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Sent: Thur 07/05/2015 4:57:51 PM (UTC)
To: Mark R Davies[GRO]; Ruth X Barker[GRO]
Subject: Jo Hamilton case

Hello

Following my earlier heads up about the issue Jo Hamilton has raised, the latest is:

- Rod is clear that the document concerned is legally privileged (it was apparently released to Second Sight through one of two potential routes much earlier in the scheme but privilege was not waived)
- He will be drafting a letter to Second Sight in strong terms about the use of legally privileged material. Second Sight (having had the document for a significant amount of time) used part of it in a final case review report, denying Post Office any opportunity to comment. There was no mention at all of it in earlier drafts submitted for our comments.
- A letter will be drafted for Jo Hamilton - at this point the view seems to be that we will not disclose the full document to her, explaining it is legally privileged, which is not waived, but her case is now with the CCRC and they will have access to legally privileged documents. I have told Rod that we will want to make the letter more expansive so that there is proper context about her case in totality (i.e. if she does share the letter and it becomes an issue, it is absolutely clear in the letter that the Post Office have acted correctly and legally and that the evidence we were proposing to rely on in court was all properly disclosed etc).
- Rod will make sure drafts are shared for our input before anything is finalised and sent - this is crucial.

So, it seems (subject to further views from Cartwright King) that legally this is not a significant problem. It is still a comms issue but with the right tactics I think we can minimise the fallout from the document being used selectively to fuel unfair allegations of 'hiding evidence' and 'wrongful prosecutions'.

I will keep you updated - I think we will be going back to Jo Hamilton early next week if possible, so from that point it could be raised externally. We will be prepared.

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