

Thomas Penny



From: Thomas Penny
Sent: 03 February 2010 12:24
To: 'mark.dinsdale' [REDACTED] GRO [REDACTED] 'john.longman' [REDACTED] GRO [REDACTED]
Cc: jane.m.owen [REDACTED] GRO [REDACTED] Lillywhite Tom
Subject: FW: WEST BYFLEET ISSUES
Importance: High

Mark / John

We have taken guidance from our Legal Department concerning the West Byfleet and Porters Avenue cases; please read mail string.

The request (referenced 1. to 4.) referred to in David Jones' instructions refers to the Porters Avenue prosecution.

I am in the process of arranging the requisite internal meetings to determine timescales and costs for West Byfleet requirements and we will revert as soon as possible.

Kind regards
Penny

Penny Thomas
Security Analyst, Customer Services

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From: Jones David M
Sent: 03 February 2010 11:42
To: Thomas Penny; Wilkerson Guy
Cc: Keeling David; Lillywhite Tom; Williams Roger; Roberts David (LON22)
Subject: RE: WEST BYFLEET ISSUES
Importance: High

Penny / Guy

I have now looked at this – both at the background and the specific information requested by the Defence Expert.

It is for POL to decide what they want us to do to support the prosecution as although there is no "property" in a witness we are engaged to support POL contractually and will need them to cover the work involved. We should ask POL (and via them their counsel) to confirm that they want us to do the work requested and whether they want us to provide –

1. Access to the appropriate person with whom I can discuss how to access an unencrypted version of the transaction files held on the sub-post office terminals related to the Hosi case.
2. Access to the appropriate person with whom I can discuss the structure of the transaction files, the mechanisms by which they are synchronized with the central system and the records held centrally.

3. An unencrypted copy of full transaction log of the sub-post office terminals related to the Hosi case.
4. An unencrypted copy of the corresponding records held by the central system

We need to explain what can be done and the time scales and costs involved and then Guy can put in place an ATP to cover the work involved. If this work cannot be done in the timescales ordered by the court then we need to tell POL and its counsel so that they can apply to court for more time. We need an ATP and or specific authority not just to cover our costs involved but to ensure that any disclosure and work have POL's approval.

POL and its counsel must also agree how we provide any access to our people for the Defence expert and who is also present and how the exchanges are recorded and minuted.

Any access must be subject to confidentiality agreement or a release from POL - our standard NDA will need amending if we are going down this route. All access should be joint with a suitable POL person in attendance so that issues that arise from their requirements can be dealt with by POL and not us.

If necessary please feel free to forward this note to POL.

Best wishes

David

David M Jones, Head of Legal
UK Private Sector Division

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From: Thomas Penny
Sent: 03 February 2010 10:40
To: Jones David M
Cc: Keeling David; Lillywhite Tom
Subject: FW: WEST BYFLEET ISSUES
Importance: High

David

Please find below the list of questions asked of our expert witness. Attachments are:-

9c15.misra - 2nd interim technical expert's report 19.11.09 - defence's expert accountant's report - comments requested
0202.Gareth - West Byfleet Final - Gareth's (Fujitsu expert) responses to the defence's expert accountant's report
143.rtf - Eleanor Nixon's statement - comments requested

In addition, and to present the whole picture for West Byfleet, a witness statement prepared by Andy Dunks covering helpdesk calls for the outlet during the period 30 June 2005 to 31 December 2009 has already been returned to Post Office Ltd - WS West Byfleet 126023

Also looming is the Post Office Ltd prosecution relating to the outlet Porters Avenue. The attached collection of notes - Porters Avenue Issues - are also relevant.

As explained in my previous note the urgency here is that during the pre-court

hearing for West Byfleet on Monday 1 February the judge ordered that all the defence requests for further information be answered by 4pm on Monday 8 February.

Kind regards
Penny

Penny

I have just spoken to the solicitor dealing with this case. The question raised by our barrister in his advice states with regards the Eleanor Nixon statement is as follows,

" The witness statement does not reveal a problem with Horizon's reliability but rather a mistake that can easily be made with the layout of the screen. It may be that the alleged layout problem is something which Fujitsu are aware of and has been rectified. A copy of Mrs Nixon's statement should be forwarded to Fujitsu for their comments. It should also be straightforward to ascertain whether or not Mrs Misra was falling into the trap identified by Mrs Nixon. The error described would presumably create a cash shortage matched by an equal surplus elsewhere".

A response to this question by Fujitsu would be appreciated, however brief.

Penny

I have just spoken to our barrister again and he has asked for two more items to be covered in Gareth's statement.

- 1) Can Gareth detail in his statement how Horizon is tested, how often and how robust the tests are.
 - 2) There have been changes of hardware at West Byfleet (base units). Could Gareth comment on how this is done and how the new equipment is tested once installed.
-

Penny

Sorry to trouble you again but I had a further request from our barrister late on Friday. He would like Gareth to respond in his witness statement to the points raised in the Eleanor Nixon statement attached below.

In addition our barrister would like to speak to Gareth directly and would be grateful if in the first instance whether Gareth could either send him his contact details or give him a call on his mobile. Our barrister is called Warwick Tatford and his e-mail address is warwictatford [REDACTED] **GRO** [REDACTED] and mobile number is [REDACTED] **GRO** [REDACTED]

Regards

Jon Longman

Eleanor Nixon's Statement - 143.rtf

Penny

When Gareth completes his statement about Callender Square could he also mention whether there are any known problems with the Horizon system that Fujitsu are aware of. If none could this be clarified in the statement.

The barrister dealing with this case has requested this additional information.

-----Original Message-----

From: john.longman
Sent: 28 January 2010 08:48
To: Thomas Penny
Subject: West Byfleet

GRO

Penny

My barrister telephoned me yesterday evening and requested that I found out any information that Fujitsu may hold in relation to an office called Callender Square in Falkirk. Apparently, Anne Chambers a Systems Specialist employed by Fujitsu was cross examined and it is said that she had full knowledge of an error in the Horizon system at this Post Office.

If Anne is still an employee of fujitsu could you please give me her direct number so that I can contact her, or, alternatively, if there is any report or documentation as to what the error was can this be forwarded to me asap.

Gareth's draft witness statement in response to the accountant's report

0202.Gareth - West Byfleet Final

Penny

Our defence barrister has asked for all of Gareth's replies in relation to the Defences 2nd Interim Report (see attachment below) to be produced as a witness statement. I would suggest that the question from the defence is reproduced and then Gareth's replies are recorded immediately after for clarity purposes.

A pre court hearing has been set for the 1st February and ideally if possible it would be helpful if the statement could be received by Friday of this week. Could you let me know if this is going to be possible.

EXPERT ACCOUNTANT'S REPORT ATTACHED (SAME EXPERT AS PORTERS AVENUE CASE)

9C15.MISRA - 2ND INTERIM TECHNICAL EXPERT'S REPORT 19.11.09

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