amounts it claimed to be due in relation to this delivery and continues to press for payment. OSSL has sent hundreds of emails, conducted public demonstrations, made statements on Facebook and attempted to engage mainstream media. Emails have been directed to SEPIL and its staff, Royal Dutch Shell leaders, and local residents. The Donovan website royaldutchshellplc.com published the allegations.

The invoice for Garda alcohol was generated by OSSL on August 24, 2012 and mailed to SEPIL on that day and is dated such, for deliveries it claims were made in 2007.

Desmond Kane has sent hundreds of emails, conducted public demonstrations, made statements and uploaded photographs onto an OSSL Facebook page and has engaged with the media in relation to his allegations. Emails demanding money have been directed to SEPIL, its staff and Royal Dutch Shell plc leaders. Emails have also been sent by OSSL to a number of journalists, with many senior Shell staff blind-copied on these mails. Local residents have also received emails.

Mr Kane attended the Royal Dutch Shell plc AGM in May 2013 in the Hague during which a commitment was made for a senior Shell representative from outside of Ireland to meet Mr Kane.

That meeting took place in early June 2013 in Dublin. The main points raised by Mr Kane at that meeting were:

- OSSL acted in good faith at all times under Shell instruction
- OSSL were used as a 'one stop shop' for minor service requirements by the Project
- OSSL had a good working relationship with Shell up to 2009
- OSSL felt aggrieved that OSSL no longer work on the Corrib project and had an expectation
 of a job for life, despite explanation going back to 2009 that work OSSL provided was ending.
- OSSL made statements that "favours" were provided under Shell instruction and that
 invoices were amended to reflect general project activities like ditch digging, fencing and
 ground work, when in reality OSSL claimed gifts were given to people in the community to
 get them onboard and supporting the project
- OSSL stated that they acted in the best interest of Shell and stepped up to assist and support the project at challenging times; Desmond Kane stated that he felt this entitled OSSL to "preferential treatment"
- OSSL stated that they were threatened by another contractor XXX that they would get no further business from Shell on a global basis. XXX re-assured OSSL that Shell does not operate in this way and that Shell has an open and transparent pre screening, bid list and award process, which gives all companies opportunities to bid for Shell work. In addition it was stated that SEPIL via XXX had given OSSL a reference for work executed on Corrib. Desmond Kane acknowledged this and expressed regret that he had "used the reference against XXX" in an attempt to get further payment.

- OSSL stated that a large volume of alcohol was provided to the Gardai on the instruction of Shell in 2007 and questioned why the Shell investigation team under XXX had not interviewed the Gardai.
- OSSL stated that they felt that Shell had treated them badly and wanted some recognition of the delivery provided and recognition from Shell that they had only done only what XXX had instructed them to do
- OSSL stated that no real notification was given to stop services in 2009
- Desmond Kane said they signed the settlement agreement due to personal financial and cash flow issues

Mr Kane was re-assured that Shell do not operate any blacklist for contractors and that timing of their down manning was as a result of where the project was and that new suppliers like XXX etc who were mobilised later could provide a full scope and service including safety equipment etc provided by OSSL.

Mr Kane stated that he would like, on behalf of himself and others employed by OSSL Company to re-open the settlement agreement and that he does not accept this as full and final closure of his contractual claims. He wanted further payment from SEPIL. An email from an employee of OSSL was received shortly after which restated the amounts claimed at the meeting.

No new information was provided by Mr Kane and SEPIL remains satisfied that the contractual dispute between the two companies has been closed.

In September 2013 and following Mr Kane advising SEPIL of an intention to attend at Shell Centre in London, Mr Kane was seen attending a protest outside of Shell Centre in London.

In November 2013, the Garda Síochána Ombudsman Commission (GSOC) announced an investigation following allegations from OSSL that alcohol had been supplied by SEPIL to the Irish police in 2007.

Mr Kane attended the Royal Dutch Shell AGM in May 2014 in the Hague at which he requested another meeting with a Shell representative. The CEO indicated that this would only be appropriate if evidence was produced to support Mr Kane's allegations. Following the AGM this was confirmed by email to Mr Kane by Michiel Brandjes, RDS Company Secretary. To date no such evidence has been produced.

