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Our ref: AW15/CJ01/65113.3

9 January 2024

Dear Solicitor to the Inquiry

Requests for statement pursuant to Rule 9 of the Inquiry Rules 2006 - following Chair's Directions dated 14 September 2023 - update in relation to the structural review

We refer to the First Witness Statement of Christopher Michael Jackson dated 19 December 2023 (**CJ1**) provided in response to the Inquiry's requests for a witness statement from Mr Jackson pursuant to Rule 9 of the Inquiry Rules 2006 dated 31 October 2023 and 17 November 2023.

Appendix 3 to CJ1 anticipated Post Office providing the Inquiry with an update in relation to certain structural review activities. In summary, structural review activities are ongoing but positive progress has been made generally and since CJ1 was drafted. We have set out a more detailed update below.

To help this letter be read alongside CJ1, we have used the same defined terms and terminology used in the statement.

1 ESI STORED ON EMEDIA

Investigation of the five servers and twelve back-up tapes located at Chesterfield

- 1.1 The five servers have asset numbers AF510115, M503NWFAP1, M53BLDC1, M53BLBOA01 and BL49XXDC3, to which we refer for precision.
- 1.2 Analysis is continuing but investigations have been progressed in relation to all five servers. Post Office's current understanding is set out below.
- 1.3 **AF510115** hosts virtual hard disk files for virtual machines (i.e., files that are used to emulate the functionality of a physical computer). AF510115 does not contain user data (i.e., data created or used by individuals), so it is not believed to contain anything likely to be of evidential relevance. Accordingly, further examination of AF510115 does not appear to be something that would assist the Inquiry.
- 1.4 **M53BLBOA01** hosts the same virtual hard disk files for virtual machines as AF510115. It also does not contain any user data. Accordingly, further examination of M53BLBOA01 does not appear to be something that would assist the Inquiry.
- 1.5 **M503NWFAP1** contains more than 700GB of deleted user data but only a small amount of live user data. From the available metadata, it appears that any deletion of data on this server would have been before 24 May 2016 as that is the date of the last recorded time a user logged on to the server.

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- 1.6 Many deleted documents have been recovered, although it has not been possible to recover all files and metadata. The file path names on this server seem to be consistent with file path names on the NAS Drive (which, as explained in our letters to the Inquiry dated 10 and 17 November 2023, contains a copy, created in around 2018, of the data that was stored on the Post Office File Share). Using information from available records, the users who accessed M503NWFAP1 seem to have been Royal Mail Group employees/contractors who appear to have been involved in file server migration work. It appears likely M503NWFAP1 was used to populate other data repositories and there is a material possibility that the data recovered on M503NWFAP1 will be duplicative of NAS Drive data rather than new data. Post Office will however conduct further investigations to test that current understanding and will update the Inquiry.
- 1.7 **BL49XXDC3** contains more than 400GB of deleted user data but only a small amount of live user data. From the available metadata, it appears that any deletion of data on this server was before 28 June 2016 as that is the date of the last recorded time a user logged on to the server.
- 1.8 As with M503NWFAP1, the file path names on this server are consistent with file path names on the NAS Drive and BL49XXDC3 was accessed by the same users as M503NWFAP1. The same working conclusions have been reached for BL49XXDC3 as for M503NWFAP1. Post Office will conduct further investigations to test that understanding and will update the Inquiry.
- 1.9 The data on **M53BLDC1** has been deleted and is unrecoverable with forensic tools. Therefore, it is not known whether M53BLDC1 ever contained any user data. As M53BLDC1 does not contain accessible data, it is not a potential source of new data on a standalone basis.
- 1.10 However, eleven of the twelve tapes appear, from their external labelling, to relate to M53BLDC1. Accordingly, it is possible that they will contain data that was, at one stage, on M53BLDC1. The external markings of those eleven tapes also indicate that they relate to different periodic backup cycles for that server. If that is the case, there would be a material possibility that the data on each tape would be significantly duplicative of the data on other tapes.
- 1.11 All twelve backup tapes have, in recent days, been restored and are now in a condition in which they can be subjected to further analysis, which Post Office has commissioned.
- 1.12 We will continue to update the Inquiry on Post Office's further work to examine M503NWFAP1, BL49XXDC3 and the twelve tapes. Given the technology involved, progressing those investigations may take a material period.

