

**From:** Clarke, Stephen - UKGI[/O=HMT/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8A261230540B4541883BC1E75B94E5E7-CLARKE, STEPHEN (SCL)]

**Sent:** Tue 12/03/2019 3:47:47 PM (UTC)

**To:** Tolhurst, Mpst (BEIS) [GRO]; Permanent Secretary [GRO]

**Cc:** Cooper, Tom - UKGI [GRO]; Aldred, Tom - UKGI [GRO]; Vandini, Cecilia (Advanced Manufacturing and Services) [GRO]; Watson, Craig (Advanced Manufacturing and Services) [GRO]; Lambert, Gavin (Advanced Manufacturing and Services) [GRO]; Watson, Richard - UKGI [GRO]; Fox, Joshua - UKGI [GRO]; Miles, Annabelle (Communications & Partnerships) [GRO]; Evans, Gareth (BEIS) [GRO]

**Subject:** Official Sensitive: Post Office Update on Horizon Trial Day 1

**Attachment:** Horizon Trial Day 1 Media Coverage - POL Summary 12 March 2019.docx

**Official Sensitive with Legally Privileged Info (pertaining to Post Office's defence of ongoing litigation)**

Jess and Sophie,

Please find below an email summary from POL's legal team of day 1 of the Horizon Trial. As with the first trial, POL will provide updates at appropriate junctures, which we will forward to you. UKGI's sub yesterday gave a high-level overview of the trial and issues at stake.

In addition, POL have summarised media coverage from day 1 of the trial (see attached).

Let me know if you have any questions.

Stephen

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**From:** rodric.williams [GRO]  
**Sent:** 12 March 2019 3:10 am  
**To:** Richard.Watson [GRO]; Joshua.Fox [GRO]  
**Cc:** jane.macleod [GRO]; Tom.Coope [GRO]  
**Subject:** Post Office Group Litigation - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD

**Post Office Group Litigation - SUBJECT TO LEGAL PRIVILEGE - DO NOT FORWARD**

Richard, Josh,

The "Horizon Issues" trial, which will determine 15 issues concerning technical aspects of the Horizon computer system, commenced today before His Honour Mr Justice Fraser with Opening Submissions from each party.

Patrick Green QC for the Claimants went first, focussing on:

- Areas of agreement between the parties' experts, including that:
  - o they have identified between 12 and 29 bugs which could have a financial impact on Post Office branch accounts;
  - o the effectiveness of Horizon's countermeasures have changed over time;
  - o Horizon could be remotely accessed by various tools at various times; and
  - o Horizon was relatively robust overall.
- The different approaches taken by the parties' experts, where:
  - o Post Office's expert Dr Worden had adopted Post Office's description of Horizon as "robust", and then

worked backwards through its countermeasures to demonstrate robustness by both the absence of bugs and also their detection; but

- Mr Coyne had identified what “actually happened”, supporting the Claimants’ case that their individual experiences are consistent with occasional errors arising in a robust system which deals with large volumes.
- The “remote access” issue, on which Post Office’s case had changed over time and which would undermine Horizon’s robustness if not properly controlled.
- A “worked example” of the “Dalmellington” bug, which showed the difficulty in identifying bugs from Fujitsu’s documents (suggesting there may be more which had not been identified in the time available), and for which Mr Green criticised Post Office for not disclosing in early correspondence (suggesting there may be more bugs which have been hidden).

Tony Robinson QC then opened for Post Office by submitting that:

- There is no dispute on Horizon’s architecture and capabilities, or that it has performed without systemic problems.
- The experts agree that Horizon is robust relative to similar systems, e.g. to those used by large financial institutions.
- Of the experts:
  - Dr Worden identified more bugs, and considered them in greater detail, than Mr Coyne. He could not therefore be said to be taking a blinkered view of Horizon;
  - Mr Coyne did not provide any analysis of the extent of the bugs he identified (e.g. of the financial value or number of branches affected). The Claimants instead criticise Dr Worden for attempting to provide this analysis, even though it is essential to their case that the level of bugs is consistent with their experiences.
- On remote access:
  - It is a “second order” issue, i.e. it compounds the small likelihood of needing to use remote access with the equally small likelihood of that access being used incorrectly.
  - It is therefore extremely unlikely to have had any effect on branch accounts.
  - Post Office had to consider unclear, theoretical propositions about a decommissioned system, based on old design documents and memory when responding to allegations about remote access on Legacy/pre-2010 Horizon (which used differed tools to Online/post-2010 Horizon).

Overall, the Claimants opened strongly. They played heavily on their “conspiracy” narrative of Post Office having a blinkered, protect-at-all-costs view on Horizon, which they suggested had been adopted by our expert Dr Worden and reinforced by incomplete disclosure. Tony Robinson QC was however able to temper that in the afternoon by focussing on the content of the experts’ reports.

Tomorrow, our counsel team will cross-examine four of the Claimants’ former postmaster witnesses, who will give evidence about their experiences as Horizon users.

Kind regards, Rodric



2017 Winner of the Global  
Postal Award for Customer  
Experience

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