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**WOMBLE
BOND
DICKINSON**

25 October 2019

Womble Bond Dickinson (UK) LLP

Oceana House
39-49 Commercial Road
Southampton
SO15 1GA

Freeths LLP
Floor 3
100 Wellington Street
Leeds
LS1 4LT

Tel: GRO
Fax:
DX: 38517 Southampton 3

andrew.parsons GRO
Direct: GRO

By email only

Our ref:
AP6/AP6/364065.1516
Your ref:

Email: james.hartley GRO **imogen.randall** GRO

Dear Sirs

Post Office Group Litigation
Horizon Issues Trial: KELs disclosure

We refer to your second letter of 11 October 2019.

We have been discussing the disclosure of KELs in great detail with Fujitsu and we are grateful for your patience while we have been doing this. In this letter, we have endeavoured to provide answers to your questions that are as clear as possible. Obviously, our answers involve a number of intricate technical points relating to how Fujitsu operates and how the KEL database holds information which are beyond our (and our client's) expertise. Please do let us know if you require clarification on any points or further information.

To answer some of your questions we need to provide information that is covered by privilege. For the sake of clarity, privilege is waived only over the information expressly given below. We appreciate your confirmation yesterday that in providing this information there will not be any wider or collateral waiver of privilege.

We respond below to the five questions raised in your letter.

1. Previous versions of KELs and Post Office's EDQ

In response to questions 1a and 1b, the statement on KELs in the EDQ which you quote was included by WBD in a draft version of the EDQ following a conference call on 30 November 2017 between WBD and Fujitsu, the purpose of which was to discuss what documents Fujitsu held in relation to Horizon which might be relevant to the proceedings. Chris Jay (in-house lawyer), Matthew Lenton (Document Manager for the Post Office account) and Pete Newsome (Account Manager) attended the call on behalf of Fujitsu. We believe that one of the Fujitsu attendees stated that previous entries or versions of KELs were no longer available (that was a piece of information which only Fujitsu could have provided). A first draft of the Fujitsu section of the EDQ was produced later the same day containing that statement.

On 6 December 2017, a draft of the Fujitsu section of the EDQ still containing the relevant statement was sent to the three Fujitsu employees who had attended the conference call of 30 November 2017, and they were asked to confirm its accuracy. In response, Matthew Lenton of Fujitsu made a number of comments on the draft later that day, but he did not comment on or query the relevant statement. On this basis, the EDQ was finalised in the terms of the version that was served.

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At point 1c of your letter, you seek information about Post Office's discussions with Fujitsu which informed paragraph 50 of the Generic Defence. Post Office's position in this regard was addressed in our client's written submissions about the KEL filed after the trial at the request of the Court. Post Office does not propose to add to those submissions. We do not believe that this topic needs to be re-opened for you to understand the position regarding the disclosure of back versions of KELs.

2. KEL extraction scripts

The underlying KEL application is used by Fujitsu to manage the IT systems of other clients as well as Post Office. Fujitsu's scripts were run only against the database partition in the KEL used for Post Office.

We enclose copies of the three scripts used to extract: (i) the KELs which were disclosed in May 2018 pursuant to the Court's Order (being KELs generated up to March 2018), (ii) the KELs disclosed in January 2019 pursuant to your request (being the KELs generated from March to December 2018), and (iii) the deleted KELs that were also disclosed in January 2019.

May 2018 Disclosure

The script used was titled "List_ALL_KELs.java" and produced a list of the current versions of both Legacy Horizon and Horizon Online KELs. This can be seen by the SQL command used:

> *select * from [dbo].[kel_active] where status in ('Authorised','Deactivated') union all select * from kel_active_HNGX where status in ('Authorised','Deactivated')";*

The latest version of each KEL was extracted by retrieving the "Authorised" and "Deactivated" KELs from the two kel_active tables (one for Legacy Horizon and one for Horizon Online).

Further KELs – January 2019

The script used was titled "List_Recent_KELs.java". It was very similar to the script used in May 2018, except that it took as a third parameter the start date (sDate) for the KEL's creation so to exclude the KELs already disclosed (ie. those up to March 2018). Therefore, the SQL query changed to:

> *select * from kel_active_HNGX where status in ('Authorised','Deactivated') and original_date >= '"+sDate+"'*

This involved using the KEL table only for Horizon Online since there were no new Legacy Horizon KELs produced after March 2018.

Deleted KELs – January 2019

The script used to list the deleted KELs was titled "List_Deleted_KELs.java" and was built on the same principles to the script used in May 2018.

> *SELECT [kel_ref] ,[KEL_Reference] ,[title] ,[summary] ,[username] ,[fullname] ,[email] ,[original_date] ,[revision_date] ,[original_author] ,[revision_author] ,[release] ,[kel_type] ,[systemproduct] ,[branchcode] ,[servername] ,[symptoms] ,[problem] ,convert(varchar(max),[solution]) as [solution]   ,convert(varchar(max),[solution2]) as [solution2]   ,convert(varchar(max),[solution3]) as [solution3] ,[keywords] ,[approved] ,[evidence] ,[status] ,[visibility] ,[powerhelp] as [call_ref] ,[peak] ,[version] ,[class] ,[external_kel] ,[RefType1] ,[RefValue1] ,[RefType2] ,[RefValue2] FROM [dbo].[kel_delete] union SELECT [kel_ref] ,[KEL_Reference] ,[title] ,[summary] ,[username] ,[fullname] ,[email] ,[original_date] ,[revision_date] ,[original_author] ,[revision_author] ,[release] ,[kel_type] ,[systemproduct] ,[branchcode] ,[servername] ,[symptoms] ,[problem] ,convert(varchar(max),[solution]) as [solution] ,convert(varchar(max),[solution2]) as [solution2] ,convert(varchar(max),[solution3]) as [solution3] ,[keywords] ,[approved] ,[evidence] ,[status] ,[visibility] ,[call_ref] ,[peak] ,[version] ,[class] ,[external_kel] ,[RefType1] ,[RefValue1] ,[RefType2] ,[RefValue2] FROM [dbo].[kel_delete_HNGX]*

The SQL for this script was longer because the Legacy Horizon deleted table had a different schema (structure) to the other three tables – the Legacy Horizon active table, Horizon Online active table and Horizon Online deleted table – which all had the same schema as each other. A more detailed script was therefore required in order to extract the deleted KELs.

