

Dear Mark

I am writing to let you know that our programme about the Post Office is now scheduled for broadcast on Monday, 10 August at 7:30pm.

When we were last in touch, I was pleased to hear that you were still considering an interview. We would now like to know how you will be responding because we are finalising the programme over the next week or so.

For your convenience, I have collated the information we have already given you about question areas in our previous emails. These have been grouped under headings and I hope this helps to ensure that you are fully prepared to respond.

You will see that we have listed the full range of points that have been raised by our case studies. This is to give you a fair opportunity to respond if you wish. However, as I have said in our previous correspondence, we would not want to raise all of these points with you in the interview if you decide that you cannot comment on individual cases for reasons of confidentiality. However it remains our view that these cases should not be treated as confidential because the postmasters have already been prosecuted in open court.

As our investigation has progressed, we have continued to analyse information and material. This has raised a few issues related to those that we sent to you before and for clarity we also wish to put these to Post Office. We have added these additional points below in red so that you can find them easily.

We believe you have been afforded a very fair and reasonable opportunity to respond over the past two months. If you would like to respond by way of an interview we would be looking to film this before Wednesday 29 July. If you choose to respond by a statement instead, then we would be grateful to receive that by 5:00pm on the same day.

I look forward to hearing from you.

Many thanks

Matt

#### **Interviewees we plan to include**

Jo Hamilton (former postmaster)  
Seema Misra (former postmaster)  
Noel Thomas (former postmaster)  
James Arbuthnot (former MP)  
Charles McLachlan (computer expert)  
Ian Henderson (Director, Second Sight)  
Professor Mark Button (legal expert)  
Former Fujitsu employee (whistleblower)

### **Jo Hamilton**

- the decision to charge Jo Hamilton with theft relied upon the Post Office's Horizon system
- why Ms Hamilton's branch was £2000 down on the Horizon system and why this doubled to £4000 when she followed the instructions from the help desk
- her claim that she sought help and the Post Office failed to provide it
- her explanation that she subsequently felt trapped and did not know what to do other than sign off inaccurate accounts
- that in its "POIR" report into Jo Hamilton's case, the Post Office now says the most likely cause for the losses "is a series of operational errors in the branch by the Applicant or her staff over an extended period of time". This suggests a change in position because theft is no longer the alleged cause of the shortfall
- we have also obtained extracts from Jo Hamilton's prosecution files. One extract is from the Post Office investigator's report into Ms Hamilton's case. On 17 May 2006 the Post Office investigator reported "I was unable to find any evidence of theft or that the cash figures had been deliberately inflated". Another extract includes comments made in a memo that was circulated on 16th November 2007 by the Principal Lawyer of the Criminal Law Division of Royal Mail. It talks about the importance of the theft charge in forcing Jo Hamilton to repay the missing money and says: "I am never confident with false accounting charges in relation to recovery under POCA 2002 and the theft charge makes life so much easier".
- that in a letter from the Principal Lawyer dated 19 November 2007, it was made clear that Jo Hamilton could not blame the computer system as part of the agreement to drop the charge of theft. However, the computer could have been to blame

### **Noel Thomas**

- Mr Thomas' claim that that he told the helpline about his problems with the system and about the missing money
- that it is no longer possible to know the results of important tests carried out on Mr Thomas' system because those records have now been lost or destroyed
- Mr Thomas' claim that he was poorly treated after four decades of loyal service
- according to the Post Office's "POIR" report into Noel Thomas' case, it now believes that that the cause of the shortfall in Mr Thomas' branch is likely to

be “the cumulative product of operational errors in the branch by the Applicant or his staff over an extended period of time”.

### **Seema Misra**

- Ms Misra’s claim that she was not provided with adequate help to operate the Horizon system
- that Ms Misra’s branch made dozens of calls to Horizon helplines, demonstrating that she was struggling to get to grips with the Horizon system
- that for two years there were cash shortfalls at Ms Misra’s branch and that she used twenty thousand pounds of her family’s money to make good the losses
- we have been told that the Post Office failed to disclose crucial information during Ms Misra’s trial including technical information about Horizon to the defence’s expert witness
- that the Post Office and Fujitsu had identified bugs in Horizon and that the jury was not told about them
- we have read extracts of minutes of a joint Fujitsu/Post Office meeting shortly before Ms Misra’s trial at which one such bug was discussed. The minutes of the meeting state that this bug could impact “ongoing legal cases where branches are disputing the integrity of Horizon Data”

### **Post Office investigations and prosecutions**

- the suggestion that the Post Office has a financial interest in prosecuting postmasters because it helps with the recovery of missing money
- we have been told that miscarriages of justice are more likely because the Post Office exercises both the power of investigation and prosecution (meaning there is less independent scrutiny before a case gets to court)
- the suggestion that the Post Office failed to consider or investigate the possibility that Horizon could be the cause of some of the losses
- the suggestion that these failings may have led to miscarriages of justice in some cases
- the suggestion that the Post Office is a bullying organisation that has abused its power
- that Chief Executive Paula Vennells has never given an interview to defend the Post Office’s position on miscarriages of justice

- the suggestion that Paula Vennells has been implicated in miscarriages of justice and should resign
- That the Post Office had been prosecuting an average of 33 postmasters a year in the five years up to 2014. However, last year it only prosecuted two postmasters. This suggests a significant change in prosecution policy

### **Horizon system**

- that there have been multiple problems with Horizon and that sometimes transactions go astray
- that Horizon appears to have escaped full, independent scrutiny
- the suggestion that the complexity of the Horizon system adds to the likelihood of errors
- that Post Office prosecutions relied on the belief that the computer system was robust, when in fact computer errors may call this into question
- the claim by numerous postmasters that they were told by Post Office investigators they were the only ones having problems with the Horizon system

### **Second Sight's investigation**

- we have been told that the Post Office had a culture of denial when it came to bugs occurring in the Horizon system
- that Second Sight reported two bugs that caused losses that postmasters would have been held liable for had the errors not been found. In one case it took the Post Office a year to discover the problem
- Second Sight's evidence that remote access to branch data is possible in spite of Post Office denials
- that Second Sight believe the Post Office may have used theft charges as a tactic to put pressure on postmasters

### **Former Fujitsu employee who worked in “third line support” for Horizon prior to 2010.**

- we have been told that it was possible to remotely access data held on branch terminals without the postmaster's knowledge and that this raises questions about whether computer evidence against postmasters can be 100% reliable
- we have been told that under the Service Level Agreement, Fujitsu could be fined for transactions that went wrong. It was therefore in Fujitsu's

financial interest not to report the extent of software and hardware problems to the Post Office

- we have been told that errors in Horizon were more widespread than has ever been reported
- we have been told that there were around 30 people working in “third line support” at Fujitsu and that they all worked full time to fix errors
- we have been told that some of these errors were caused by Horizon misidentifying transactions because the code identifying the product and the code identifying the payment type could combine in transaction data in a way that resembled the data of other transactions. This meant that payments were sometimes misidentified and misdirected by the accounting system.