

Message

From: Rodric Williams
on behalf of Rodric Williams
Sent: 21/12/2016 18:44:44
To: PearceA
Subject: Update re: Post Office Limited
Attachments: Notice Letter to Temp - Broughton 23.07.09.doc; MULTI USE FORM - Broughton (167427) - temp giving notice - office closure....doc; MULTI USE FORM - CLOSURE - BROUGHTON (167427) 01.09.09.doc; The Post Office Ltd - Investigations Report V3.pdf; CCRC Tracker October 16.xlsx

GRO

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Dear Amanda,

I hope you are well.

Apologies for the time taken to come back to you on this, but I wanted to send you everything under the cover of one email rather than covering the various strands on a piecemeal basis. I have adopted your headings below for clarity, adding one further section on the status of the civil court action brought by postmasters against Post Office.

1. **Outstanding Matters**

a. **Documents from the Broughton 'Filing Cabinet'**

You requested copies of the documents linked to the entries from 23/7/09 to 1/9/09 on the Broughton "electronic filing cabinet" (EFC) document sent to you previously. Unfortunately there is an ongoing issue with access to this particular EFC which our IT team are working on. In the meantime, we have conducted searches for any copies of these documents held outside the EFC and we have located 3 documents which fall within the scope of your request (please see attached documents marked "Broughton"). If a solution can be found to the EFC issue, we will of course provide the remainder of the documents as soon as possible.

b. **Misra transaction logs**

The first point here is that the Misra transaction logs received from Fujitsu have now been uploaded to Relativity and I have requested that they are made available on the data room for your review.

In respect of the period from November 2006 to April 2007, two months, March and April 2007, are included in the available data which is being released to you (see the file marked ARQs 611-612). I understand this is because specific searches were carried out against these months as part of the recent mediation scheme investigations and Fujitsu hold some archived data which has been the subject of searches.

For the remaining months – November 2006 to February 2007 – we asked Fujitsu to double check their archives (in light of the fact that the data appears to have been available to Gareth Jenkins at trial) and Fujitsu confirmed that, unfortunately, this data is no longer available or retrievable, having been purged by Fujitsu between November 2013 and February 2014 in line with the standard data retention practice at the time (i.e. seven years after it originated). Fujitsu's records show the months December 2006 to February 2007 were the subject of a search request in February 2010 but, having checked their archives, Fujitsu have confirmed the original data for these months is no longer retrievable.

You are right to say that the months July 2005 to January 2006 were routinely purged in line with the data retention practice in operation prior to the CCRC's involvement.

c. **Explanation of transaction log headings**

My colleague Shirley Hailstones and I would be happy to set up a call with you so that Shirley can talk you through the headings. Would you be available for a call on the afternoon of 9 or 12 January 2017? Alternatively, please let me know when you might be available.

d. **Preservation of documents**

The short answer is yes, Post Office could continue to preserve case papers for new applications without making them immediately available in the data room. In practice, this would involve keeping them in a separate data room to ensure consistency with our current process for locating/uploading documents for those cases where we receive a formal s.17

notice. We can then release any documents to you if you subsequently have reason to issue a formal s.17 notice (as to which I acknowledge receipt of the s.17 notice received today for Mr Ian Warren, DoB 12.02.1947).

2. New Questions

a. **Fujitsu KEL**

We are in the process of gathering responses to your questions from Fujitsu and will come back to you as soon as possible.

b. **Misra documents**

Branch trading reports: there is a document on the data room titled "Exhibits and Statements" (doc number: 205000856) which shows that there were branch trading accounts for November/December 2006, May/June 2007 and November/December 2007 included as exhibits during the trial. The relevant document numbers for these reports are 1280990, 1280991, and 1280992. I note that two of these documents in particular are difficult to read on screen at least. This may be a scanning issue or it may be an issue with the hard copy documents. We will investigate at this end and to the extent there are better quality copies available, we will provide them.

Cash declarations: the print-outs from the daily cash declarations are retained in branch only, so Post Office does not have copies as a matter of course. The only copies Post Office would have would be any declarations retrieved from the branch during an audit. We have double checked with the mediation scheme investigation team and their search has not uncovered any cash declarations. You may be aware of this but, just in case it is helpful, cash declarations can be seen (in total only and not broken down by denomination) in the event logs.