Confirmation of understanding relating to the NAS Drive data

- 1.13 As explained in our letter to the Inquiry dated 17 November 2023, Post Office has been liaising with Accenture to obtain further assurance about Post Office's understanding (summarised in our letter of 17 November) that, up to 2018, Post Office File Share data is duplicative of the NAS Drive (a previously known repository of data) and, since 2018, Post Office File Share would not have been used for user-managed shared drives or folders, which are likely to be of most interest to the Inquiry.
- 1.14 Post Office had hoped to complete that work ahead of the upcoming disclosure hearing on Friday. However, investigations to date indicate that Post Office File Share may remain more active than previously understood. Further investigations in conjunction with Accenture are necessary to understand whether Post Office File Share continues to host user-managed shared drives or folders and, if so, whether data stored in them could be of evidential relevance to the Inquiry and not duplicative of data already collected from other sources.
- 1.15 Post Office is seeking to establish how long those investigations will take and we will update the Inquiry once that timeframe has been clarified.

Validation of historical assumptions about the likely probative value of eMedia

- 1.16 This work is materially progressed and we remain of the view that it will be completed within the timeframe anticipated in Appendix 3 to CJ1 (i.e., by the end of January 2024).

Review of custodian disclosure questionnaires to establish whether further collection of eMedia is required

- 1.17 This work is materially progressed and Post Office remains of the view that it will be completed within the timeframe anticipated in Appendix 3 to CJ1 (i.e., by the end of January 2024).
- 1.18 Post Office wants to ensure that the Inquiry is aware of decisions Post Office has made relating to the collection of data. Accordingly, by way of update, Post Office has not identified (after investigations of users, including by questionnaires that have asked custodians to provide details of their WhatsApp usage) repositories of WhatsApp messages reasonably anticipated to be responsive as substantive evidence to the Inquiry's Terms of Reference and Completed List of Issues so has not collected WhatsApp messages from custodians' eMedia devices (e.g., smartphones). Post Office would be happy to discuss this with the Inquiry and hopes that providing this information will facilitate that engagement if it would be helpful.
- 1.19 Post Office will continue to investigate custodians' WhatsApp usage and will keep decisions relating to the collection of WhatsApp messages under assessment when considering future requests for documents from the Inquiry and in light of knowledge acquired through disclosure and structural review processes.

2 ESI EXCLUDING EMEDIAIdentification of the extent of Post Office's live data universe

- 2.1 CJ1 contained details of the collaborative work to identify the full extent of Post Office's electronic data universe. That systematic exercise has been completed for Post Office's enterprise data universe in its current form (i.e., the extant architecture of software, data repositories etc. implemented for use by Post Office).
- 2.2 Ongoing feedback 'loops' are a key element of the EDRM disclosure model. If information comes to light that indicates the potential existence of a new data source, Post Office will respond to that information and will update the Inquiry as it has in the past in relation to data sources (for example, our letters of 10 and 17 November 2023). A system has been established to ensure that an effective feedback loop exists between those who are reviewing documents (which might indicate the existence of data sources) for the purposes of providing disclosure to the Inquiry and those who are involved in conducting the structural review.
- 2.3 Having completed that identification work, a systematic review of preservation work and arrangements (which was anticipated in Appendix 3 to CJ1) has been commenced. It is materially progressed but is ongoing. We anticipate it will take several further weeks fully to complete this work.
- 2.4 Through that review Post Office has identified that litigation holds (i.e., technical settings implemented to prevent the permanent deletion of documents by automatic or deliberate processes) have been implemented in various places within Post Office's data universe at different times.
- 2.5 As stated at paragraph 38(a) of CJ1, Post Office's understanding is that a litigation hold was implemented across the Post Office in respect of Exchange mailfiles from March 2021. The preservation of mailfiles since 2012 has also been supported by the email journaling function of Mimecast and its predecessor ProofPoint and the retention period for Mimecast data is in practice indefinite (up to 100 years). We are continuing to work with Post Office to confirm any prior litigation holds applied to individual custodians prior to the global litigation hold applied from March 2021 (see further below).
- 2.6 However, the technical settings that can be applied to different Microsoft Office 365 applications are not uniform. We are instructed that Post Office has sought to preserve documents within different Microsoft Office 365 applications using different combinations of technical settings. For example, a user's documents stored on OneDrive would have been retained for five years after they were manually deleted (there was no automatic deletion) or the user left the Post Office (whichever was earlier) until

March 2021¹. In March 2021, that retention period was extended to seven years. An indefinite delete prevention setting was applied to OneDrive in October 2023.

- 2.7 We understand that the position now across all Post Office's Microsoft Office 365 applications is that there are technical settings applied 'tenant-wide' (i.e., across the Post Office²) that ensure documents are retained forever, even if users delete them.
- 2.8 We also understand that adjustments continue to be made to litigation holds, document preservation notices and related guidance to improve the robustness of the arrangements that seek to ensure the preservation of potentially relevant documents and reduce the likelihood that such documents could be permanently deleted.
- 2.9 Post Office would welcome the opportunity to engage with the Inquiry to seek to provide the further details the Inquiry considers would assist it.

Activities relating to the Mimecast/Exchange issue

- 2.10 We will write separately today in relation to this issue.

