

BBC Programme Legal Advice
British Broadcasting Corporation
Room WC 2251
White City
London
W12 7TS

NOT FOR BROADCAST

Our ref SCB/SCB/MIT/111850.00038

Dear Sirs

Post Office Limited - Horizon

We refer to previous correspondence with you, to the BBC coverage of the above matter and, in particular, the broadcast on the One Show on Wednesday, 17 December 2014.

Our client has been considering the broadcast, particularly in the light of the correspondence between our client and the BBC, and our correspondence with you.

Our client is concerned that the programme included a number of inaccurate and misleading statements, which were damaging to our client's reputation. Our client is taking steps to consider the impact of the broadcast, in particular with the third party organisations we referred to in our letter of 16 December 2014 who use the Horizon system, and with those with which our client has major franchise partnerships.

We do not propose to reiterate all the various issues addressed in previous correspondence with the BBC. However, following the broadcast of the One Show on both 10 and 17 December, you should be aware that we stand by the concerns that both we and our client raised in correspondence and specifically do not consider that our client was treated fairly in the broadcast, in relation to either the BBC Editorial Guidelines or the Ofcom Broadcasting Code, **[nor that our client was given an appropriate or fair opportunity to respond to the significant allegations being made in the broadcasts]**. Moreover, a number of our client's responses to allegations which were made were not included in the programme.

There are certain issues about which our client is particularly concerned:

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January 2015

By Fax - **GRO**

- Despite our client having made it clear that it was keen to participate in the programme by interview, viewers will have understood from comments made on the programme that our client had been asked to contribute to the programme but had simply refused. As you are well aware, our client had quite reasonably explained that, in the circumstances of your broadcast, it considered that participation by way of pre-recorded interview would be the best way of providing a meaningful contribution in relation to the issues which were being raised, and had made its spokesperson available well in advance of the broadcast. However, not only did the BBC not agree to our client's reasonable request but the presenters simply stated that our client had been given the opportunity to "come and sit ... on the sofa" but that our client had declined, without any reference to our client's offer of an interview.
- Reference was made in the programme to "a number of sub-postmasters" having come forward and to these being "effectively new cases". No information has been provided to our client about any "new cases". Our client has repeatedly asked to be furnished with any new evidence or information which suggests that there has been any miscarriage of justice, but none of this has ever been provided. The fact that our client has repeatedly requested this information but that that the BBC has refused to provide this evidence was not explained.
- Our client's statement that the system successfully processes millions of transactions and that a tiny fraction of sub-postmasters appear to have experienced problems although included, was on both occasions immediately followed by comments clearly seeking to cast doubt on their statement.
- The programme included the seemingly unsubstantiated contribution from Mr Patel QC, without any qualification as to the basis on which he was providing his opinion and without including any of our client's concerns about the contribution. Indeed, by beginning "With what I have seen..." it will have led viewers to understand that Mr Patel QC had some genuine insight into the legal cases.

These false and misleading statements are damaging to our client and should not be repeated by you. Our client will also continue to consider its position in the light of the broadcasts and will monitor the impact of your programme on its business. In the meantime, all of client's rights remain reserved.

Yours faithfully

CMS Cameron McKenna LLP