

## Message

**From:** Rodric Williams [GRO]  
**Sent:** 22/08/2015 10:54:25  
**To:** Angela Van-Den-Bogerd [GRO]; Ward, Alexandra  
**Subject:** O'Dell Mediation - Panorama "Whistle-blower"  
**Attachments:** image001.png; 150817 - Post Office false prosecution claims - BBC 1 Panorama - wc3844.doc

Angela, Lex,

If "remote access" and the Fujitsu whistle-blower are raised in the O'Dell mediation, my response would include the following:

1. O'Dell's Actions

- Starting Point – she falsified the accounts which covered up how losses may have occurred.
- Her complaint:
  - o is based on the suspicion that losses were caused by the pin-pad and/or stamp accounting;
  - o did not raise any suggestion that "remote access" by Fujitsu is responsible for the losses;
  - o did not, when investigated through the Scheme, identify anything to suggest that losses were caused by external influence.
- Raising "remote access" now can only be viewed as opportunistic and speculative, but ultimately unsubstantiated and baseless.
- Nb. alleging transactions were deliberately entered by a third party so as to generate a loss for which a PMR would be held liable is essentially an allegation of fraud. If raised in court proceedings, it would need to be backed up by reference to specific evidence, not generalised speculation.

2. Richard Roll's Creditability

- Mr Roll's creditability can be seriously challenged:
  - o He has not worked for Fujitsu since 2004, ie he has been doing other things for the past 11 years;
  - o He has not even worked in IT since 2004 (his LinkedIn profile says he was a park ranger/mature student from 2004 to 2008, and a podiatrist from 2008);
  - o To the best of FJ's current understanding, he did not work on branch accounting aspects of Horizon;
  - o He did not work at FJ over the period when O'Dell experienced her losses.

3. Richard Roll's Statements

- Mr Roll's statements are:
  - o accepted in that Horizon, like any computer system, experiences errors (we have never said otherwise);
  - o not accepted by Fujitsu insofar as they relate to the ability to manipulate transactions as recorded by a branch;
  - o ultimately speculative and not supported by any evidence.

4. Post Office Not Given Right of Reply in Panorama

- Despite repeated request, BBC did not identify for Post Office (or Fujitsu) the identity of the "whistle-blower" or the content of his contribution prior to broadcast.
- This deprived Post Office of its right of reply and meant Panorama was misleading.

Lex – I set out below extracts from various sources which address the "remote access" issue and Richard Roll's contribution to the Panorama programme in case you need more context.

Good luck on Monday. I am in the office all day so please call if I can help in any way.

Kind regards, Rod

## **PRE-BROADCAST ALLEGATION AND RESPONSE TO BBC**

Allegation: 'We have interviewed a former employee at Fujitsu, who worked in "third line support" for the Horizon system. He says it was possible to remotely access data held on branch terminals and to amend that data. He also alleges that system errors were more widespread than has previously been reported.'

We have explained in detail the circumstances whereby a balancing transaction can be added. It has happened once since Horizon OnLine, during its pilot, and with the full knowledge of the postmaster. In relation to system errors, as stated before, no system is infallible. However, you have not provided any actual evidence to demonstrate that any system error has resulted in a miscarriage of justice. To the extent that you believe that you have any actual evidence to substantiate this serious allegation, we would ask that you disclose it. If you are proposing to make this allegation, please consider that some 70,000 people have continued to use this system every day throughout the period of Second Sight's investigation without major incident, processing six million transactions everyday: if there were systemic problems with branch accounting, it is reasonable to expect them to have been more widely experienced across the Post Office network than the 136 individual complaints considered by Second Sight, which arose over a more than 10 year period during which there were some 500,000 Horizon users (i.e. the complaints come from 0.0003% of users). However, if you have actual evidence of the Horizon system causing losses, it is very important that you produce it: the system is relied upon by millions of customers and thousands of small businesses. Any unsubstantiated allegation that the system is deficient is a serious allegation that would be extremely harmful to our business.

## **FORMAL "FOR BROADCAST" STATEMENT**

Account discrepancies could be caused by faults in the Horizon system - We have never said that Horizon is perfect, no computer system is. However, over the course of our investigations, we have demonstrated that it works as it should and is robust and effective in dealing with the six million transactions that some 78,000 users put through the system every day for people up and down the country. At no point in Second Sight's investigations did it identify that a branch was held responsible for a loss that was caused by a fault in the Horizon system.

Remote Access - Neither Post Office nor Fujitsu can edit the transactions as recorded by branches. Post Office can correct errors in and/or update a branch's accounts by inputting a new transaction (not editing or removing any previous transactions). However, this is shown transparently in the branch transaction records. There is no evidence that any branch transaction data was inappropriately accessed from a remote access point.

## **BROADCAST TRANSCRIPT REFERENCES** (full transcript attached)

**Richard Roll, Fujitsu computer technician:** There are a lot of errors, a lot of glitches coming through.

**JS:** There were errors with the system?

**RR:** There are errors with the system.

...

**JS:** The Horizon system is run by computer giant, Fujitsu. It won't talk about the system, because it doesn't comment on the specifics of customer contracts. But now, for the first time, a former insider has agreed to speak out. He says, 'Errors on Horizon were far more widespread than have ever been reported'.

**RR:** The office was located in Bracknell. We were on the sixth floor, which is pretty secure. By the time you got in there, it was Fort Knox. There was a large team employed there, 30 or so of us and we were all full-time, and we were all pretty busy. So there were a lot of errors, a lot of glitches coming through.