On 17 July 2014 Mr Kane was noted to have attended a protest outside of the Shell offices in Dublin.

In July 2014 SEPIL were informed by the Garda Síochána Ombudsman Commission (GSOC) that their investigation into the allegations raised by OSSL had been concluded and that they found no evidence to support OSSL's allegations.

SEPIL is satisfied that OSSL was treated fairly as a contractor on the Corrib project. Furthermore, SEPIL is satisfied that the allegations made by OSSL have been investigated and no evidence has been found to substantiate them, nor has OSSL provided any such evidence.

August 2007

The activities provided by OSSL on the project are as follows;

- 1. Safety Training and Certification
- 2. Procurement and supply of Shell standard PPE
- 3. Photographic and Audio equipment
- 4. Security Sweeping of Offices
- 5. Building and land surveys
- 6. Radio Equipment
- 7. Supply and Erection of Signage (safety & legal / planning /permit)
- 8. Monitoring and reporting services
- 9. Building Works
- 10. Way leave Fencing

- 11. Accommodation Works
- 12. Office Equipment & Furniture Removals
- 13. Milestone Acknowledgement Items
- 14. Site Offices and Huts
- 15. Small Works & Repairs
- 16. Road making
- 17. Stock Holding of Corrib safety and environmental supplies
- 18. Environmental Works at various locations on the pipeline
- 19. General Project Support; miscellaneous items

November 2009

These invoices were requested from OSSL:

Ref	Invoice Number	Amount	Requester	Details
1	207561	€ 378.00	Xxx	Safety Stickers
2	207594	€ 58.50	Xxx	Gloves
3	207595	€ 301.48	Xxx	Safety PPE
4	207607	€ 483.52	Xxx	Safety PPE
5	207608	€ 56.40	Xxx	Fire Warden Vest
6	207609	€ 58.00	Xxx	First aid kit
7	207612	€ 17.00	Xxx	High Vis
8	207613	€ 173.70	Xxx	Hand Sanitizer
9	207614	€ 306.47	Xxx	First Aid equipment

10	207705	€ 190.20	Xxx	Tarpaulins
11	207706	€ 702.24	Xxx	PPE
12	207707	€ 98.10	Xxx	Footwear
13	207710	€ 311.84	Xxx	PPE
14	207711	€ 78.20	Xxx	Footwear
15	207113	€ 301.95	Xxx	PPE
16	207714	€ 89.00	Xxx	Footwear
17	207715	€ 89.00	Xxx	Footwear
18	207716	€ 153.60	Xxx	PPE
19	207717	€ 89.00	Xxx	Footwear
20	207104	€ 994.65	Xxx	PPE
21	207459	€ 214.00	Xxx	Cleaning Equip
22	207360	€ 134.90	Xxx	PPE
23	207358	€ 379.50	Xxx	Cleaning Equip
24	207289	€ 2,708.00	Xxx	Cleaning Equip
		€ 8,367.25		

February 2010

Summary & Suggested Position

- OSSL have done very well out of the Corrib project. They have had a turnover of €3.8 Million xxxxx.
- There is a frustration with OSSL by the Construction Contractors and SEPIL in that OSSL would appear to have unrealistic expectations that they have full and sole entitlement to business from Corrib regardless of their competiveness.
- What we endeavour to do is to ensure that OSSL have full and fair opportunity to quote for business however there have been times when their quality and specification of goods have been unsuitable and other occasions when their prices have been too high.
- It is correct to say that OSSL have gone the extra yard on occasions to facilitate the project and associated contractors.

- It is correct to say that due some of what could be perceived as opportunism OSSL have lost the respect to some of the SEPIL and Contractor personnel, their reputation has been undermined in some quarters.
- What we can say to OSSL is that spend on the project is ramping down across all elements, the highs of 2008 and 2009 will not be reached again and that we will write to all the Contractors and request that OSSL be given full and fair opportunity to quote for business in the future
- With respect to OSSL's email last week I have addressed comments against each specific item and also identified some contentious areas that they might bring up to which we can demonstrate that we followed a open and fair process.
- We do appreciate the loyalty and commitment shown by OSSL on the project and wish to give them further business in accordance with prescribed project policy and business principles.