3. Disclosure of Documents to Experts

Thanks for the update on your intention to instruct a forensic accountant.

Post Office will consent to the disclosure provided that there is a commitment by the experts in question (and the firms they represent) to maintain the confidentiality of the documents and refrain from onward disclosure. If we can get this comfort by reviewing the relevant part of the draft letter of instruction we would be happy to do that.

I assume this could best be achieved by the experts formally confirming they owe an obligation to Post Office to maintain confidentiality in the documents and/or are bound by the same protections against disclosure as the CCRC, but perhaps you have a mechanism in mind for dealing with this? I am happy to discuss this point with you further on the phone if that would be helpful as I'm conscious this is your top priority.

4. Ron Warmington's Investigations Report

Thank you for confirming that you have received a copy of this report direct from Mr Warmington.

We have also managed to locate this report. As I have previously explained, when neither I nor Post Office's external solicitors could initially locate this document, I asked Post Office's Information Security and Assurance Group to retrieve the emails sent in January 2014 between Ian Henderson (of Second Sight) and Chris Aujard and Belinda Crowe (of Post Office). After searching the archived emails, we managed to track down the attached document, and are providing it now as part of this comprehensive response for the sake of completeness and to cover off the possibility that it may be different to that provided by Mr Warmington.

I should also flag that the report contains a number of serious and inaccurate assertions about Post Office's investigations function, which (to the best of my knowledge) have not been endorsed or otherwise accepted by Post Office. I would therefore like to expressly reserve Post Office's position in respect of its contents (which Post Office considers to be confidential and/or potentially subject to legal professional privilege) and make the standard request that the report not be disclosed without our prior consent (in line with s.25 of the Criminal Appeal Act (CAA)1995).

5. Case tracker update

Please see attached the latest case tracker.

Millnet are in the process of releasing the following documents on the data room for your review:

- Barang (CK data)
- Hedges (mediation scheme documents)

- Holmes (mediation scheme documents, Green File, further hard copy documents and CDs)
- Ishaq (CK data)
- Misra (CK data and transaction logs as per 1b above)
- Prince (CK data)
- Robinson (CK data)
- Trousdale (mediation scheme documents)
- Williams (CK data)

As with all the other material provided to you, please consider this email formal notice under s.25 of the CAA 1995 that none of this material should be disclosed without Post Office's prior consent.

3. Civil Court Group Litigation

I appreciate that the CCRC is not directly concerned with the progress of the High Court Group Litigation which is being pursued by a number of former postmasters, including some who have asked to have their prosecutions reviewed by the CCRC, but I thought you might be interested in an update all the same.

The litigation will come before the Court for the first time for a procedural hearing on 26 January 2017. In the lead up to this, the parties have exchanged substantial correspondence which has raised two matters which may be of interest to you. First, currently the claimants are expressly not alleging that there is any systemic problem with Horizon, and second, the claimants' solicitors have proposed that the claims brought by those who have prosecutions under review by the CCRC be stayed pending the outcome of the reviews.

Please let me know if you would like any further information about this litigation.

I hope this email is useful and do let me know if you want to discuss any aspect of it – particularly the experts disclosure point. We will continue to follow up the outstanding points and I look forward to speaking with you on the transaction logs point along with Shirley in due course.

Finally, may I wish you and your team all the best for a Merry Christmas and holiday season, and for a safe and prosperous New Year.

Kind regards, Rodric



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GRO

From: [PearceA](#)
Sent: 07/12/2016 13:15
To: [Rodric Williams](#)
Subject: CCRC - Request

Good Afternoon Rodric,

I hope you're well.

We're just about in a position to begin the procurement process for a forensic accountant and so I'm emailing to seek POL's consent to the disclosure of documents to the experts. Before I do, may I chase a few outstanding matters and ask a couple of further questions, please?

