

From: Kerry F Moodie[**Sent:** Mon 17/07/2017 4:07:33 PM (UTC)
To: Natalie Whitty[**Cc:** Rodric Williams[**Subject:** RE: Post Office Facts Twitter Account
Attachment: Iain Tarron FOIA Response 30 03 17.pdf

Hi All,

There was only one request from an individual named Iain Tarron on the What Do They Know website, he has since changed the name on the WDTK account to Andrew Whyte.

Regards,



Kerry Moodie
Information Rights Manager
Ground Floor

20 Finsbury Street
LONDON
EC2Y 9AQ

Telephone number:

Mobile number:

From: Natalie Whitty
Sent: 17 July 2017 17:05
To: Mark Underwood1 < >; Ben Foat < >; Mark R Davies < >; Darren Jones1 < >; Melanie Corfield < >; Joanne Leahy < >; Pressoffice < >; Patrick Bourke < >
Cc: Rodric Williams < >; Kerry F Moodie < >
Subject: RE: Post Office Facts Twitter Account

Here we go:

https://www.whatdotheyknow.com/user/andrew_whyte_2

Thanks



Natalie Whitty

Strategic Communications, Brand and Campaigns Director

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20 Finsbury Street

**for Customer
Experience**

London EC2Y 9AQ

GRO

From: Mark Underwood1

Sent: 17 July 2017 16:21

To: Natalie Whitty; Ben Foat; Mark R Davies; Darren Jones1; Melanie Corfield; Joanne Leahy; Pressoffice; Patrick Bourke

Cc: Rodric Williams; Kerry F Moodie

Subject: RE: Post Office Facts Twitter Account

Hi Natalie,

We don't have anything in our records. If you are able to provide the link from Google, we'll do some further digging.

Mark



Mark Underwood

Head of Portfolio: Legal, Risk &
Governance

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Ground Floor
20 Finsbury Street
London EC2Y 9AQ

Mobile number: GRO

From: Natalie Whitty

Sent: 17 July 2017 15:58

To: Ben Foat; Mark R Davies; Darren Jones1; Melanie Corfield; Joanne Leahy; Pressoffice; Patrick Bourke; Mark Underwood1

Cc: Rodric Williams

Subject: RE: Post Office Facts Twitter Account

Hi Ben

It looks like there have been a couple of FOIs from an Andrew Whyte before – we last responded to one in March (this is info from Google not internally!)

Mark U, do we have any further information on him?

Best wishes

Natalie



Natalie Whitty

Strategic Communications, Brand and Campaigns Director

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GRO

From: Ben Foat

Sent: 17 July 2017 15:16

To: Mark R Davies; Darren Jones1; Melanie Corfield; Joanne Leahy; Natalie Whitty; Pressoffice; Patrick Bourke

Cc: Rodric Williams

Subject: FW: Post Office Facts Twitter Account

Mark / All

Further to my email below, I have had a quick response from the lawyers who support on Sparrow (as I wanted their views regarding the comments that are on website).

Andy Parsons has noted that the website owner is a Andrew Whyte – Is this name familiar to anyone at POL? It could be a fictitious name but may be worthwhile finding out.

Andy has advised that the sections of the website that relate to the Horizon litigation are a repetition of statements we've seen before. Although they are defamatory in parts, he would advise against asserting any claim as that could be twisted as acting oppressively in the Group Litigation.

The other sections of the website (relating to branch closures and financial issues) need to be reviewed by POL to highlight exactly what statements are untrue. If there is plainly untrue material in here, external lawyers could produce a "cease and desist" letter (as set out below).

Andy's sense however is to leave this (particularly from the Group Litigation perspective). According to the website hit counter, only 1500 people have visited the website and there are only 2 followers on Twitter.

Hope that helps. Around to discuss now if you are about?

Kind regards

Ben



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Ben Foat

Legal Director

Finsbury Dials,
20 Finsbury Street,
London EC2Y 9AQ

GRO



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From: Ben Foat

Sent: 17 July 2017 15:10

To: Mark R Davies <[REDACTED] GRO >; Darren Jones1 <[REDACTED] GRO >; Melanie Corfield <[REDACTED] GRO >; Joanne Leahy <[REDACTED] GRO >; Natalie Whitty <[REDACTED] GRO >; Pressoffice <[REDACTED] GRO >; Patrick Bourke <[REDACTED] GRO >

Subject: RE: Post Office Facts Twitter Account

Hi Mark

Some initial comments:

- Defamation as you'll know is the publication of untrue material about a party which damages the reputation of that party. Post Office can of course be libelled as a corporate victim and Sally Berrow learned a heavy lesson of making untrue statements on Twitter; see here: <https://www.theguardian.com/politics/2013/may/24/sally-berrow-tweet-libelled-lord-mcalpine>
- There are various defences to a defamation claim, including that the material published is "fair comment on a matter of public interest". POL's modernisation programme is a matter of public interest, so some of the material will inevitably fall into that category. That said, statements of purported fact which are untrue cannot be comments or opinions, and are defamatory if damage to POL's reputation is the consequence.
- We can send suitable letters to whoever is behind the Twitter account and website and to any ISP. The letters could, of course, threaten litigation but care needs to be taken as to whether to do so given the need to follow through on the threat if no action is taken in response to it. Libel proceedings are costly and would run the risk of POL having in effect to justify its position on its modernisation strategy in a very public forum, which may be undesirable.
- In terms of cost estimates for external lawyers, considering the material in detail, liaising with us, drafting letters, and sending them off would involve fees in the region of £2500 plus VAT. They may subsequently involve Counsel with preparing and issuing proceedings and we can of course get estimates for that and would put our fees at a further £3000-5000 plus VAT as a minimum.

I'm in back to back meetings today and on leave for the rest of the week but can do a call now if that helps (though we are on the L300 call) but I hope the above helps.

Kind regards
Ben



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Legal Director

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GRO



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From: Mark R Davies

Sent: 17 July 2017 12:29

To: Ben Foat <GRO>; Darren Jones1 <GRO>; Melanie Corfield <GRO>; Joanne Leahy <GRO>; Natalie Whitty <GRO>; Pressoffice <GRO>; Patrick Bourke <GRO>

Subject: RE: Post Office Facts Twitter Account

A little. So we need to use carefully and where it's worth it. Let's catch up?



Mark Davies

Group Communications, Brand and Corporate Affairs Director

1st Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ

GRO

From: Ben Foat

Sent: 17 July 2017 11:56

To: Mark R Davies <[REDACTED]>; Darren Jones1 <[REDACTED]>; Melanie Corfield <[REDACTED]>; Joanne Leahy <[REDACTED]>; Natalie Whitty <[REDACTED]>; Pressoffice <[REDACTED]>; Patrick Bourke <[REDACTED]>

Subject: RE: Post Office Facts Twitter Account

Hi Mark

Websites like these are difficult to get down. There may be arguments about the content being defamatory or misuse of trade mark etc. Ultimately, we may need to make an application to a Court.

Is there any branding budget for brand protection (for matters like these or trade mark infringement etc)?

Kind regards
Ben



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Ben Foat
Legal Director

Finsbury Dials,
20 Finsbury Street,
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[REDACTED]



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From: Mark R Davies

Sent: 17 July 2017 11:40

To: Darren Jones1 <[REDACTED]>; Melanie Corfield <[REDACTED]>; Joanne Leahy <[REDACTED]>; Natalie Whitty <[REDACTED]>; Pressoffice <[REDACTED]>; Patrick Bourke <[REDACTED]>

Cc: Ben Foat <[REDACTED]>

Subject: RE: Post Office Facts Twitter Account

Thank you Darren

I would like get a legal opinion on any action we could take. As the content is clearly defamatory I am not keen on it being a publicly available website.

Copying Ben in first instance. Please can you advise?



Mark Davies

Group Communications, Brand and Corporate Affairs Director

1st Floor
Finsbury Dials
20 Finsbury Street
London EC2Y 9AQ

GRO

From: Darren Jones1

Sent: 17 July 2017 11:04

To: Mark R Davies <[redacted]>; Melanie Corfield <[redacted]>; Joanne Leahy <[redacted]>; Natalie Whitty <[redacted]>; Pressoffice <[redacted]>

Subject: Post Office Facts Twitter Account

Morning all,

<https://twitter.com/PostOfficeFacts>

Bit of a round robin email, but writing to make all aware of the above account, which is sharing internal information.

As we know, this isn't the first time we've had such an account set-up, and historically – the activity from these accounts dwindles after a week or so. Also has very few followers at the moment.

<http://postofficetruth.co.uk/>

However for this, I can see that a website has also been created, which suggests there's an intention by the creator to make more of a 'thing' of this – given the effort that would have gone into creating the website in the first place.

Darren



Darren Jones

Social Media & Audience Insight Manager

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GRO

(temporarily unavailable)