Specific Contentious Items

OSSL were invited to tender for various awards, details of the contentious ones are given below:

A: Kit Bags

OSSL were invited to tender for the supply of a kit bag to be given out on site as part of a safety award. A total of five Mayo based companies were invited to submit samples of awards based on a unit price of €xx.

A review team selected a winning sample form the range samples submitted with no knowledge of the relevant suppliers.

Xxx won this award - Value: xxx

B: Jackets

OSSL along with three other companies were invited to tender for the supply of a jacket as a safety award. A xxxx based tailoring company were successful <u>but</u> OSSL were approached for a quotation for a similar jacket. OSSL provided the jackets for the same price as the xxxx based company tendered.

OSSL were awarded the supply based on Local Content - Value xxx

C: Winter Driving Kits 2008

OSSL were asked as for a price for the supply of winter driving kits. OSSL quoted a price of circa €xx per kit.

OSSL were awarded the supply – Value xxxx

D: Winter driving Kits 2009

OSSL and three other companies were requested to tender for the supply of winter driving kits. OSSL quoted a price of €xxx. The xxx kit was deemed to be of a slightly higher standard then OSSL's 2009.

OSSL were at all times treated fairly in the award process and were never excluded from providing a sample kit

xxx were awarded the supply – Value €xxx

OSSL have been given opportunity to bid for this business but have not been successful. These bids are fully auditable and transparent.

The local suppliers policy remains unchanged. OSSL have been invited to tender for all purchases made by SEPIL. No by-passing has been carried out.

The reason for this challenge is the frustration that the contractors have with OSSL when the prices that they submit and the expectation that they have an automatic right to that business.

July 2010

Please contact OSSL to inform them why they were unsuccessful in obtaining the work related to the EIS signs.

The fundamental reason why they were unsuccessful is related to their proposed rates and the fact that we know they do not have a valid C2. A valid C2 is a contractor requirement for these type of works on Corrib.

2010

Changed supplier for PPE as OSSL failed to deliver.

June 2010

Mr Kane attended a meeting with SEPIL representatives on 17 June 2010 in the Hilton Hotel Dublin.

A tax issue was discussed relating to the withholding of a % of OSSL Company subcontractor invoices by the contractor who engaged them due to OSSL Company not holding a C2 Tax Registration card. Issues around when OSSL were requested to obtain such a card were outlined.

The manner in which OSSL paid employees was discussed, DK stated that he was instructed by Shell to pay his employees in cash and add 10% to the invoice and this process only met issues when OSSL were instructed to submit their invoices to Roadbridge.

DK described OSSL's role on the project and claimed that OSSL were used by SEPIL to carry out "dirty work" paid for via a "slush fund" and this made dealings with the Revenue difficult. DK stated that this was having an effect on OSSL's core business and he was owed €350,000.

DK stated that he was advised not to meet with anyone from Shell to discuss the matter, but he did out of respect for 7 / 8 years work from Shell. He stated that his next step would be to inform An Board Pleanala about the matter and that the repercussions "would stink."

Meeting 5th August 2010

OSSL indicated they were unsatisfied with the level of work they were getting from the project.

OSSL queried the position in relation to taxation on invoices and sought review of the situation.

February 2012

- [] were suppliers of safety equipment to OSSL.
- OSSL have ceased trading and are currently in dispute with SEPIL & [].
- [] indicated that they were owed money by OSSL in January 2011

May 2013

Minutes from the Shell Group AGM on 21.05.2013 in the Hague.

"Desmond Paul Kane: Good afternoon, Mr Chairman, good afternoon, Mr Voser. Thank you for the courtesy extended to all here, and the opportunity to ask a question. Short story first, and then I will ask a question of Mr Voser.

My name is Desmond Paul Kane, and I own a small engineering supply company and safety company called OSSL. We are based in Mayo in the west of Ireland. We have been there since 2000, when Enterprise Energy were attempting to bring the gas ashore. We were approached by Shell in 2003 to help them cure problems of a difficult nature with a project that was proving to be very troublesome, which was well-reported.

We assisted in every way we could with your company and became a strong ally of Shell for a sevenyear period. You can imagine the excitement of being involved, the smallest company as we were possibly in the world, with the largest company in the world, and doing good work for you which was highly recognised.

