

Message

From: Prime, Amy [GRO]
Sent: 13/05/2016 07:48:17
To: Loraine, Paul [GRO]
Subject: RE: Official Secrets Act [BD-4A.FID26859284]
Attachments: rtf-body.rtf; _DOC_32937579(1)_Research_ Official Secrets Act 1911 & 1989.DOCX; image001.jpg; image002.jpg; image003.jpg; image004.jpg; image005.jpg; image006.jpg; image007.jpg

Morning Paul

Please find attached my research on the Official Secrets Act.

In summary:

. The Official Secrets Act 1989 makes it an offence to disclose information which falls within one of the six specified categories but only if the disclosure is damaging to the national interest;

. The Act mainly applies to crown servants and government contractors (as discussed, we will need to establish whether subpostmasters fall within either of these definitions) but has wider application to any person where the information has been unlawfully disclosed to them by a crown servant and government contractor so as to prevent further disclosure.

. If the information which the a subpostmasters holds falls within these one of the specified categories and the subpostmaster is classed as a government contractor, then the contract does not seem to go further than the legislation.

However any information which does not fall within these categories is not covered by the Official Secrets Act and the subpostmaster should not have to seek permission to disclose this. If the contract is interpreted to cover all information which the subpostmaster knows then the contract is far broader than the Act. Similarly if the subpostmaster is not viewed as a crown servant and government contractor then they would not fall within the main provisions of the Act.

It may be the case that Section 16 of the contract was pre-dates 1989, in which case it was drafted on the basis of the 1911 Act which had a far wider reach.

If you have any questions or would like further information please let me know.

Many thanks

Amy

Amy Prime

Trainee Solicitor

Bond Dickinson LLP

<<http://www.bond dickinson.com/>> cid:image001.jpg@01CE3A00.C5D848A0

Direct: [GRO]

Office:

GRO

Follow Bond Dickinson:

<https://twitter.com/Bond_Dickinson> cid:image006.jpg@01CE4584.3F945B50
<<http://www.linkedin.com/company/3098928?trk=tyah>> cid:image007.jpg@01CE4584.3F945B50

<<http://www.bonddickinson.com/>> www.bonddickinson.com

<<https://www.exportingisgreat.gov.uk/>> cid:image59ee9e.JPG@74130f9d.4697105e

From: Prime, Amy
Sent: 11 May 2016 08:53
To: Loraine, Paul
Subject: RE: Official Secrets Act [BD-4A.FID26859284]

Morning Paul

One quick question – do you know if Post Office and the sub postmasters would be classed as government contractors (i.e. a private company, either for profit or non-profit, that produces goods or services under contract for the government)? The reason I ask is since this affects the application of the Official Secrets Act.

My understanding is that POL is owned by the government but Royal Mail provide the services to the government through POL.

If this is easier to discuss over the phone please feel free to call.

Many thanks

Amy

Amy Prime
Trainee Solicitor
Bond Dickinson LLP

<<http://www.bonddickinson.com/>> cid:image001.jpg@01CE3A00.C5D848A0

Direct:

Office:

GRO

From: Loraine, Paul
Sent: 10 May 2016 12:31
To: Prime, Amy
Subject: FW: Official Secrets Act

GRO

Amy

I think we can crack on with this research.

I will call this afternoon to explain but it would be helpful prep if you can look at paras 175-185 of the letter of claim and section 16 of the attached SMPR contract to get a feel for what Freeths are arguing. You may notice the wording in the attached contract differs from the sections quoted by Freeths. That is because there are many versions of the SMPR contract flying around - don't worry about this for the time being.

Thanks

Paul

Paul Loraine
Solicitor

Bond Dickinson LLP

cid:image002.jpg@01D1ACF1.B0BEDFD0

Direct:
Mobile:
Office:

GRO

Follow Bond Dickinson:

<http://twitter.com/Bond_Dickinson> cid:image003.jpg@01D1ACF1.B0BEDFD0
<<http://www.linkedin.com/company/3098928>> cid:image004.jpg@01D1ACF1.B0BEDFD0

<<http://www.bonddickinson.com>> www.bonddickinson.com

<<https://www.exportingisgreat.gov.uk/>> Exporting is Great

From: Loraine, Paul
Sent: 10 May 2016 12:08
To: 'paul.inwood';
Cc: Parsons, Andrew; Porter, Tom; Rodric Williams
Subject: Official Secrets Act

GRO

GRO

GRO

Paul

It was good speaking to you – thanks for your time.

By way of a quick introduction (and so you have our details), my colleagues Andy and Tom are also working on the group action. No doubt you will deal with us all at some point.

We'll look at the OSA at this end, informed by the helpful description you gave of how the OSA obligations apply in practice to a modern SPMR (ie. that they apply narrowly in relation to internal stakeholder information, eg. budget-related information /changes in vehicle excise duty / interest rates).

Separately, as we discussed, if you could speak to your colleagues about any further examples of the OSA's application and come back to me, that would be very useful.

Thanks

Paul