

**From:** Amy Prime <[REDACTED] GRO>  
**To:** Lucy Bremner <[REDACTED] GRO>, Andrew Parsons <[REDACTED] GRO>

**Subject:** RE: Draft email to TRQC - KEL Disclosure

**Date:** Wed, 2 Oct 2019 08:58:01 +0000

**Importance:** Normal

**Inline-Images:** image001.png; image002.png; image003.png; image948442.PNG; imaged0d0bd.PNG; image851347.PNG

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Thanks – this makes sense.

**Amy Prime**  
Associate  
Womble Bond Dickinson (UK) LLP

d: [REDACTED]  
m: [REDACTED] GRO  
t: [REDACTED]  
e: [REDACTED] GRO

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**From:** Lucy Bremner <[REDACTED] GRO>  
**Sent:** 02 October 2019 09:55  
**To:** Andrew Parsons <[REDACTED] GRO>; Amy Prime <[REDACTED] GRO>  
**Subject:** RE: Draft email to TRQC - KEL Disclosure [WBUDK-AC.FID27032497]

Amy,

My comments in blue below – happy to discuss.

Thanks,

Lucy

**Lucy Bremner**  
Associate

Womble Bond Dickinson (UK) LLP

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e: [REDACTED]

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**From:** Andrew Parsons <[REDACTED]>  
**Sent:** 02 October 2019 07:43  
**To:** Lucy Bremner <[REDACTED]>; Amy Prime <[REDACTED]>  
**Subject:** Re: Draft email to TRQC - KEL Disclosure [WBDUK-AC.FID26896945]

Amy. I'll call Tony first and then we'll send this.

A

On Tue, Oct 1, 2019 at 10:11 PM +0100, "Amy Prime" <[REDACTED]> wrote:

Hi Both

Draft email to TRQC below – all comments welcome. Happy to send this to TRQC but, Lucy, if you can try and put some time aside tomorrow for the inevitable stream of TRQC questions it would be really appreciated.

Thanks

A

**[Draft]**

Tony

The call this afternoon has been scheduled to discuss the disclosure of previous versions of the Known Error Log (**KEL**). I apologise for the length of this email, but the background to how we have reached the current position may be of use. The correspondence referred to below is attached.

As we explained in our email dated 17 September 19, Post Office has (unbeknownst to us) been developing a new process to give its operational teams visibility of the bug diagnosis and resolution procedure so that it can share information with SPMs. As part of the new process, Fujitsu is to provide Post Office with a variation of its KEL for each issue (currently being called Knowledge Base Fault or Knowledge Based Information, depending on whether or not an issue has had a financial impact) that Post Office can use to diagnose occurrences of those issues (i.e. when branches call NBSC) and in communications with the network (the work has been driven by the fact that Post Office was shown not to have been open with branches about bugs during the HIT).

Fujitsu produced 12 Knowledge Based Fault/Knowledge Based Information documents (which later become 13), which were disclosed, alongside any associated Peaks and KELs referred to in them, on 25 September 19. The total number of documents disclosed were 32 documents. On the same day, Freeths wrote to WBD seeking an explanation of what these documents related to and whether we would be informing the Judge that further disclosure had been given. WBD responded to Freeths on 27 September 19 confirming that the disclosure was being provided in accordance with POL's ongoing duties and explained why the documents had not been disclosed earlier (namely, since they had been produced after the date on which disclosure of the KELs and Peaks was provided). Freeths responded on the same day raising a number of matters, including:

1. Sought disclosure of the draft copies of the 12 documents which had been disclosed on 25 September 19 – Post Office are happy to give disclosure of these documents.
2. Sought disclosure of any Peaks and KELs which have not yet been disclosed but are referred to in the 32 documents which had been disclosed on 25 September 19 – Post Office are happy to give disclosure of these documents.
3. Raised concerns about the disclosure of the previous versions of the KELs and queried the approach that Post Office was taking to disclosing revisions made to the KELs – this is the matter to be discussed on the call and addressed below.

It should also be noted that Freeths have written to Fraser J asking to file submissions on any points arising in relation to the late disclosed documents, being the 32 documents disclosed on 25 September 19. Our response to point 3 above will therefore inevitably end up in front of Fraser J.

Post Office's understanding until yesterday morning (and as reflected in Post Office's EDQ) is that the KEL only contains the current database entries and is constantly updated. The previous entries / versions of the current entries were no longer available. Post Office was therefore provided by FJ and disclosed to the Cs the current versions of each of the KELs as at the time of disclosure.

Before responding to point 3 above we asked FJ to confirm that the above understanding was correct, as then POL could rely on the information provided to the Cs in the EDQ in response to Freeths query about disclosing previous versions of the KELs (ie. they are overwritten, the Cs knew about this already and disclosure cannot be provided). In response to our query FJ informed us that our understanding was incorrect. The response from FJ is copied below:

*"You may recall that there are three status categories of KEL: current, deprecated and deleted. For those that are current or deprecated, they have been updated in such a way that previous content is not permanently overwritten, but instead a new version is created, **with the previous versions being retained and accessible**. For those that have been deleted, only the last version at the point of deletion has been retained."*(emphasis added)

We have spoken with FJ who have also verbally confirmed that the previous versions of the KELs do exist and are held in the same database.

This raises a rather large issue that (1) the EDQ is incorrect; but more importantly (2) the previous versions of the KELs which we did not know existed until yesterday do in fact exist and have not been disclosed. We need to bring to this Freeths attention and work out how to provide disclosure of the documents. Given the importance of the KELs to the Horizon Issues Trial we would welcome your advice on how best to manage this and the associated risks.

We had an initial call with Simon yesterday on this matter, following which we have so far advised Post Office that:

- Since the judgment is imminent and given the importance of KELs to the trial, Post Office should not delay in bringing the existence of the previous versions of the KELs to the attention of the Cs.
- A detailed explanation of the circumstances would then need to follow urgently.
- This is going to be very uncomfortable for Post Office, with a potential worst outcome being that the Judge seeks further expert evidence from Coyne/Worden as to whether these previous versions of the KELs impact upon their evidence.
- The draft letter attached to this email should therefore be sent in response to Freeths letter of 25 September 19
- Consideration needs to be given as how we deal with FJ and the tone to be taken in relation to our disappointment in finding out about these documents so late. This is commercially sensitive given the ongoing relationship between FJ and Post Office.

If it would be helpful to discuss any of the above prior to the call or if there are any immediate questions which it would be helpful to address in advance, please let me know.

Kind regards

**Amy Prime**

Associate

Womble Bond Dickinson (UK) LLP

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