Fast forward now to the present. We are absolutely horrified at the treatment we received at the hands of Shell when we had to bring to their attention certain things that were going wrong with the process, which required a high degree of confidentiality. When we brought these matters to their attention, instead of solving our problems, they took the matter a different route, and absolutely obliterated our company and close down the situation in silence. We have been protesting for three years now, and we have not been able to get a satisfactory answer.

My question to Mr Voser is this: can I have half an hour of somebody's time outwith Ireland's structure of Shell E&P Ireland to express properly the situation and to outline the situation. That is my question. Thank you.

Jorma Ollila: Thank you, I'm sure we will forthcoming on that.

Peter Voser: Thank you for your question and thank you for travelling here. As you know, we have an agreement between the Irish company and yourself on a settlement –

Desmond Kane: That was a financial accounting matter that was solved in private, but the overflow situation, the other parts of the situation, have never been addressed. We have been assured by your company that we will never work in the industry again.

Peter Voser: Let me finish. We have that settlement done. Through some of your actions over the last 12-24 months, if I may be very frank, I don't think you have contributed a lot to our trust in the way you have handled some of the matters, but I am prepared to make sure that you can meet someone outside Ireland who can sit down and explain your case. We will get back to you so that you can do that, but at the end of the day, it remains a legal matter between you and Shell in Ireland. But I am prepared to take additional steps that you can do that, and someone will listen to you and you can bring your point. With that, I hope we can find the right solution. Thanks again for travelling here.

Desmond Kane: Thank you, sir."	
November 2013	
Supt XXX has interviewed Mr Keane [sic] and XXX. He plans to inter	rview all persons mentioned by
OSSL.	
the same and the s	

Desmond Kane (OSSL): Good afternoon, Mr Chairman. My name is **Desmond** Kane from a company called OSSL in County Mayo in Ireland. I will ask my question in Scottish without the use of an interpreter. [Laughter]

Jorma Ollila: Thank you.

Desmond Kane: Five years ago this week I was summoned with my colleague who is also in the room to a meeting with the CEO of Shell E&P Ireland in Leeson Street, Dublin. The gentleman informed us that there was grave concern with some of the instructions that were being given to our company by Shell to carry out work for certain people in that area. He said it was a Shell problem and Shell would sort it out; could we give him two weeks. That was 250 weeks ago. The problem has not been resolved.

I addressed this meeting last year and Mr Voser sent a special envoy to meet with me in Dublin, a Scottish gentleman, who listened intently to all we had to say, shook his head in shame at what he learned, said that more proof would be preferable. We informed him that we could only give him proof by getting in a cab and visiting what we were stating had happened. He said that was not necessary because it would only bring alarm to the police force and the local people involved, and that he would make his report based on what he had heard.

In the three-hour meeting, he took no notes, he wrote to me a fortnight later and said, "Goodbye, we don't know what you're talking about"! Can we have a meeting with someone who can put this situation right or, at the very least, give us a fair hearing to clear up this matter? Thank you.

Jorma Ollila: Thank you for your question and I think we have Ben to respond to this fairly detailed situation which was spoken about at last year's meeting in a similar way.

Ben van Beurden: I am indeed aware of this particular dialogue and I am aware of another comment that Mr Voser made at that same meeting, by the way. I believe the matter you refer to has been investigated time and time again, it has been the subject of an independent investigation inside our company and, indeed, there is no evidence, no proof, nothing whatsoever to substantiate the allegations that have been made out there. I am perfectly happen to have a discussion with you again outside to understand what it is that you can bring to us but, if there is no evidence whatsoever, I am not entirely sure what it is that we need to do. I know that we have been in a commercial dispute for a long time and that commercial dispute has been settled. I would suggest that we leave that to one side but, if there needs to be a further dialogue, wherever that dialogue needs to be, we shall have that. I

would also ask you to come forward with evidence of the allegations that you are so fond of making.

Desmond Kane: There is ample evidence and, if we put the effort in with you, with somebody who is willing to listen, they will see the evidence and understand more fully what happened.

Ben van Beurden: Understood.

