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Mr Frazer Stuart
Criminal Cases Review Commission
5 St Philip's Place
Birmingham
B3 2PW

27 February 2015

SF 2181 3114 3GB

Dear Mr Stuart

**Criminal Cases Review Commission ("Commission")
Horizon Computer System – Requirement to Produce Materials**

Thank you for your letter dated 12 February 2015, which responded to our letter dated 11 February 2015.

In our letter, we sought clarification of the functions which the Commission is seeking to exercise, and how and why the Commission considers it reasonable to require POL to produce material in its exercise of those functions, in connection with your notice to Post Office Limited (POL) sent pursuant to s17 Criminal Appeal Act (CAA).

Thank you for the explanation of the Commission's powers set out in your letter. I assume that no convicted subpostmaster has yet applied to the Commission to refer his/her case for review, based on the statements in your letter that an application by a convicted person is not a pre requisite for a Commission investigation, and that one of the Commission's objectives in seeking the requested material is *"to identify the individuals that may be affected by the Horizon issues and assess the safety of any convictions"*. I would however be grateful for your specific confirmation that my assumption is correct.

In either event, as stated in my 11 February 2015 letter, POL wishes to work with the Commission in this matter. In the spirit of that cooperation, POL responds to your notice as follows:

1. In relation to the first requirement, I enclose a copy of Brian Altman QC's report dated 15 October 2013, without in any way waiving legal professional privilege therein. That privilege belongs to POL and does not extend to anyone beyond POL and its professional legal advisors. Please also specifically note that given the privileged nature of Mr Altman QC's report, POL requires that the Commission does not disclose the report or any information in the report to any other party without POL's prior written consent pursuant to s25 CAA.
2. In relation to the second requirement, you will see that the report makes a number of findings and recommendations (e.g. in the Executive Summary at paragraph 5). I am conscious that providing *"an updated summary of the decisions and actions taken by the Post Office as a result of Brian Altman QC's report or copies of the documents recording those decisions and actions"* on all of the findings and recommendations would take some time to pull together, but may not actually address the issues you want to investigate. Could I therefore suggest you identify for us those findings and recommendations which are pertinent to your investigation, and we could respond on those?

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3. In relation to the third requirement, I can confirm that, as stated in my letter dated 11 February 2015, POL is continuing to preserve all materials reviewed by the external specialist criminal law solicitors as part of the prosecution case review considered by Mr Altman QC, and also all material considered as part of the scheme set up by POL to investigate individual complaints about Horizon. I trust this is acceptable, at least until such time as any specific "*affected cases*" have been identified through the Commission's investigations, but please let me know if otherwise.

I hope that the above further demonstrates POL's willingness to work with the Commission, and I remain available to discuss with you the best way to progress matters. In the meantime, POL continues to reserve all of its legal rights in this matter.

Yours sincerely

GRO

Jane MacLeod
General Counsel
Post Office Limited

Enc.

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