



Information Rights Team  
Post Office Limited  
1<sup>st</sup> Floor  
Finsbury Dials  
20 Finsbury Street  
London EC2Y 9AQ

GRO

Our reference : FOI201505191153

Mr Matthew Bardo  
GRO

17 June 2015

Dear Mr Bardo,

### **Freedom of Information Request - FOI201505191153**

I am writing in response to your email received by Post Office Limited (**Post Office**) on 19 May 2015, which I am dealing with under the terms of the Freedom of Information Act 2000 (**FOIA**).

In your email, you have requested information in two parts:

*1. Board papers for all board meetings in the last three years. By board papers I mean the agenda, supporting papers and minutes of the meeting. This information should be "readily available" according to the ICO guidance accessible through the link above. However, if documents are not available for every meeting, please provide papers for those meetings for which documents are held.*

Whilst we do hold the information you have requested, the Post Office considers that the information you have requested engages Section 43 (2) of the Act concerning likely prejudice to Commercial Interests, which I explain at the end of this letter.

However, I am assuming this request might relate to the subject we recently met to discuss – the investigations that have been carried out over the past few years into 150 complaints concerning the Horizon computer system. As I outlined at that meeting we remain very willing to answer all the questions we are able to without breaching the confidentiality of the people involved. Therefore if you have more specific questions about the matter, please put them to us and we will address them as fully as we can.

The second part of your request was:

*2. The number of cases in the financial year 2014/15 where prosecution processes were commenced by Post Office Limited against subpostmasters. This information is thought to be readily available to the Information Rights Team since it has previously been disclosed for financial years 2009/10 – 2013/14.*

*3. The number of convictions of subpostmasters made following a successful prosecution process by the Post Office Limited for the financial year 2014/15. This information is thought to be readily available to the Information Rights Team since it has previously been disclosed for financial years 2009/10 – 2013/14.*

I hope it is helpful if I provide some context. As we discussed at our meeting, people are not prosecuted for making mistakes. Prosecutions are only undertaken after numerous checks and balances, including adherence to the Code for Crown Prosecutors, which requires prosecutors to be satisfied that there is both sufficient evidence for a realistic prospect of conviction and that the prosecution is in the public interest. The Code is issued by the Director of Public Prosecutions and followed by Crown Prosecutors.

As you know, following complaints made about the Horizon computer system, we instigated an independent inquiry and, subsequently, established a mediation scheme to investigate 150 individual complaints.

We have always been, and remain, confident in a system used by nearly 500,000 people since it was introduced, which processes six million transactions a day and which is subject to independent audits and industry accreditations. The independent inquiry provided further assurance about the system - the subsequent establishment of the mediation scheme was a result of our determination to provide an avenue for people to put any individual concerns directly to us.

Notwithstanding our confidence in Horizon, as a responsible business it was entirely appropriate that we investigate allegations concerning its integrity. At the same time, we reviewed the support processes and structures provided to postmasters. The information you have asked for is therefore provided in that context and in the 2014/2015 financial year there was one prosecution resulting in two people being convicted.

I have set out below the exemptions under the Freedom of Information Act that the Post Office considers apply to the first part of your request but again, underline my willingness to provide information and answer specific questions that you have as far as we are able about this matter, which I hope was demonstrated by our recent meeting.

#### *Commercial Interests*

Post Office considers that disclosure of Post Office Board Papers would be likely to prejudice the commercial interests of Post Office. An example of how Post Office's commercial interests could be prejudiced by the disclosure of this sensitive information is how third parties could react to the availability of the information. Third parties could use the information to inform financial and business performance information, operational, strategic, future investments and procurement, affecting Post Office's ability to self-monitor and compete fairly in the market place. The Post Office is an organisation that derives the vast majority of its revenues – over £950m – from commercial activity in competitive markets.

#### *Public Interest*

As information has been exempted under Section 43 (2) of the act, a public interest test applies. This involves weighing the balance of public interest in maintaining the exemption or releasing the information. Post Office understands that there is public interest in promoting the transparency and understanding of matters which are of interest to the public. Post Office considers that, with regard to the information that has been withheld from disclosure, the public interest is best served by maintaining the exemption in respect of the information requested.

I hope this response is helpful but if you are dissatisfied, you do have a right, under the Freedom of Information Act, to request an internal review. You can do this by writing to the address below stating your reasons for your internal review request:

Information Rights Manager  
Information Rights Team  
Post Office Limited  
1<sup>st</sup> Floor  
Finsbury Dials  
20 Finsbury Street  
London  
EC2Y 9AQ

**GRO**

If, having requested an internal review by Post Office, you are still not satisfied with our response you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF  
Telephone: **GRO**  
[www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Yours sincerely

Mark Davies  
Communications and Corporate Affairs Director