1. Outstanding Matters

- a. **Documents from the Broughton 'Filing Cabinet'** – we're hoping to interview Mr Patel as soon as possible and we'd like to see these before we do so.
- b. **Misra transaction logs** – in my last email I queried the absence of records for the period November 2006 to April 2007. We have material which suggests that Gareth Jenkins had these transaction logs at the time of trial (he produced a 29 page summary document). Would you mind checking again whether they're still available, please? Also, could you confirm whether I'm right in thinking that the earlier transaction logs (ie July 2005 to January 2006) are not available because they weren't used at trial and had been routinely destroyed before POL suspended its normal retention/destruction policy?
- c. **Explanation of transaction log headings** – we need to provide this to the forensic accountants in order for them to prepare quotes.
- d. **Preservation of documents** – I mentioned in my recent email that we are considering how best to manage the continued flow of applications. I'd be grateful for your views on how practical it would be for POL to preserve case papers for new applications rather than make them available in the data room, bearing in mind the possibility that we might want to view the papers once we begin work on the 'new' case(s).

2. New Questions

- a. **Fujitsu KEL** – It would be helpful to understand a little more about the KEL. In particular,
 - How far back does the available KEL go?
 - How easy is it to search? For example, is it searchable by branch, by area or by date parameters?
 - Is it searchable by issue? You said in your email that most of the entries are not connected to branch accounting. Is it possible to say how many entries are related to branch accounting? We're trying to assess whether it's reasonable to examine extracts of the KEL in order to try to identify errors which might give rise to discrepancies in branch accounts.
 - What is the retention policy that's applied to the KEL? (I'm trying to determine whether we need to serve a s.17 notice to ensure that the entries are not destroyed.)
- b. **Misra documents** – we've decided to ask the forensic accountants to examine the Misra transaction logs because it's one of the few cases that proceeded to trial.
 - We have located a branch trading report from January 2008 and an audit report from January 2008. There don't seem to be any earlier branch trading reports. Might they be held elsewhere or can you confirm that we've had everything that's available?
 - Also, we haven't seen any record of daily cash declarations. Do they exist anywhere?

3. Disclosure of Documents to Experts

The CCRC intends to instruct a forensic accountant to examine transaction logs for one branch in order to determine whether it's possible to identify any anomalies or errors which might have created the discrepancy between the accounts and the cash on hand. As mentioned above, we have decided to focus on the Misra case because it is one of the few which went to trial.

As a public body, we are required to go through a procurement process, which involves obtaining quotes from three possible experts.

We have now reached the stage where we have prepared draft instructions and we'd like to invite the experts to quote. In addition to our draft instructions, we'd like to provide some source material to the

potential experts, some of which was made available to us by POL and has been made subject to section 25 CAA 1995 (ie no onward disclosure without consent). I'm hoping that POL won't have any objection (as you are probably aware, consent cannot be withheld unreasonably) but I should be grateful if you could confirm that POL is content for us to share the following material with the three proposed experts:

- i. the Second Sight Part One report
- ii. the Second Sight Interim report
- iii. the Second Sight Part Two report
- iv. the POL response to Second Sight's Part Two report
- v. your recent email explanation of Dalmellington, Falkirk/Callendar Square etc
- vi. the 'Rose Report 12/6/13'
- vii. the transaction logs for Ms Misra's post office branch covering the period February 2006 to January 2008
- viii. the January 2008 branch audit report for Ms Misra's branch
- ix. the January 2008 branch trading statement for Ms Misra's branch
- x. an explanation of the column headings on the MacDonald transaction logs. (I'm assuming the same headings are used on the Misra logs?)

It's possible that we will want to provide further material to the expert who is eventually instructed, but I would of course revert to you for consent to do so.

I'm sorry it's another long email. I'm very grateful for all your help. If it's at all possible to resolve the matters relating to the expert instructions before the Christmas holiday period that would be much appreciated. We're keen to send out the draft instructions as soon as we can.

One final matter that I should mention is that we've obtained a copy of Ron Warmington's 'Investigations report' direct from Mr Warmington. (You may be interested to know that he says a copy was contained amongst the material returned to POL when the arrangement with Second Sight was terminated.)

Many thanks,

Amanda

I work from home on Mondays. I'm in the office Tuesday to Thursday mornings and all day Friday.

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