

From: O'driscoll Ian[/O=EXCHANGE/OU=ADMINGROUP1/CN=RECIPIENTS/CN=ODRISCOLLI]
Sent: Fri 03/10/2014 11:02:07 AM (UTC)
To: Harvey Michael [REDACTED] **GRO**
Cc: Davidson James [REDACTED] **GRO** [REDACTED]; Newsome [REDACTED]
 Pete [REDACTED] **GRO** [REDACTED]; Maclean Danny [REDACTED] **GRO** [REDACTED]; Davies [REDACTED]
 Clive [REDACTED] **GRO** [REDACTED]; Bell Gavin [REDACTED] **GRO** [REDACTED]
Subject: RE: Freedom of Information Act Request re: Second Sight Part Two Report - Subject to Legal Privilege

Mike

I raised this on calls with Michael Keegan, Stephen Cox, David Roberts, David Jones and Helen Lamb this morning. There is no dissent to taking Option 1.

Regards
Ian

Ian O'Driscoll

VP, Head of Legal, Commercial & Assurance UK&I

Fujitsu

22 Baker Street, London W1U 3BW

Mob: [REDACTED] **GRO**

Email: [REDACTED] **GRO**

Web: uk.fujitsu.com



 Please consider the environment - do you really need to print this email?

From: Harvey Michael
Sent: 03 October 2014 08:23
To: O'driscoll Ian
Cc: Davidson James; Newsome Pete; Maclean Danny; Davies Clive; Bell Gavin
Subject: FW: Freedom of Information Act Request re: Second Sight Part Two Report - Subject to Legal Privilege

Ian,

As discussed last night, Post Office have contacted us regarding a FOI request they have had re the Second Sight report. Their lawyer (Rodric) also rang me and his voicemail indicates that POL is looking for ways to avoid disclosure. The only argument is that we could have is that the disclosure would be "commercially sensitive". In claim this we would need to show the report comprises:

- (a) trade secrets of a person other than the requester concerned,
- (b) financial, commercial, scientific or technical or other information whose disclosure could reasonably be expected to result in a material financial loss or gain to the person to whom the information relates, or could prejudice the competitive position of that person in the conduct of his or her profession or business or otherwise in his or her occupation, or
- (c) information whose disclosure could prejudice the conduct or outcome of contractual or other negotiations of the person to whom the information relates.

There are two possible options

- 1- The SS report is more damaging to POL than to us. Whilst the report does include a "not fit for purpose" erroneous statement (which could damage us) this is not commercially sensitive information. The report is more damaging for POL as it makes a number of negative statements about them. However, if we were to conclude it was not commercially sensitive I do believe we should insist that our response (and POLs) are disclosed too to ensure a fair reflection is disclosed. I attach the draft response from POL and the our response (note POL combined these but I don't have that latest position). The response from POL is very positive about Horizon and makes it clear that they believe that the Horizon system is robust and "fit for purpose".
- 2- If we support POL in arguing that this report is commercially sensitive then we are saying that the Horizon system is commercially sensitive to Fujitsu and/or POL. I struggle to see how just because it is negative on POL and makes erroneous statements re us that we can argue this point. One knock on effect is that if it is commercially sensitive to Fujitsu (and POL accept it) then this logically means that they could not disclose similar information to other bidders on the FO Tower.

I am minded to go with option 1 and request that POL disclose the "total story" rather than just the report. This may have the inadvertent positive result of POL publicly accepting the strength of the Horizon system. I will draft an appropriate response to POL.

Note, both the SS report and POL's response is disclosed under legal privilege and as such it is disclosed to you all only on the basis of validating which option you feel is valid. Please do not forward!

Kind regards,

Mike

Michael Harvey

Commercial Director

Commercial, Legal & Assurance

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From: Rodric Williams **GRO**
Sent: 02 October 2014 12:22
To: Harvey Michael

Cc: Davidson James; Andy Holt

Subject: Freedom of Information Act Request re: Second Sight Part Two Report - Subject to Legal Privilege

Hi Michael,

A request has been made to us under the Freedom of Information Act for a copy of the Second Sight "Part Two" Report.

To assist us assess whether the Report could be withheld under section 43 of the Act (commercial interests), could Fujitsu please let us know whether disclosure of the Report would be likely to prejudice Fujitsu's commercial interests, and if so, how?

Please give me a call if you would like to discuss.

Kind regards, Rodric

Rodric Williams | Litigation Lawyer



148 Old Street, LONDON, EC1V 9HQ



GRO

Postline: **GRO**



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