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9 January 2024

Dear Solicitor to the Inquiry

POST OFFICE HORIZON IT INQUIRY: PHASES 2 AND 3 EXCHANGE REMEDIATION

- 1.1 We write further to the Inquiry's Rule 9 request of 17 November 2023¹ and Chris Jackson's witness statement dated 19 December 2023 ("CJ1"). Paragraph 74 of CJ1 sets out POL's working understanding of the potential impact of the Exchange issue² on Phases 2 and 3 and that POL would undertake further work to validate that understanding³. We now set out POL's proposals for that further work.⁴
- 1.2 POL (and BSff) re-iterates that it welcomes engagement with the Inquiry on its working conclusion and, indeed, welcomes engagement on the proposals set out in this letter.

PHASES 2 AND 3 EXCHANGE REMEDIATION PROPOSALS

- 1.3 POL's working conclusions for the potential impact of the Exchange issue on Phases 2 and 3 remain that which is set out in CJ1 at paragraph 74. That working understanding informs the following proposals. In particular, the proposals are on the basis that any remediation work should address the risk that Exchange holds documents relevant to POL witnesses for Phases 2 and 3 which are responsive to searches run previously and should have been disclosed had Exchange been searched in addition to Mimecast. For the avoidance of doubt, POL is not considering other Inquiry requests potentially relevant to Phases 2 and/or 3 which may be impacted by the Exchange issue but don't relate to a witness for Phases 2 and 3. To do so would likely be a significant undertaking and we recognise that it may not be necessary for the Inquiry's purposes. We welcome the Inquiry's engagement if this does not align with the Inquiry's concerns.
- 1.4 We propose that the remediation will be in respect of the Phase 2 individuals listed at Appendix A and Phase 3 individuals listed at Appendix B.
- 1.5 POL is searching for Exchange data using Address Book searches and participant-based searches. Searches are being conducted against known variations in names (set out in the Appendices where applicable) and known email addresses. POL has not searched Exchange for the individuals using wildcard searches. We are not aware that doing so would produce additional unique data and note that

¹ Specifically paragraph 1d.

² There has been extensive correspondence between POL and the Inquiry with regard to Microsoft Exchange and Mimecast, including in CJ1, which we do not repeat here.

³ Specifically paragraph 74

⁴ We will respond separately with respect to phase 5.

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there is a risk of false positives, in particular for common names. However, we will keep the use of wildcard searches under review as data is investigated and collected.

1.6 The proposed next steps are:

- (a) POL is migrating the data collected to KPMG for processing. For the reasons at para 43(a) of CJ1, Exchange data is being collected up to 31 December 2015.
- (b) Responsive data will be de-duplicated at a global level using standard forensic de-duplication methods only. We will liaise with KPMG so that search responsive documents produced previously to the Inquiry are excluded from review. However, there is a risk that responsive data will contain duplication of the sort which we have written about separately, including near-duplicates. Any documents produced will be BSFf productions and we intend will be separated into a 'main' set and 'residue' set pursuant to the process we have written about separately.⁵
- (c) KPMG will run search terms across the collected data prior to review. POL intends to run the same search terms as those HSF requested were run across email data when responding to Phase 2 and 3 Inquiry requests. POL proposes this approach because Exchange remediation can only be in respect of email data that was understood to have been captured in Mimecast searches but may only appear in Exchange. Accordingly and for the avoidance of doubt, we do not propose to re-run all other (non-email related) searches HSF ran for the individuals identified at Appendices A and B. We will update the Inquiry in due course to confirm the search terms run.

1.7 We do not currently have – but will develop and keep the Inquiry informed on – an anticipated timeline for completing the above. The time required is dependent upon the time required to run searches the number of responsive documents for review, in parallel with continued work to respond to Inquiry requests for Phases 5 and 6. We note that hearings for Phases 2 and 3, including those of witnesses from POL, occurred in late 2022 and early 2023, the Inquiry is presently conducting hearings for Phase 4 and is preparing for hearings in Phase 5 anticipated to start in Spring 2024. We will complete the review as soon as possible and keep the Inquiry updated. We have written to you separately regarding Phase 5 Exchange remediation and expect that takes priority over Phase 2 and 3 Exchange remediation. Please do let us know if you have any questions or requirements as to timing of this exercise.

1.8 We would also welcome – if helpful – discussion and engagement with the Inquiry as to whether Textual Near Duplication (TND) and/or custom hash near de-duplication techniques should be used to reduce timescales and duplication in the review sets. However, those techniques will not be used without the Inquiry confirming that it would be content for that to be done.

