

From: Watson, Richard - UKGI
Sent: Fri, 4 Oct 2019 11:55:49 +0000
To: Russell, Mark - UKGI
Cc: Cooper, Tom - UKGI; Aldred, Tom - UKGI
Subject: FW: POST OFFICE LITIGATION

Mark

You will want to be aware of the latest development on the POL litigation in my below email.

We are hopefully catching up later so can discuss then as necessary

Kind regards

Richard

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From: Watson, Richard - UKGI
Sent: 03 October 2019 18:04
To: Permanent Secretary <[redacted] GRO >; Tolhurst, Mpst (BEIS) <[redacted] GRO >
Cc: SpAds Office (Private Office) <[redacted] GRO >; Creswell, Carl (Professional Business Services, Retail & Post Directorate) <[redacted] GRO >; Cooper, Tom - UKGI <[redacted] GRO >; Aldred, Tom - UKGI <[redacted] GRO >; White, Beth (Professional Business Services, Retail & Post Directorate) <[redacted] GRO >; Grant, Calum (BEIS) <[redacted] GRO >; patricia.regis [redacted] GRO sarah.munby [redacted] GRO; Kilgarriff, Patrick (Legal) <[redacted] GRO >
Subject: POST OFFICE LITIGATION

Post Office have just advised us that they have discovered that they failed to disclose potentially relevant documents in the GLO proceedings, specifically in respect of the Horizon Trial which concluded in July. Post Office are currently awaiting the Court's judgment in respect of that trial.

Context

Fujitsu, who manage the Horizon point of sale system for Post Office, had previously informed Post Office that the "Known Error Logs" (KELs), which were key documents in the Horizon trial,

were overwritten when updated such that no previous versions were kept and only current versions could be disclosed. Post Office relied on that information when completing their Disclosure Statement in the litigation. However, Fujitsu has now advised Post Office this week that past versions of the KELs do, in fact, exist. Consequently, the scope of disclosure as represented and provided by Post Office was inaccurate.

There are two broad Issues:

1. **Concealment and Procedural Breach** - Post Office's credibility and the perception around Post Office's approach to managing the litigation will likely be criticised (ie Claimants' previous overarching criticism of Post Office not being transparent, seeking to conceal and not providing full disclosure); and
2. **Potential Impact to the Court's findings** - Whether the previous KELs (the volume and content is not yet known) could cause the experts to change their evidence and/or impact the substance of the case before the Court.

Post Office have informed the claimants and the court what has happened. The Board are aware and POL are urgently trying to get from Fujitsu copies of the relevant documents.

The POL Comms Team has been made aware of the issue. The Claimants are likely to complain to the Court and there is a risk that the issue could become public.

POL are putting in place a variety of actions to manage this issue, including reviewing their arrangements and assurance processes with Fujitsu.

We will update you as soon as we have further information

Kind regards

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