**JS:** *There were errors in the system?*

**RR:** There were errors with the system.

**JS:** *Some people have been ruined financially. People have gone to prison. Is it possible that suffering could have been caused because there are problems in the Horizon system?*

RR: Yes, it is possible.

JS: So a team of computer technicians was dealing with Horizon errors, some of which he says, could create false losses. He also says financial records were sometimes changed remotely without the postmaster knowing. That is something the Post Office has always said, "Simply can't happen."

RR: We went in through the backdoor and made changes. Sometimes you would be putting several lines of code in at a time. If we hadn't done that then the counters would have stopped working.

JS: *So what the Post Office are saying is untrue.*

RR: From my perspective, yes.

#### **"LEGAL" CHALLENGE TO BBC** (not yet sent)

It is also notable that the Programme contains a contribution from Richard Rolls as an alleged "*whistleblower*". Despite repeated requests to be told the identity of the various contributors, our client was not notified of Mr Rolls' identity, simply that there was a former Fujitsu employee who was a "*whistleblower*" who had worked with Fujitsu "*prior to 2010*". It was therefore surprising that no attempt was made in the Programme to conceal Mr Rolls' identity or appearance. Evidently his identity was not a secret. There is therefore no justification for the BBC to refuse to disclose his identity, contrary to paragraph 6.4.1 of the BBC Editorial Guidelines.

If Post Office had been provided with details of Mr Rolls' identity, it would have been in a position to comment on Mr Rolls' capability to provide evidence on these matters. Indeed, it is notable that Mr Rolls left Fujitsu's employment and, indeed, ceased working in IT in 2004, before [any/many] of the reported losses were recorded by the postmasters featured in the Programme. It is difficult to understand how he can therefore opine on the operational status of the Horizon system at a time when he was no longer employed by Fujitsu, nor even working in the IT sector. No reference was made in the Programme to these limitations with regard to Mr Rolls' experience of the Horizon system. To the contrary, his contribution was presented in such a way as to suggest that it was contemporaneous with the events being addressed in the Programme. Moreover, the Panorama team themselves declined the offer by Post Office of a demonstration of the Horizon system on the basis that the manner in which the system operated today is irrelevant to the issue of how it operated at the time of the purported losses. It is difficult to understand therefore why the BBC considers that evidence of how the system operated prior to the purported losses is relevant either. To present Mr Rolls' contribution in such a manner that suggested that he had first-hand experience of the Horizon system at the relevant time is therefore highly misleading for viewers and unfair on Post Office.

Mr Sweeney further asks Mr Rolls the highly leading question: "*It is possible that suffering could have been caused because there are problems in the Horizon system?*". Mr Rolls states that this is possible. However, again, no evidence is presented by Mr Rolls or during the Programme to suggest that any problem with the Horizon system has resulted in a loss for which any postmaster was prosecuted. Nonetheless, the manner in which Mr Rolls' contribution is presented is intended to mislead viewers into believing that he has a greater degree of knowledge of individual cases than is accurate.

#### **FUJITSU's POSITION – REMOTE ACCESS**

Horizon pre- 2010

- The system was subject to independent audits, industry accreditations, security checks etc. (just as now)
- The investigations we have done of course cover pre 2010 and there is no evidence of remote tampering
- Encryption, digital seals and security that has to meet independent audit and other standards were deployed
- It was a 'dial up' system (encrypted) and Fujitsu application software specialists could access the system remotely, as you would expect them to be able to do as part of any standard IT support function, but the system does not allow remote agents to manipulate branch transactions. These remote agents perform tasks like examining diagnostic information not transmitted to the central servers and modifying application functionality on behalf of the subpostmaster that is not part of the standard interface e.g. forcing the counter to re-download its personality and product set data.

- Remote agents could not 'work' the terminals as there was no functionality for this
  - Every access was logged and so there is an auditable footprint where records are still within the retention period
  - Security measures for IDs and passwords prevent anyone being able to 'pretend' to be someone else
- It is therefore incorrect to suggest that the system pre 2010 enabled remote access that could be used to manipulate transactions at a branch.

The key points are:

- There is no evidence of tampering in any of the cases examined – this allegation has been exhaustively examined for three years. This is quite apart from the stringent independent audits and continual checks that always been in place which provides further assurance for our position.
- Horizon contains no money and never has - it records and balances transactions. It is therefore difficult to understand why anyone would want to manipulate any transactions, even if they could, which anyway they could not. Cash is held in Post Offices under the responsibility of postmasters or staff
- The evidence that Horizon worked as it should to record and balance transactions is, in our opinion, overwhelming. Where specific allegations have been made the system has stood up to scrutiny and the data provided as part of the investigations of any such specific allegations has consistently demonstrated that remote access did not and could not have had any part to play in the account discrepancies and lost monies.

#### **FUJITSU's POSITION – RICHARD ROLL**

This is what FJ has recalled about Richard Roll (bearing in mind it has been 11 years since he worked there):

- Worked in SSC 3/4<sup>th</sup> line support on the 6<sup>th</sup> Floor for a couple of years in the early 2000s for a couple of years
- Worked on estate management not accountancy side (i.e. putting in codes etc for various and numerous reasons - updating, maintaining etc - but nothing to do with branch transactions)
- Left Fujitsu on good terms as he had become disillusioned with IT to become a chiropractor [sic] in the Bracknell area



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