Validation of historic preservation activity across other ESI data sources

- 2.11 This work is materially progressed. However, investigations are ongoing.
- 2.12 We understand from investigations to date that there was a particular focus in the GLO proceedings on preserving documents by issuing document preservation notices (i.e., formal notices informing individuals that they should not delete or destroy documents) and taking forensic copies of data repositories (sometimes referred to as images).
- 2.13 We are also seeking to establish what technical settings were implemented to prevent the permanent deletion of documents, when they were implemented and how those settings compared to the technological capability to apply those settings available at relevant times.
- 2.14 There continues to be a number of challenges in establishing the position, including the relatively limited availability of long-term institutional knowledge, the fact that certain activities may have been locally rather than centrally coordinated and the limitations of technological audit features in relation to checking historical changes to technical settings.
- 2.15 While we continue to target completion within the timeframe anticipated in Appendix 3 to CJ1 (i.e., by the end of January), it is possible that this work will take longer.

Review of ESI received in the past from third parties to establish whether further collection of ESI is required

- 2.16 This work is ongoing in relation to priority Post Office third-party advisers. We are instructed that key advices were requested from third party advisers prior to our involvement. Post Office is mapping what documents have been requested, what documents have been provided and where those documents are stored so that they can be searched, if necessary, in response to Inquiry requests.
- 2.17 Certain factors limit Post Office's ability to validate that it has been provided with copies of all documents that it has requested from third parties. In particular, Post Office does not have full visibility of the documents in the possession of third parties (i.e., where Post Office requests categories of documents, it is limited in its ability to check that it has been provided with copies of all documents in the possession of a third party that Post Office would consider fall within that category).
- 2.18 Further, Post Office is aware that third parties are likely to possess documents that might respond to the Inquiry's terms of reference and completed list of issues that Post Office does not have a right to

¹ This period would have started with the introduction within Post Office of Microsoft Office 365. Before that, the ability to apply technical settings to seek to preserve documents was different and generally more limited.

² For completeness, it is not possible to apply the same settings to F3 licence holders. F3 licences are assigned to Post Office staff in front line roles (typically counter staff and van drivers) who do not use a computer for day-to-day work but occasionally need to access some Post Office resources.

possess (i.e., that are not within Post Office's control). In particular, The Law Society's practice note "*Who owns the file?*" and guide on "*Ownership of documents*" indicate that, where a solicitor was acting as a professional adviser, certain categories of documents in the matter file belong to the solicitor rather than the client, which means that a client is not able to compel production of certain parts of the file, including, for example, drafts and working papers and copies of internal emails and other correspondence.

- 2.19 Those complexities and the unavoidable reliance on third party timescales mean that this work is taking longer than was originally anticipated. It is anticipated that material work will, therefore, continue beyond January 2024. Post Office will continue to update the Inquiry.
- 2.20 Post Office would be happy to engage with the Inquiry in relation to documents in the possession of third parties. Post Office recognises that the Inquiry has greater powers than Post Office to require the production of documents and will seek to provide to the Inquiry any information Post Office considers might assist the Inquiry in assessing whether to invoke those powers.

3 HARD COPY DOCUMENTS

Post Office enhanced self-certification process supplemented by an on-site search by Innovo Law

- 3.1 Post Office's enhanced self-certification process supplemented by an on-site search by Innovo Law is complete. We respectfully refer the Inquiry to HSF's letter to you dated 20 December 2023 and to the witness statements of Brian Stanton, Deirdre Domingo and Michael Moore (all of Innovo Law), which we understand have now been filed.
- 3.2 Post Office is considering whether any further reasonable validation work is appropriate and will, in any event, continue to respond to information identified through the ongoing EDRM feedback loops.

Post Office reindexing of hard copy documents stored in Oasis archives

- 3.3 We understand that the reindexing exercise has been completed. We are collating a consolidated further update to the Inquiry, which will provide details of whether Post Office expects to provide further disclosure in connection with reviews of the updated indices. That update will be provided shortly.

Review of custodian disclosure questionnaires to establish whether further collection of hard copy documents is required

- 3.4 This work is materially progressed and we continue to anticipate that it will be completed within the timeframe anticipated in Appendix 3 to CJ1 (i.e., by the end of January 2024).

Post Office will continue to update the Inquiry on an ongoing basis. If it would be helpful, Post Office would welcome the opportunity to engage with the Inquiry in relation to these issues.

While the EDRM model was the subject of evidence at the previous disclosure hearing (on 5 September 2023), given its relevance to the structural review and for ease of reference, we have enclosed a further copy with this letter (which can also be accessed directly from EDRM at [Current EDRM Model - EDRM](#)).

Yours faithfully

Burgess Salmon LLP and Fieldfisher LLP

BURGESS SALMON LLP and FIELDFISHER LLP

Enc. Current EDRM Model