



Criminal • Cases • Review • Commission

From the Chair: Richard Foster CBE

The Rt Hon James Arbuthnot MP
House of Commons
London
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Your ref:
Our ref: RF/JC

14 January 2015

Dear Mr Arbuthnot

Re: Horizon Computer System

Thank you for your letter of 12 January, received here on 13 January.

We have been in correspondence with the Post Office about this for some time seeking more information and clarification on a number of points.

The Commission has the power (S17, Criminal Appeals Act, 1995) to require all public bodies to preserve and make available to us any documentation which we think relevant to enquiries that we wish to make on behalf of applicants to us who claim to be victims of a miscarriage of justice. We have made a Section 17 request to the Post Office and are awaiting their response.

In this connection can I draw your attention to a matter which has been a concern to the Commission for some time. Our Section 17 powers cover public bodies but do not extend to private organisations. The position is otherwise in Scotland where our sister organisation has had powers to make requests to both public and private bodies since its inception. The transfer of an increasing number of bodies from the public to the private sector since we were set up has meant that our powers are no longer as far reaching as they were when Parliament legislated. Examples of former public bodies now in the private sector include former local authority care homes, the Forensic Science Service, significant parts of the Health Service and, latterly, significant parts of the Probation Service. Hitherto most private bodies have been receptive to requests from ourselves to provide material voluntarily but we are noticing increasing reluctance to do so because of concerns these organisations have with respect to data protection legislation.

Both the previous Labour administration and the current coalition have said that they agree that our powers should now be extended to cover the private sector

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"as soon as a suitable legislative vehicle becomes available". Sadly, no such "suitable legislative vehicle" seems to have been available in recent years notwithstanding the very high volume of criminal justice legislation that has been passed. When I was before the Justice Select Committee last January, the Committee supported our need for the legislation. We are before the Justice Select Committee in February when I intend to reiterate our concerns.

I do not know whether this will prove a problem in our current discussions with the Post Office but I will keep you informed. If it would be useful for us to meet to discuss the issues surrounding these cases, I would be happy to do so.

Yours sincerely

GRO

Richard Foster
Chair