Jorma Ollila: We have taken your message, we shall look into it and have a discussion with Ben.

Desmond Kane: Can you give confirmation of a definite meeting?

Jorma Ollifa: I shall have a discussion with Ben on how we can proceed here in a way which brings this to a happy conclusion, so that we shall not have the same discussion for a third time next year.

The following articles which (amongst other things) contain personal data regarding Mr Kane:

May 2013

Untitled article from John Donovan which begins "The owners of The OSSL Company who have blown the whistle on a massive police corruption scandal"

- The Observer 11 August 2013
- "Strange tale of Shell's pipeline battle, the Garda and £60,000 worth of booze"
- Irish Independent 12 August 2013
- "Garda deny gas firm gave them alcohol worth €35K"
- The Irish Times 12 August 2013
- "Garda says no evidence of alcohol being distributed"
- Irish Times Tue, Aug 13, 2013
- "Garda examining claims alcohol was delivered to Mayo station"
- The Mayo News 13 August 2013 "Gardai deny booze bribes"
- Western People 13 August 2013
- "Corrib gardai did not get alcohol from Shell"
- The Irish Times 14 August 2013
- "Shell welcomes inquiry into alcohol claims"
- The Sunday Times 18 August 2013
- "Shell's contractor 'delivered three loads of booze to gardai"
- The Irish Times 19 August 2013

"Shell rejects claims over delivery of alcohol to Garda"



GSOC REF: 940204-09-13

(Please quote this reference no. when contacting the GSOC)

Shell E&P Ireland Ltd Corrib House 52 Lower Leeson Street Dublin 2

8 July 2014

Re: OSSL

Dear

An investigation under Section 98 of the Garda Síochána Act 2005 has been conducted in relation to the above.

This complaint emanated from a statement which OSSL made to Garda Authorities, which was forwarded to the Garda Ombudsman (GSOC) in accordance with Sections 83 (2) and 85 (1) (c) of the Garda Síochána Act 2005.

Following completion of this investigation and pursuant to Section 101(7) of the Garda Síochána Act, 2005 the Ombudsman Commission is of the opinion that it discloses no misbehaviour by the members of the Garda Síochána concerned.

In mid December 2013 OSSL met with Designated Officers from GSOC in the offices in Dublin. The investigation process was outlined to OSSL including the need to take a detailed statement of complaint and to retrieve documents as part of the investigation such as, bank statements, vehicle hire records, company phone bills and any other documents which OSSL may have had and which would be supportive evidence of the allegations made.

Mr. Kane was informed that these investigative steps would be carried out prior to any approach to any Garda member complained of. On the 16 December 2013 an email was received from OSSL in which the following was outlined "we regret to inform you that we have decided to devote no more time and expense on this matter. We wish to put on record that we are shocked and disgusted that senior law enforcement officers from An Garda Siochána have treated our requests for assistance with blatant disregard in favour a [sic] self preservation cover up of the facts they know to be true".

As such OSSL failed to provide additional statements and any items of documentary evidence in support of these allegations to GSOC. Following on from this December 2013 email, in direct contrast to the statement that OSSL had decided to devote no more



time and expense on this matter, the GSOC Senior Investigating Officer in this case received in excess of 135 emails from OSSL to date and Garda authorities forwarded to GSOC documents which they too had received from OSSL, none of which contained any evidence to corroborate the allegations.

GSOC continued the investigation with the limited information available; the investigation established that when Shells Business Integrity Department conducted their investigation into this matter between late 2011 to early 2012 that OSSL had failed to provide documentary evidence to that investigation to support the allegations.

As part of the GSOC investigation the serving Garda members who were mentioned by name or partially referenced were identified by GSOC. The Garda members were approached and interviewed. What is of note is the fact that Garda members complained of were all at or above the rank of Garda sergeant and they were involved in high profile policing in the Belmullet area at different times and therefore would have been known to the public. One of the Garda members complained of was not stationed at the location where it had been alleged he met OSSL.

Having taken account of all matters on this file, the evidence does not support OSSL's allegations.

Accordingly the Garda Síochána Ombudsman Commission shall take no further action in relation to the complaint.

If you have any queries please contact the undersigned.

Yours sincerely,



Senior Investigating Officer