

From: "Porter, Tom" <[REDACTED] GRO>
To: "dave.m.king" <[REDACTED] GRO>
Subject: FW: IMPORTANT EMAIL PRESERVATION OF DOCUMENTS / HIGH COURT LITIGATION [BD-4A.FID26859284]
Date: Tue, 31 May 2016 09:44:43 +0000

Importance: Normal

Attachments: Disclosure_of_documents_in_litigation.pdf; rodric.williams_20-04-2016_18-26-31.pdf

Inline-Images: image002.jpg; image003.jpg; image004.png; image001.png

Good afternoon Dave

I am a colleague of Andrew Parsons' in the Dispute Resolution team at Bond Dickinson.

I understand that you assisted Andrew, Kath Alexander and Shirley Hailstones with the Mediation Scheme investigations.

As I'm sure you will know – certain sub postmasters have now issued a court claim against POL. As such POL now has a duty to preserve all potentially relevant documents, related to the action.

On discussing this with Kath and Shirley they mentioned that I should get in touch with you. As set out in Rod's email dated 20 April (below), Post Office is under a duty to preserve any documents (electronic or hard copy) that may be relevant to the issues in dispute. I am hoping that you (and various others) might be able to help us work out:

- What potentially relevant documents exist;
- Where they are stored (and whether they are periodically backed up);
- Who is the stakeholder/controller for those documents;
- Is there a retention policy that affects those documents (that may result in them being lost unless otherwise preserved); and
- What would we need to do to now protect and/or take copies of those documents.

I don't expect that you will have answers to all (or indeed any) of the above questions but, if possible, I would like to set up a brief call with you to discuss issues more generally – such as the work you did with the investigations, which departments interacted with the sub postmasters, any thoughts you may have on the types of documents that we should be looking for etc.

Please could you let me know if you have any availability for a call this afternoon or later this week?

I look forward to hearing from you.

Kind regards

Tom Porter
Associate

Bond Dickinson

Direct:
Mobile:
Office:

GRO

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From: Rodric Williams

Sent: 20 April 2016 22:53

To: Alwen Lyons [GRO]; Craig Tuthill; Lin Norbury [GRO]; John Breeden; Joe Connor; Hector Campbell; Angela Van-Den-Bogerd; Kathryn Alexander; Shirley Hailstones; Chris Broe; Andy Garner; Julie George; John M Scott; Nick Beal [GRO]; Anne Allaker

Cc: Jane MacLeod; Patrick Bourke; Mark Underwood; Neena Sharma; Lorraine Lynch; Piero D'Agostino; Jessica Madron; Ben Foat; Elisa Lukas

Subject: IMPORTANT EMAIL RE: PRESERVATION OF DOCUMENTS / HIGH COURT LITIGATION

IMPORTANT – PLEASE READ THIS MESSAGE IN ITS ENTIRETY. IT IS ESSENTIAL THAT ITS CONTENTS ARE COMPLIED WITH.

IF YOU HAVE ANY QUESTIONS IN RESPECT OF ITS CONTENTS OR EFFECT THEN PLEASE CONTACT ELISA LUKAS OR RODRIC WILLIAMS IN LEGAL SERVICES.

As you may be aware, 91 mostly former postmasters have issued a High Court claim against Post Office Limited advancing allegations about the Horizon IT system and Post Office's engagement with them. A list of the 91 claimants is attached, and we have been told that others may join the claim in due course.

Now that Post Office has seen the claim, you and your team members must familiarise yourselves with Post Office's document disclosure obligations, and ensure that you comply with them. Please therefore circulate this email to your team members who may hold documents related to the claimants and/or their claim.

In short, the three crucial document rules that must be followed are:

- (1) You must not *destroy or delete* any documents which may be relevant to the claim.** In particular, make sure that any automatic deleting/archiving systems are suspended now until further notice. If you have any question about whether a document is relevant, please contact Legal Services and preserve the document in the meantime;
- (2) You must not *amend* any existing documents which may be relevant to the claim.** For example, do not make handwritten notes on existing documents or try to change the content of a document; and
- (3) You must recognise that any documents that you *create* from now on may have to be disclosed to the other side in the case.** If in any doubt, think about whether you would be happy for the email or document to be read out loud in court.

I attach a more detailed note on this, which can be used as a reference going forward.

If you have any questions concerning these requirements, please contact Elisa Lukas or me for further guidance.

With thanks for your cooperation, Rodric

FAQs

1. What is a 'document'?

Documents are defined very broadly to mean anything in which any information is recorded. Examples include: emails, paper documents, handwritten notes, Word/Excel/PowerPoint documents (including *draft* versions of these documents), database records, minutes of calls or meetings, text messages, internal memos, meeting agendas or tape recordings.

2. What are 'relevant' documents?

Relevant documents are any documents that could: **either support or undermine the case of any party to the litigation.**

END



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