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Dear Sirs

**Post Office Group Litigation  
Horizon Issues Trial Disclosure**

We refer to your second letter dated 27 September 2019.

We note that you agree that the recent disclosure is relevant, that it was correct for this disclosure to be given and accept that it could not have been provided earlier than it was. As we explained in our previous letter dated 27 September 2019, Post Office has an ongoing obligation to provide disclosure of adverse documents and the disclosure we provided to you accordingly.

Should your clients wish to take any action regarding the documents that have been disclosed, then that is a matter for you and your clients. Please however find below responses to the matters raised in your letter.

**1. Previous drafts of the 12 documents relating to 12 issues**

We enclose with this letter a copy of the versions of the documents received by Paul Smith of Post Office from Fujitsu on 3 and 9 September 2019. The 13 September version was provided to us on 16 September and disclosed to you as per our second letter dated 25 September 2019 (As explained in that letter, there was a further document which represented a thirteenth issue and which we received on 23 September. This was disclosed on 25 September along with the Peak referred to therein).

The attachments enclosed with this letter show you which 12 of the 32 documents relate to the 12 issues (albeit earlier versions). It was the version of these documents provided to us on 16 September 2019 that we reviewed and which led to us requesting copies of any Peaks and KELs referred to within them.

For example, BattleN5341P is one of the documents that relates to the 12 issues. That document refers to PC0261948 and PC0279457 in its text. PC0261948 had already been disclosed to you (POL-0429543) and was therefore not provided on 25 September 2019, however PC0279457 had not been previously disclosed to you and we therefore included this within our letter. The example you have given, PC0278614, is a Peak referred to in spar1458P; spar1458P being one of the documents that relates to the 12 issues. The Peak was therefore provided to you because it is referred to in that document and had not previously been disclosed.

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Post Office was trying to be helpful in disclosing any Peaks / KELs referred to in the 12 documents relating to the 12 issues (and by disclosing the Peak associated with the document for the thirteenth issue). It did not purport to (nor was it required to) disclose every Peak and KEL that was then referenced in every consequentially disclosed Peak and KEL and so on until that thread of enquiry was fully exhausted. Should you wish, however, to see copies of certain Peaks and KELs referred provided please identify the documents you want to see by their KEL or Peak reference and we will take instructions.

## 2. Previously disclosed KELs

In respect of your point that any intervening dates of changes to KELs are not captured, nor any changes which have been made (or made and then subsequently revised) on the face of the documents, ~~you have already been made aware of this position in our client's Electronic Documents Questionnaire dated 6 December 2017 (C9/1/46). In it, Post Office explained that "[t]he KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries / versions of the current entries are no longer available". Had you wanted to take issue with this, you should have done so before now. We have made further enquires with Fujitsu to confirm that previous versions of the KELs that have already been disclosed are no longer held. As you aware, Post Office's EDQ confirmed that "[t]he KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries / versions of the current entries are no longer available". We were however informed by Fujitsu [this morning] that this position may be incorrect and that previous versions of the KELs may be available. Post Office was under a misapprehension at the time of filing its EDQ that such documents were not available and urgent investigations are ongoing to understand the extent that previous versions of the KELs are held by Fujitsu.~~

## 3. Flowchart

The flowchart was provided to you to give you some context as to why Post Office is disclosing these documents at this stage. It is also relevant to the Horizon Issues as it shows how issues in Horizon are being dealt with, as is evident from the document itself.

Yours faithfully

**Womble Bond Dickinson (UK) LLP**