



CMS Cameron McKenna LLP

Mitre House
160 Aldersgate Street
London EC1A 4DD

DX 135316 BARBICAN 2

T + [GRO]
F [GRO]

www.cms-cmck.com

Direct + [GRO]
E susan.barty [GRO]

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

NOT FOR BROADCAST

19 June 2015

Our ref SCB/THRE/MIT/111850.00038

Dear Sirs

BBC Panorama - Post Office Limited

We have been instructed by Post Office Limited ("POL" or "our client").

We write in connection with a programme that we understand the BBC is intending to broadcast for Panorama on 29 June 2015.

It has come to our client's attention that the BBC has approached Second Sight Support Services Limited ("Second Sight") for an interview. This is the first occasion that our client has been informed of the BBC's intention to include a contribution from Second Sight in its programme, despite numerous communications and, in particular, our client having previously asked, by email dated 11 June 2015, for confirmation as to who is going to be involved in the programme and who would be providing contributions, and what they are saying or what they have been asked to comment on. Indeed, the most recent email from Matthew Bardo of 17 June 2015 purports to set out a list of contributors and yet Second Sight is not mentioned.

On behalf of our client we would repeat the request that BBC Panorama should provide complete details of who is contributing to the programme and what they are saying or what they are being asked to comment on, particularly in respect of the proposed interview with Second Sight.

Of course, Second Sight is entitled to reach its own decision regarding whether to grant the BBC an interview and POL has no intention of interfering with Second Sight's right to speak with the BBC if it so wishes.

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However, it is important that the BBC appreciates and recognises that Second Sight is under certain duties of confidence. Second Sight's appointment as an independent review body as part of the Initial Complaint Review and Mediation Scheme (the "Scheme") was never intended to be a public-facing role. In its appointment, Second Sight entered into strict confidentiality provisions agreeing not to discuss the Scheme publicly and, in particular, not to discuss individual cases. POL has similarly provided assurances to applicants that their cases will not be publicly discussed. The purpose of this is to protect the privacy of applicants to the Scheme: a principle to which POL is, and always has been, strongly committed, often to its own detriment.

We therefore wish to ensure that the BBC is fully aware of the duty of confidence that Second Sight is under and our client has similarly reminded Second Sight of its duty. Any attempt to elicit comment from Second Sight on individual cases or on any matters outside of the public domain would potentially place Second Sight in breach of its confidentiality obligations. For the avoidance of doubt, you should also be aware that the broadcast of any such confidential information would therefore also be considered to be a breach of confidence.

All of POL's rights are reserved in this respect.

Yours faithfully

GRO

CMS Cameron McKenna LLP

cc BBC Panorama, Zone D, 4th Floor, BBC Broadcasting House, Portland Place, London, UK, W1A 1AA.