Although you have not asked us to do so, for the sake of clarity and completeness we also enclose a copy of the script used by Fujitsu for the most recent extraction of KELs.

3. KEL version numbering

The original version of a KEL is version 1. When a KEL is updated, the new draft version is put in a separate table and an authorise request is sent to SSC who review the changes and either authorise or reject the new version of the KEL. If it is authorised, the new version is inserted into the active table (where it becomes part of the KEL for everyday use) and the previous version is marked as deprecated.

The functionality of the application is such that (subject to the points made below) a KEL cannot be updated without generating a new version. That new version is generated automatically by the software. However, hypothetically, an individual with privileged access rights to the database could update a KEL directly via SQL. Only a few members of SSC staff have that privileged access and, in practice, it is not used in order to update individual KELs. So far as Fujitsu are aware, such access has only been used in order to carry out database-wide "find and replace" changes to all KELs without creating new versions, including by:

1. changing references to "ATOS" to "Helpdesk" when the provider of the helpdesk service changed;
2. changing specific server names when those names changed as part of a datacentre software and hardware refresh which resulted in some of Fujitsu's platforms being rebuilt;
3. changing a categorisation from "KEL type" to "Type"; and
4. changing KELs which contained a product's old name in the [systemproduct] field to reflect the product's new name.

Due to the passage of time, it is not possible to provide an exhaustive list of all instances of access being used to make changes in this manner.

In response to question 3a (in relation to KEL spar5831I), version 3 is dated 12 August 2019 (not 12 September 2019, as stated in your letter) and version 5 is dated 13 September 2019. That KEL was updated more than once on two days; versions 1, 2 and 3 are all dated 12 August 2019 and versions 6 and 7 are both dated 3 October 2019.

In relation to the four specific KELs referred to by their trial bundle referred to in question 3b (JSimpkins4251P, GMaxwell574P, AChambers3558R and PCarroll2243R), versioning of KELs was not introduced until around 2006 (although KELs were updated prior to that date). Fujitsu are not able to confirm the precise date on which versioning was introduced, however, the first instance of a KEL having a version number higher than 1 was on 12 June 2006.

Prior to the introduction of versioning, KELs had no version numbers on them but were updated; each time a KEL was updated it overwrote the contents of the KEL. This means that it is not possible to ascertain the previous contents of KELs prior to the introduction of versioning.

It is Fujitsu's understanding that, when versioning was introduced, all existing KELs were automatically marked as version 1 and this is why the four KELs referred to in your letter are shown as having been updated despite being marked as version 1; they were created and updated prior to the introduction of versioning and were then automatically marked as version 1 when versioning was introduced. When a KEL was updated after the introduction of versioning, it would become version 2 and so on. However, due to the passage of time, Fujitsu are not able to confirm precisely and definitively how versioning was introduced in practice. For example, it is possible that a number of existing KELs were automatically marked as version 1, whilst a number of existing KELs were not marked as version 1 until later.

More generally, we understand that a KEL may indicate that it has been updated but still be labelled as version 1 due to there being a gap between the date on which the KEL is created and the date on which

it is authorised (which is when it is inserted into the active table and becomes part of the KEL for everyday use). In this situation, the date of creation will be the date the KEL is first proposed but the date of the update will be the date on which it is authorised. This gap can be caused by a number of reasons: a short gap may simply reflect the ordinary workflow of SSC; a longer gap may be because the original KEL was rejected and re-submitted (in which case the creation date would still be the date when it was originally raised) or because the authorising member of SSC required further information before authorising the KEL. There may be more reasons for a gap between the create and revision dates on a version 1 KEL, but these are the explanations that Fujitsu can presently recall; due to the passage of time, it is not possible to provide an exhaustive explanation.

In our letter of 24 October 2019 we noted that it is apparent that not every back version of every KEL was included within the recent disclosure tranche. Fujitsu have informed us that, over the past 20 years, back versions of some KELs have been removed from the KEL database in line with various business processes that it has applied for managing the amount of data it stores. We are continuing to liaise with Fujitsu to gain a better understanding of this.

4. Scale of additional KEL documents

See our letter of 24 October 2019 that addresses these questions. Further to that letter, we now enclose an index of the c.14,000 KELs recently provided by Fujitsu.

5. Post Office's written closing submissions

Post Office does not propose to withdraw any part of its written closing submissions. However, it of course accepts that it is important that the Court be updated of this development and, as you know, we have already informed the Court of it. We will also send the Court a copy of this letter and your letter dated 11 October to which this letter responds.

Finally, in relation to costs, if the back versions of KELs had been disclosed before the trial your clients would have incurred the cost of reviewing them (if it had chosen to do so). Submissions about who should bear such costs (or any part of them) can and should be addressed in the ordinary way at the costs hearing after the Horizon Issues Judgment is handed down.

We look forward to hearing your views on any further steps that should be taken and on what the Court should be invited to do. As indicated in our letter dated 3 October 2019, we hope that the parties will be able to agree a sensible way forward.

Yours faithfully

Womble Bond Dickinson (UK) LLP