1.9 Whilst BSFf are of course familiar with the Inquiry's Terms of Reference and Completed List of Issues, and have an understanding of Phase 2 and 3 R9 requests, BSFf do not have direct first-hand experience of responding to such R9 requests and POL will therefore be instructing HSF and P&P to continue to provide necessary background context and input as required to support remediation by BSFf on Phases 2 and 3.

1.10 POL is currently implementing the proposed approach as set out in this letter save for any comments the Inquiry may have. Please do let us know if you have any questions and if it would be useful to set up a meeting between BSFf and the Inquiry and/or the respective disclosure providers.

⁵ See BSFf letter of 17 December 2023.

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Yours faithfully

Burges Salmon LLP and Fieldfisher LLP

BURGES SALMON LLP and FIELDFISHER LLP

Appendix A – list of Phase 2 individuals

	Name	Role
1)	Robert Peaple	Personnel and Industrial Relations Director
2)	Mena Rego	Head of Retail Network promoted to Horizon Development Manager
3)	Ruth Reid	Business Integrity Manager (last position at PO)
4)	Robert Booth	Solutions Architect, Post Office Ltd
5)	John Meagher	Project management, Horizon Programme, Post Office Ltd.
6)	Graham Allen	Operations Manager for Post Office Account, Fujitsu
7)	Jonathan Evans	Former Network Director, Post Office Counters Ltd
8)	Andrew Simpkins	Former Programme Management Team (trial/rollout/releases), Post Office Counters Ltd.
9)	Jeremy Folkes	Former Infrastructure Assurance Team Leader, Horizon Programme, Post Office Counters Ltd.
10)	Stuart Sweetman	Former Managing Director at Post Office Counters Ltd.
11)	David Miller	Former Horizon Programme Director, Post Office Ltd.

12)	John Roberts	Former Managing Director Group Services, Post Office Ltd
13)	Paul Rich	Former Development Director, Post Office Counters Ltd

Appendix B

(i) Current or former POL witnesses called to give oral evidence

No. Current or former POL witnesses called to give oral evidence in Phase 3	
1.	Rod Ismay
2.	Bruce McNiven
3.	Chris Gilding
4.	Kathryn Parker (née Cook)
5.	Sandra McBride (née Lewis)
6.	Don Grey
7.	Rita Palmer (née Kendellen)
8.	Trevor Rollason
9.	Susan Harding
10.	Mark Burley
11.	David Smith
12.	Stephen Grayston
13.	Shaun Turner
14.	Gary Blackburn
15.	Anne Allaker
16.	Gayle Peacock
17.	Brian Trotter
18.	Andrew Winn

(ii) Current or former POL witnesses who had statements read into the record

Current or former POL witnesses who had statements read into the record in Phase 3	
1.	Jeffrey Paul Brown
2.	Stella Saunders

3.	Jayne Sullivan-Hemes
4.	Sarah Juliff
5.	Shaun White
6.	Tracey Charles
7.	Paul David Johnson
8.	Alan Staves
9.	Kimberley Brett
10.	Kenneth Marsh
11.	Amanda Booth
12.	Deepak Patel
13.	Sandra Harper
14.	Shishir Patel
15.	Paul Warbrick
16.	Susan Howard
17.	Lisa Williams
18.	Anne Mannifield
19.	Carol Armitage
20.	Laurence Edward Johnson
21.	Beverley Vandenberg
22.	Brian Ware
23.	Lynda Margaret Howarth
24.	Fay Crawley
25.	Joanne Collier
26.	Daphne Courtney
27.	Nicola Reeves
28.	Michelle Keohane
29.	Benjamin Cane
30.	Marylyne Williams

31.	Kimberley Wildsmith
32.	Alan Spafford
33.	Mark Haldane
34.	Tina Mellor
35.	Mike Hannon
36.	Chris Smyth
37.	Samuel Hardwick
38.	David Gordon Ogleby
39.	Andrew Bradley
40.	David James
41.	David Wilcox
42.	Peter Holmes
43.	Adrian Harvey Jarman
44.	Ian Lakin
45.	Rebecca Richard
46.	Anne Cox
47.	Carol Holmes
48.	Nigel John Perry
49.	Ann Cruttenden
50.	Leslie Henderson
51.	Russell Scott
52.	Patricia Daysh
53.	Richard Marwood
54.	Claire Watts
55.	Michael Denison
56.	Neil Edwards
57.	Linda Chambers
58.	Timothy Vause

59.	Debra Bradshaw
60.	Tom Fitzgerald
61.	Michael Burton
62.	Joanne Scott-Ison
63.	Stephen Grandison
64.	Richard Poulton
65.	Rajinder Gihir
66.	Junaid Tanveer
67.	Ian Humphries
68.	David Walton
69.	Christopher Bowman
70.	Peter John Mitchell
71.	Gill Payne