

Message

From: Shikha Hornsey [Shikha.Hornsey@GRO]
Sent: 02/10/2019 21:35:19
To: Rodric Williams [rodric.williams@GRO]; Ben Foat [Ben.Foat@GRO]; Gary Walker [gary.walker@GRO]; Sherrill Taggart [Sherrill.Taggart@GRO]; Kenneth Garvey [Kenneth.Garvey@GRO]
CC: Andrew Parsons [andrew.parsons@GRO]; Amy Prime [amy.prime@GRO]; Watts, Alan [Alan.Watts@GRO]; Emanuel, Catherine [Catherine.Emanuel@GRO]
Subject: Re: IMPORTANT - Horizon Issues Trial Disclosure - PRIVILEGED & CONFIDENTIAL - DO NOT FORWARD

Rod,
 I'm OK with what's been stated.

Regards,

Shikha

Shikha B. Hornsey
 Group CIO

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 20 Finsbury Street
 London EC2Y 9AQ

GRO

From: Rodric Williams <rodric.williams@GRO>
Sent: Wednesday, October 2, 2019 12:02:40 PM
To: Ben Foat <Ben.Foat@GRO>; Shikha Hornsey <Shikha.Hornsey@GRO>; Gary Walker <gary.walker@GRO>; Sherrill Taggart <Sherrill.Taggart@GRO>; Kenneth Garvey <Kenneth.Garvey@GRO>
Cc: andrew.parsons <andrew.parsons@GRO>; Amy Prime <amy.prime@GRO>; Watts, Alan <Alan.Watts@GRO>; Emanuel, Catherine <Catherine.Emanuel@GRO>
Subject: IMPORTANT - Horizon Issues Trial Disclosure - PRIVILEGED & CONFIDENTIAL - DO NOT FORWARD

Ben – I set out below an overview of a significant development in the GRO. Given this involves Fujitsu, I am also sending this to Shikha (whom I have also briefed verbally) and Gary Walker from IT, and Sherrill and Ken from Legal (WBD and HSF are cc'ed).

Issue

- Post Office appears to have provided disclosure of "Known Error Log" entries (KELs) for the Horizon Issues trial on an incorrect basis.
- The KELs were key documents in the trial as they documented for helpline staff known issues in Horizon with workarounds and fixes.
- Fujitsu had informed us that KELs were overwritten when updated, such that no previous versions were kept and only current versions could be disclosed.
- This was communicated to the Claimants in an Electronic Disclosure Questionnaire (EDQ) in December 2017, and disclosure was given on that basis.
- Fujitsu told us yesterday that previous versions of KELs do exist (the scale of which is being confirmed), such that the scope of disclosure as represented and provided was wrong.

Risk & Mitigation

- Post Office needs to notify the Claimants of the extra KELs urgently (a more detailed explanation can follow).
- We can assume they will then bring this to the attention of the Managing Judge as part of their overarching criticism of Post Office's disclosure.
- In addition to the damage to our creditability, the worst outcome could be that the Judge seeks further evidence from the experts as to whether previous KEL versions would have affected their evidence.
- Post Office should however explain to the Claimants that the fault for this lies with Fujitsu and the incorrect information they supplied to us.
- We have a conference with Leading Counsel from the Horizon Trial Tony Robinson QC at 430pm today to consider what else needs to be done (e.g. do we need/want to go direct to the Court with this).

Input Required

- Given the wider commercial relationship with Fujitsu, the lawyers need to know how hard we can lay blame with Fujitsu.
- The draft letter to the Claimants notifying them of the position currently says:

".... we have made further enquires with Fujitsu to confirm that previous versions of the KELs that have already been disclosed are no longer held. As you aware, Post Office's EDQ (which was based on information provided by FJ) stated that "[t]he KEL only contains the current database entries and is constantly updated and so the current version will not necessarily reflect the version that was in place at the relevant time. The previous entries / versions of the current entries are no longer available". We were however informed by Fujitsu yesterday morning that this position may be incorrect and that previous versions of the KELs may be available. Post Office relied on the information provided by Fujitsu at the time of filing its EDQ that such documents were not available and urgent investigations are ongoing to understand the extent to which previous versions of the KELs are held by Fujitsu.

- Shikha/Gary – are you happy with this (bearing in mind a more detailed explanation is likely to be required in due course)?

I'm at my desk or on my phone **GRO** if you would like to discuss.
Thanks, Rod

**Rodric Williams**

Head of Legal - Dispute Resolution & Brand
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London EC2Y 9AQ

T: **GRO**

E: **rodric.williams** **GRO**

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